

## Table of Contents

Introduction .....	2
General Information	
Consumer Information .....	3
BVU Mission/Vision Statement.....	3
BVU Non-Discrimination Policy.....	3
Academic Information	
Academic Schools.....	3
Class Standing ... ..	4
Classes/Credit Hours.....	4
Drop/Add Process.....	4
Grading.....	4
P/F System.....	4
Change of Grade Contract.....	4
BVU Seminar.....	5
ICN & Hybrid Courses .....	5
Directed/Independent Studies.....	5
Majors/Minors.....	5
Campus Services	
Accommodations.....	5
Business Services.....	6
Career Services & Internships.....	6
Focus Assessment ePortfolio.....	6
Identification Cards.....	6
Financial Assistance.....	7
Insurance.....	7
BVU News.....	7
Official Means of Communication.....	7
GroupWise E-Mail.....	7
Library.....	7
Bookstore.....	8
Smarthinking.....	8
Technology Skills Foundation Test Out.....	8
Technical Support.....	8
General Policies & Procedures	
Severe Weather .....	9
Validation Policy.....	9
Administrative Withdrawal Policy.....	9
Involuntary Leave of Absence.....	10
Leave of Absence.....	10
Medical Leave of Absence.....	10
Withdrawal Process.....	10
Student Appeals Process .....	11
Student Records .....	11
Return of Title IV Funds/Institutional Refund Policy.....	11
Satisfactory Academic Progress (SAP) Policy.....	12
Family Educational Rights & Privacy Act (FERPA).....	12
AIDS Policy Statement.....	14
Academic Honesty.....	15
Respect for Persons.....	16
Code of Conduct .....	17
Drug Policy/Alcohol Policy .....	18
Smoking Policy.....	18
Judicial Process .....	19
Sexual Misconduct Policy.....	23
Harassment Policy.....	28

# BUENA VISTA UNIVERSITY

## Graduate & Professional Studies

Dear BVU Graduate & Professional Studies Student,

Welcome to Buena Vista University Graduate & Professional Studies for the 2011-2012 academic year. On behalf of the Graduate & Professional Studies Staff, we want to welcome you and are excited about this coming year. We look forward to working with you and supporting your academic work.

This Student Handbook is provided for you so that you have easy access to the information and policies that you need to be a member of our Community. Since you are responsible for knowing and understanding all of its content, I invite and urge you to read it carefully. While your student handbook contains both co-curricular and academic information, please refer to your academic catalog for complete academic information.

I hope that this will be a great year for you at BVU. I welcome you to contact our offices at any time.

Sincerely,

A handwritten signature in cursive script that reads "Suzi Kalsow".

Suzi Kalsow  
Associate Vice President for Academic Affairs  
Dean of Graduate & Professional Studies

**In addition to the information provided in this Student Handbook, you may also find information on the Student Consumer Information topics listed below on the BVU website at: [www.bvu.edu/only\\_at\\_bvu/consumer\\_information](http://www.bvu.edu/only_at_bvu/consumer_information).**

- General Institutional Information
  - Facilities and services for students with disabilities
  - Educational programs/degrees offered
  - Instructional facilities
  - Transfer of Credit Policy and Articulation Agreements
  - Accreditation, approval, and licensure of Institution and programs
  - Copyright infringement-policies and sanctions
  - Text book information by course
- Student Financial Assistance
  - Assistance available from federal, state, local and institutional programs
  - Federal student financial aid penalties for drug law violations
  - Student loan information
- Health and Safety
  - Drug and Alcohol Abuse Prevention Program
  - Vaccination Policies (when applicable)
  - Crime statistics

A more detailed description of each areas above can be found on the webpage, along with a link to the actual policy report, where applicable. Interested individuals can request a paper copy of all materials listed.

#### **BVU MISSION STATEMENT**

We develop students for lifelong success through innovative and imaginative academic and professional preparation.

#### **BVU VISION STATEMENT**

We aspire to be a remarkable educational community, focused on learning, challenging every student, faculty and staff member to set and meet the highest standards of academic achievement, character, conscience and compassion.

#### **BVU NON-DISCRIMINATION POLICY**

Buena Vista University does not discriminate on the basis of race, color, national origin, sex, sexual orientation, age, religion or handicap in admission or access to, or treatment or employment in, its programs and activities.

#### **ACADEMIC INFORMATION**

The Buena Vista University Academic Catalog has a complete listing of the academic policies and procedures. The items listed below are a small portion of that information (consult the catalog for official academic information).

**ACADEMIC SCHOOLS:** Each academic school is served by a dean. Initial contact should be made with your local Site Director.

**School of Communication and Arts**

Dr. Michael Whitlatch

**School of Science**

Professor. Ben Donath

**School of Social Science, Philosophy and Religion**

Dr. Dixee Bartholomew-Feis

**Harold Walter Siebens School of Business**  
Dr.Elizabeth Throop, Interim Dean  
**School of Education**  
TBA

**CLASS STANDING:** Class standing is based on the total credit hours earned and is recorded as such. To be classified as a sophomore, junior or senior, a student must have earned the following:

Standing	Earned Credit Hours
Freshman	fewer than 24
Sophomore	24 – 55.99
Junior	56 – 86.99
Senior	87 or more

**CLASSES:** Most face-to-face term classes meet on Monday and Thursday evenings, with the 3-credit early classes scheduled from 5:30 – 8:05 p.m. and the late classes from 8:10 p.m. – 10:45 p.m. A variety of convenient online classes are available to fit your schedule. Normal load and full-time status for Graduate & Professional Studies students is six credit hours per eight-week term.

**CREDIT HOURS:** A credit or credit hour is a measure of academic work. Frequently, but not always, the number of credits assigned to a course indicates the number of hours per week that a class will meet in a semester long course; therefore, a three-credit-hour course in an eight-week term will meet six hours per week.

**DROP/ADD PROCESS:** A student may add a course within the first five working days of the start of the term at any location. Students can obtain the form at their designated location office.

Students may drop a course within the first five working days of the start of the term at any location. Course changes are generally made via online registration. Courses dropped after online access is closed must be completed via paper form and advisor signature is required. Online students must contact their Site Director or advisor via e-mail or phone.

Courses dropped prior to deadline will not appear on the permanent record unless drop results in a change of status (full-time/part-time) and/or change in tuition/cost. Courses dropped after the deadline or result in a change as previously described will be processed as withdrawals and a “W” will be appear as a grade on the permanent record.

**GRADING:** The standard A, B, C, D, F method is used for grading, with “A” = 4 grade points, “B” = 3 grade points, “C” = 2 grade points, “D” = 1 grade point and “F” = 0 grade points. The grade point average (GPA) is measured numerically by multiplying the grades received by the number of credit hours taken. The cumulative GPA is for all the grades received at Buena Vista University and does not include transfer credits from previously attended colleges.

**P/F SYSTEM:** In addition to the A, B, C, D or F method, there is also a P/F (i.e. pass-fail) system. In this system, “P” = Pass, “F” = Failing grade. Grades of “P” are not computed within your semester GPA or cumulative GPA but do go toward earned credit hours needed to graduate. Grades of “F” are computed in your semester and cumulative GPAs.

There is a limit to how many courses a student may take P/F. A student may take only one P/F course per semester, no more than two P/F courses in his/her declared major. Students are encouraged to check the official P/F policy in the Academic Catalog.

**CHANGE OF GRADE CONTRACT:** If a student is unable to complete the coursework assigned in a particular term due to exceptional circumstances, he/she may be eligible to contract for a change of grade and be allowed an extension of time in which to complete the work. In such cases it is the student’s responsibility to confer with the instructor regarding the specific nature of the difficulties. Students are encouraged to check the official change of grade contract policy outlined in the academic catalog.

**BVU SEMINAR:** This course is required of all new Graduate & Professional Studies students seeking their first baccalaureate degree, and must be taken within the first 12 credit hours at BVU. GPS students who fail to complete BVU Seminar within the first 12 credit hours relinquish the privilege to continue studying at BVU until the seminar is completed. The BVU Seminar carries the Intellectual Explorations: Humanities designation and is graded only on a letter grade (A, B, C, D, F) basis.

**ICN COURSES:** The Iowa Communications Network (ICN) is “the country’s premier fiber-optic network, committed to continued enhancement of distance learning and providing Iowans with convenient equal access to education and government. The Network makes it possible for Iowans, physically separated by location, to interact in an efficient, creative, and cost-effective manner.” Some courses may be offered through ICN delivery which offers full motion video conferencing capabilities. These ICN classrooms make it possible for instructors and students to easily interact even if they are not all in the same physical location. For additional information please visit <http://www.icn.state.ia.us/aboutus/index.html>

**HYBRID COURSES:** Hybrid courses are a blended model of both face-to-face and online teaching. In a hybrid course a significant amount of course activities are moved online and traditional classroom time is reduced. Hybrid courses offer students the best of both worlds by allowing the instructor to integrate effective learning strategies, enhanced instructional technology, and the flexibility of online learning while not losing the benefits of the traditional classroom. Although classroom time is reduced in hybrid delivery, student participation is still required online and the amount of time dedicated to learning activities is similar to a face-to-face course.

**DIRECTED STUDIES:** Under exceptional circumstances, a course listed in the university catalog may be granted to a student on an individual basis provided doing so is appropriate to the design of the course. These classes are arranged between the student, Site Director and faculty member who supervises the work and require permission from the faculty member. Students may take no more than one Directed Study course per term and no more than four such courses during the course of their academic career.

**INDEPENDENT STUDIES:** Independent study offers an opportunity to explore an area of study not included in the catalog listing of approved courses. The topic of an Independent Study should be selected and carefully designed by the student with his/her faculty instructor, advisor and the Graduate & Professional Studies director. The student will be expected to have earned a cumulative grade point average of 3.00 or above, have junior or senior status, and possess the appropriate background and interest to pursue the proposed area of study. A proposal for independent study form may be obtained from the registrar’s web page or BVU Graduate & Professional Studies director.

Students may take no more than one independent study course per term, and no more than four courses during the course of his/her academic career. Independent study courses are assigned numbers 399 or 499 depending on the level of the course. Independent study will be graded P/F.

**MAJORS:** The field of study a student plans to pursue constitutes a “major.” A student declares his/her major through their Graduate & Professional Studies location. Students who are undecided about a course of study should consult their academic advisor and/or the Career Services Office. Students who decide to change majors must fill out a “Change of Major” form, available in the Graduate & Professional Studies office location.

**MINORS:** Students may elect to complete the requirements for a minor (or for a second major) in addition to a primary major. A minor may be a regular minor in a specific field of study, or a distributive minor. Credit hours required for a minor range from 18-24.

## CAMPUS SERVICES

**ACCOMMODATIONS:** Buena Vista University provides reasonable accommodations through an organized process. Students desiring accommodations must follow the University’s process. Forms are available at: <http://www.bvu.edu/cae/>

Please contact Donna Musel, Director of the Center for Academic Excellence (CAE) to begin this process. Phone: 712.749.1237 or Email: [MuselD@bv.edu](mailto:MuselD@bv.edu)

**BUSINESS SERVICES:** Tuition charges are billed by the semester. Each semester consists of two terms. The charges for both terms post to the student account prior to the first term of the semester.

Payment is due the first night of the term unless other arrangements have been made with the site location. Any payment arrangements must be completed by the end of each term.

If the account balance is not paid in full the first night of class, a promissory note must be signed for the outstanding balance for either aid pending or a payment arrangement. A promissory note for each term must be completed. The promissory note is an acknowledgment by the student of the balance owed to Buena Vista University. If enrollment changes for the semester, the agreement is void and the balance is due immediately.

- A FAFSA form needs to be completed if the student is planning on paying with financial aid.
- An employer reimbursement form must be completed if the student is receiving employer reimbursement. The form must be returned to the Graduate & Professional Studies site.
- If the student has not contacted the site prior to the first night of class but would like to begin classes the first night of class, a \$100.00 deposit is required per term.
- Fifteen percent interest will be charged on any past due balances.

When an individual calls regarding a student's account, the individual must have the PAN number. Students can always view or pay their account on Campus Connect at any time. No student will be allowed to return for the next semester if a prior balance exists. Pending financial aid is not an exception. Additionally, an official transcript or diploma will not be released if there is a balance due.

**CAREER SERVICES AND INTERNSHIPS:** The Gloria Siebens Freund Career Services Center in Storm Lake offers Graduate and Professional Studies students assistance with their career planning, internship preparation, and the job search, both while a student and as an alum of the university. In addition, staff members at each site are knowledgeable about regional opportunities and are available to students as a resource for career planning and locating job opportunities. An abundance of helpful resources are available on the Career Services website including job and internship postings that are updated frequently. <http://www.bvu.edu/career/>

**FOCUS ASSESSMENT ePORTFOLIO:** Buena Vista University's Assessment ePortfolio, called Focus, has been designed to make the assessment process easy and convenient for both faculty and students. The purpose of this assessment is to help BVU monitor the overall success of our academic programs. As a student, some of your courses may require you to upload a file you have completed as an assignment in the course. The file you upload is pre-determined by the faculty member for the course.

The purpose of this assessment is to help BVU monitor the overall success of our academic programs. We are not focusing on specific students, faculty, courses or locations. The work you submit will be added to a pool of work from other students and then used to evaluate our programs' success in helping students achieve a variety of learning outcomes. The work you submit will play a vital role in that process.

To access the student help guide please refer to the website <http://www2.bvu.edu/academics/assessment/> for further information.

Additionally, Focus also has a personal portfolio component. Using Focus, all students have the ability to create attractive, professional ePortfolios through an easy-to-use interface. Focus is designed so you can upload your portfolio pieces (such as a resume) and display them through the web without having to learn how to program websites. Directions for using Focus to create a personal portfolio are online at [http://www2.bvu.edu/essentials/eBVyou/focus\\_ePortfolio.html](http://www2.bvu.edu/essentials/eBVyou/focus_ePortfolio.html).

**IDENTIFICATION CARDS:** Students are issued an identification card at no cost upon arrival at their Graduate & Professional Studies location. This card is used to identify individuals as Buena Vista University students. Lost or damaged cards can be replaced by paying for the new card (currently \$25.00). Contact your specific site location to inquire about obtaining a new card.

**FINANCIAL ASSISTANCE:** Financial Aid is awarded to students through scholarships, grants, loans and work opportunities. BVU disburses funds from the Federal government, the State of Iowa, private donors and Buena Vista University. Financial aid comes in three forms.

1. Scholarships/Grants: Awarded to students based on financial need and academic achievement. These forms of assistance do not have to be repaid.
2. Loans: Made to students at low-interest rates; must be repaid.
3. Work Opportunities: Awarded to students through jobs on or off campus during the school year.

For additional information visit our website at [www.bvu.edu](http://www.bvu.edu) or contact 800.383.2821 ext. 2164.

**INSURANCE:** All students should have medical insurance while attending college. A medical insurance policy made available by the University may be purchased by students. Contact the Office of Business Services at 712.749.2134 or the Office of Health Services and Wellness at 712.749.1238 for information.

**BVU News:** The online campus newsletter is available on the BVU website at [www.bvu.edu/bvunews](http://www.bvu.edu/bvunews), as well as [www.twitter.com/bvunews](http://www.twitter.com/bvunews) and [www.facebook.com/bvunews](http://www.facebook.com/bvunews). Any student wishing to submit upcoming events, general announcements, or good news may do so through the website, which is updated daily. New submissions are also distributed to the campus community in BVU News e-mails twice weekly.

#### OFFICIAL MEANS OF COMMUNICATION

The official means of communication at Buena Vista University is e-mail to individuals' BVU accounts. Students are expected to check their BVU e-mail regularly to receive important information concerning their courses as well as other university communications. E-mails sent to students at their official BVU e-mail address will be considered delivered and read, and failure to remain current on official e-mail does not excuse students from knowing the information contained in communications sent to their BVU e-mail address. Students will continue to receive notice of certain actions concerning disciplinary matters and academic probation and suspension via U.S. Mail.

**GROUPWISE E-MAIL:** GroupWise is BVU's institutional e-mail platform. You may receive class updates, scheduling changes and other critical information through your BVU e-mail. It is important to check your e-mail daily.

To access GroupWise:

1. Click on the GroupWise webmail link at <http://groupwise.bvu.edu/>
2. Enter your BVU username
3. Enter your password (the first time you log in this will be you BVU ID number)
4. Click Login

Links to your GroupWise e-mail can also be found on the A-Z Index and on the Student Resources page.

**LIBRARY:** The BVU library exists to meet the information needs of our students, faculty, and staff, regardless of their physical location. The library offers 150,000 book volumes and access to over 29,000 periodical titles in print or online format within a comfortable and elegant study atmosphere that features a mix of individual and group study seating areas. Reference services include group and individual instruction in the use of both electronic and print library resources as well as assistance with all research and information queries. An online chat option allows for interactive dialog with a librarian. Reference librarians may be reached by telephone 712.749.2095, toll free 1.877.288.2240 or via e-mail [library@bvu.edu](mailto:library@bvu.edu).

Access to the online catalog and over 50 research databases is available around the clock. The library's Interlibrary Loan (ILLiad) service allows students to reach beyond BVU Library's own collections to obtain books and articles from other libraries all over the world.

The library is open 94 hours per week when classes are in session.

Library Hours:

Sunday: 1 p.m. – 12 Midnight  
Monday-Thursday: 8 a.m. – 12 Midnight  
Friday: 8 a.m. – 6 p.m.  
Saturday: 9 a.m. – 6 p.m.  
Semester Breaks and Summer: Monday-Friday, 8 a.m. – 5 p.m.

LEHNUS CAMPUS STORE: Textbooks, trade books, t-shirts, sweats, school supplies and more are sold at the campus store. Follett Higher Education Group operates this facility.

BOOKSTORE HOURS

Monday-Friday: 8 a.m.-5 p.m.  
Saturday: Based on events. Please call or check website.  
Sunday: Based on events. Please call or check website.

Website: <http://www.bkstr.com/> Phone: 800.383.2821, ext.2395 Email: [bvು@bkstr.com](mailto:bvu@bkstr.com)

SMARTHINKING: This free service is available to students anytime and anywhere via an internet connection. SMARTHINKING connects students to qualified, specially trained e-instructors (online tutors) with strong backgrounds in their respective academic fields. This service can assist students with questions in a variety of disciplines. To access SMARTHINKING, log in to ANGEL using your GroupWise username and password at <https://lms.bvu.edu>. At the top of the third column in ANGEL click the button to "Go To SMARTHINKING."

TECHNOLOGY SKILLS FOUNDATIONAL TEST OUT : A test-out option for the Technology Skills Foundational Requirement is now available for students enrolled at Buena Vista University's Graduate & Professional Studies. There are two available options:

The student may complete the requirement by purchasing SAM Assessment and Training for Microsoft--software available from the BVU bookstore. This software may be loaded on the student's personal computer. It provides extensive tutorial preparation for completing the Technology Test-out test. The tutorial is self-paced and students may take as long as they wish to work their way through the material provided. At the conclusion of the tutorial training, the student will complete the Technology Test-out test (included as part of the Assessment and Training packet). The student should first contact their Site Director to arrange a time/place for test completion. Successful completion of the test means that a student earns an overall score of at least 70%. After the completion of the test the software will calculate and display the student's test score: thus, students will know immediately whether they have been successful or not. In addition, students will be notified officially of their scores by the Registrar's Office within two weeks of test completion, and, for those who succeed, a notation will be entered on their transcript indicating their completion of this graduation requirement. If a student is not successful after their first attempt, (s)he can review the tutorials again and repeat the test one more time.

Students who are unsuccessful in completing the Technology test after these two possible attempts will then be required to complete a course to satisfy the Technology Skills Foundation requirement. A full listing of eligible courses is available at the Registrar's office or the Graduate & Professional Studies office. Questions about the Technology Skills Foundational Requirement should be directed to Professor Richard Beebe at [beebe@bvು.edu](mailto:beebe@bvು.edu) or 712-749-2412.

TECHNICAL SUPPORT: Our 2FIX Help Desk provides full support for Graduate & Professional Studies students. If you have questions about logins or need help using the Angel Platform, the trained technicians can answer your questions. Sending an e-mail to [2fix@bvು.edu](mailto:2fix@bvು.edu) will automatically create a support incident. You will be notified of progress in resolving this incident via e-mail to your e-mail account.

Contacting 2Fix:

Email: [2fix@bvuv.edu](mailto:2fix@bvuv.edu)

Phone: 712.749.2349 or 800.248.4462

Website: [http://www.bvu.edu/only at bvuv/business\\_services/information\\_services/2fix/](http://www.bvu.edu/only_at_bvu/business_services/information_services/2fix/)

2FIX Help Desk Hours (Central Time)

Mon-Fri. 7:00 a.m. to 11:00 p.m.

Sat-Sun. 3:00 p.m. to 11:00 p.m.

## GENERAL POLICIES AND PROCEDURES

**SEVERE WEATHER:** Buena Vista University does not have a specific policy with regard to class cancellation as it relates to severe weather. Please assume that classes will be held as scheduled unless an announcement is made that classes have been cancelled.

During a severe weather incident, please follow the procedures outlined in the Emergency Response Plan for your Graduate & Professional Studies site.

**VALIDATION POLICY:** Registration for each course must be validated by attending at least one of the first two class sessions for face-to-face courses. Validation of enrollment for hybrid courses must occur within the first week of the course. For online courses, students must be logged into the course and actively participating within the first seven calendar days of the start of the course. To validate enrollment for directed studies, internships, or other non-classroom experiences, students are expected to communicate with the site office and the instructor within the first week of the course. If a student is not planning on completing the requirements for directed studies, internships, or other non-classroom experiences, the student must contact the site office in writing via email or by completing an add/drop form within the first week of the term.

Failure to notify the site office of an intentional late start or to validate enrollment in the time frame described above, will result in a student being administratively dropped from the course(s). Being administratively dropped means that no tuition charges will be accrued, and all financial aid will be returned according to regulations and policies. Students are expected to make payment or make payment arrangements for each term prior to the first day of class.

**ADMINISTRATIVE WITHDRAWAL POLICY:** Buena Vista University expects students to actively engage learning in their courses, defined as attending each and every class meeting and diligently completing all learning activities (daily assignments, quizzes, papers, problem-sets, etc.) for each enrolled course. The administrative withdrawal policy was created to assist students in establishing good academic engagement and attendance habits. Failure to routinely complete daily and major assignments or attend class places students in jeopardy of being administratively withdrawn from any or all courses at any time during a semester or term. Undergraduate students may be administratively withdrawn regardless of class level. Administrative withdrawals may affect a student's financial aid awards, and/or student visa status when the withdrawal results in a full-time student losing full-time status. The policy will be applied in a student-friendly manner holding students accountable for appropriate attitudes and actions demonstrating a seriousness of purpose about academic engagement and learning.

For additional information the full Administrative Withdrawal policy can be found in the University catalog and at the link below.

[http://www.bvu.edu/learning\\_at\\_bvu/academic\\_policies.dot#admwithdraw](http://www.bvu.edu/learning_at_bvu/academic_policies.dot#admwithdraw)

**INVOLUNTARY LEAVE OF ABSENCE:** A student may be placed on an involuntary leave when she or he demonstrates behavior which threatens the life or well-being of him or herself or another member of the Buena Vista University community. The Vice President of Student Services/Dean of Students and the Associate Vice President for Academic Affairs & Dean of Graduate & Professional Studies is responsible for placing a student on an involuntary leave. The President will review the decision of the Vice President of Student Services/Dean of Students and the Associate Vice President for Academic Affairs & Dean of Graduate & Professional Studies.

**LEAVE OF ABSENCE:** A student may request a Leave of Absence for an entire term when the student will be away from their Graduate & Professional Studies location. A Leave of Absence may not be given once a term has begun.

**MEDICAL LEAVE OF ABSENCE:** A Medical Leave of Absence may be granted to a student at any time for health conditions that necessitate the student receiving treatment away from their Graduate & Professional Studies location. Students granted a medical leave may not be on their campus location during the duration of their leave.

A student who wishes to request a medical leave must do the following: 1) submit a letter to the Graduate & Professional Studies Site Director stating reasons for requesting a medical leave; 2) submit a letter from the physician supporting the student's need to leave the campus for treatment.

The decision to grant a medical leave will be made jointly by the Graduate & Professional Studies Site Director and the Associate Vice President for Academic Affairs & Dean of Graduate & Professional Studies. The decision to readmit a student following a medical leave will be made in the same manner and requires the following: 1) a letter from the student requesting normal status, and 2) a letter from the physician supporting the student's request to return to campus.

The present refund policy that applies to students who withdraw from BVU will apply to medical leaves. Students granted a medical leave must contact the Director of Financial Assistance to discuss financial issues.

**WITHDRAWAL PROCESS:** This policy will assist students who feel the need to completely withdraw from the University after a semester\* has begun but before its conclusion.

**\*Semester is equivalent to 2 terms. Fall semester (Term 1 & 2), Spring semester (Term 3 & 4), Summer (Term 5 & 6).**

Since our accrediting agency does not require it, some members of our faculty do not take daily attendance. Therefore, for a student who officially withdraws, the withdrawal date will be the earlier of the following (unless a later date can be documented):

- The date the student begins the official process mentioned below, or
- The date the student officially notifies the institution of intent to withdraw

If a student triggers both definitions above of official withdrawal on different dates, the University will use the earlier date, unless a later academically related activity can be documented. Academically related activity is defined as one that has been confirmed by an employee of BVU, such as taking an exam, turning in a class assignment, logging into course software, attending a study group, etc.

Official notification can come in the written form, via telephone, in person, or through e-mail and should be made with the Graduate & Professional Studies office location. Once initial contact is made, the Site Director or Advisor will ask the student to complete a withdrawal form. The student will be expected to contact the Financial Assistance office, the Office of Business Services, and the Registrar at the Storm Lake campus to complete the withdrawal process. This process must also be followed for withdrawal from web based courses.

The Graduate & Professional Studies staff will then contact each affected office to provide the official withdrawal date. This date will then be used in the refund calculation. (See return of Title IV Funds/Institutional Refund policy.)

If a student begins but does not complete any course in a semester\* without official notification of withdrawal as described above, they will be considered to have unofficially withdrawn. One example of a student who unofficially withdraws would be one who receives only failing grades for a semester\*. The withdrawal date for a federal or state aid recipient who unofficially withdraws will be the midpoint of the payment period or the last documented day of academically related activity, whichever is later. No refund will be granted for a withdrawal that occurs after 60 percent of the enrollment period has passed. If a student without federal or state aid unofficially withdraws, he/she will be fully charged. If a student left without notification because of circumstances beyond the student's control, such as those mentioned below, BVU might determine a withdrawal date related to those circumstances. In addition, a withdrawal date determination can be appealed for extenuating circumstances such as: illness, accident, grievous personal loss, or other circumstances beyond the students control.

The appeal request should be made through, and will be jointly approved by, the Graduate & Professional Studies Site Director and the Associate Vice President for Academic Affairs & Dean of Graduate & Professional Studies. The student or an interested party can initiate this process.

A student can rescind a withdrawal by providing a written request to their Graduate & Professional Studies location. If a student wishes to request a medical leave of absence, he/she should contact the relevant Graduate & Professional Studies Site Director to begin that process.

Students who cease to be academically engaged may also be administratively withdrawn. The full Administrative Withdrawal policy can be found in the University catalog.

If disciplinary action results in the loss of any college or college-contracted service for the student, there will be no refund, except pro-rated board, unless required by federal, state or other regulations.

Contact your Graduate & Professional Studies location or the Office of Financial Assistance with questions concerning the withdrawal process. The Office of Financial Assistance and/or the Office of Business Services can be contacted concerning the refund calculation.

**STUDENT APPEAL PROCESS:** Students having concerns in the academic area are encouraged to resolve these concerns through direct communication with the professor or Graduate & Professional Studies office involved. On the rare occasions when disagreements may not be resolved directly, the appeals process detailed in the University catalog may be used.

**STUDENT RECORDS:** Buena Vista University students have the right to inspect their institutional academic records. This right of inspection extends to all items in the academic file for which the student has not previously signed a waiver of this right. See the Family Educational Rights and Privacy Act (FERPA) section of this handbook for more information.

**RETURN OF TITLE IV FUNDS/INSTITUTIONAL REFUND POLICY:** The percentage of assistance earned by a student who chooses to withdraw is equal to the percentage of the period of enrollment that was completed as of and including the day the student withdrew, up to the 60-percent point in time. The percentage will be calculated using calendar days completed as of the day the student withdraws divided by the number of days in the enrollment/payment period. All scheduled breaks of five or more days, including

Saturdays and Sundays, will be taken out of the calculation. The calculated earned percentage is applied to the total amount of assistance that was disbursed or could have been disbursed to the student (allowable post withdrawal disbursements included), or on the student's behalf, for the period of enrollment. If the withdrawal occurs after the 60-percent point, then the percentage earned is 100 percent as the student will be fully charged.

BVU will return the lesser of, the unearned amount of aid or an amount equal to the total institutional charges the student incurred for the enrollment period multiplied by the unearned percentage (which is the

complement of the earned percentage above). The student is required to return federal funds when the total amount of unearned assistance exceeds the amount the school must return. However, a student is not required to return 50 percent of Title IV grant assistance received. If it is determined that a student must return federal grant assistance, the student will be given 45 days from the day the calculation is performed to submit the owed amount or make satisfactory arrangement for payment. If payment is not made within 45 days, the Department of Education will be notified of the overpayment and the student may face losing consideration for future financial assistance until payment is received.

If a student feels that individual circumstances warrant exceptions from the stated policy, the following appeal order can be followed:

1. Accounts Receivable Coordinator
2. Director of Financial Assistance
3. Accounting Manager
4. Director of Business Services
5. Vice President for Business Services
6. President of Buena Vista University

Contact the Office of Financial Assistance for an example of a refund calculation.

**SATISFACTORY ACADEMIC PROGRESS (SAP) POLICY:** The Satisfactory Academic Progress (SAP) Policy addresses the importance of students' commitment to academic excellence and outlines the criteria for remaining in good standing academically at BVU. Students should read the official policy in the academic catalog at the link below. Contact your Graduate & Professional Studies location with questions concerning the policy.

[http://www.bvu.edu/learning\\_at\\_bvu/satisfactory-academic-progress-policy.dot](http://www.bvu.edu/learning_at_bvu/satisfactory-academic-progress-policy.dot)

## FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

### Access to Records by Students

Students may inspect all education records pertaining to them that are maintained by Buena Vista University. Student education records are defined as records, files, documents, and other materials that contain information directly related to a student and are maintained by Buena Vista University or by an entity acting for the University.

Student education records do not include records of instructional, supervisory, and administrative personnel, and ancillary educational personnel, that are in the sole possession of the maker and that are not accessible or revealed to any other person except a substitute.

Other exclusions include:

- Notes of a professor/staff member concerning a student and intended for the professor/staff member's own use are not subject to inspection, disclosure and challenge.
- Records of security services, except in instances where they are transmitted within the University for administrative purposes.
- Records relating to an individual who is employed by an educational agency or institution, not a result of his or her status as a student, that:
  - 1) Are made and maintained in a normal course of business;
  - 2) Relate exclusively to the individual in that individual's capacity as an employee; and
  - 3) Are not available for use for any other purpose.
- Records on students that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in that capacity are not subject to the provisions of access, disclosure and challenge. Such records, however, must be made, maintained or used only in connection with the provision of treatment to the student and are not available to anyone other than the person providing such treatment or a substitute. Such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

- Application records of students not admitted to the University; however, once a student has enrolled in an academic offering of the University, application information becomes a part of the student's educational records.
- Alumni records.

#### Access to Student Records by Others

Directory information (name, address, telephone listing, electronic mail address, date and place of birth, field of study, dates of attendance, enrollment status, expected date of completion, class rosters, participation in officially recognized activities, photographs, degrees, honors, awards received, and the most recent educational institution attended) is public, unless the student expressly prohibits its publication in writing no later than seven days after the beginning of classes each semester/term to the Registrar's Office. All other personally identifiable information is held in confidence by all Buena Vista University personnel and is not released to others except with the authorization of the student. This authorization is indicated by the student providing a signed release, or by the student providing to these authorized individuals a 'personal authorization number,' (PAN) which is accessed and maintained by the student on the Registrar's web page and the student's BVU GroupWise email. **If you wish to grant access to a spouse/parent/etc., you will need to share your PAN with them. Students will also need to provide their PAN when calling.** BVU personnel will not discuss student records with an outside party without his/her knowledge of the student's PAN.

However, the University may grant access to student records without the consent of the student to the following parties:

- Members of the faculty and administration and the personnel of their offices shall have such access as may be necessary in the normal course of the educational and administrative functioning of the University.
- Parents of financially dependent students (as defined by the Internal Revenue Service).
- Officers of other educational institutions in which the student seeks or intends to enroll.
- Parties in connection with the granting of financial aid to the student.
- Persons conducting educational or research studies about universities and students, including accrediting organizations, with the provision that only aggregate (not personally identifiable) data will be made public.
- When there exists a bona fide health or safety emergency. This includes alcohol and controlled substance violations.
- Certain state and federal officials as mandated by law (law enforcement officers are not included; they are granted access to student records only with the written consent of the student or in case of a court order or subpoena). In the event of a lawful subpoena, with which the University must comply, Buena Vista University attempts to notify the student that a subpoena has been served. The exception to this notification includes the Patriot Act and other restrictions on notification.
- Disclosure of the final results of a disciplinary proceeding to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The institution may disclose to the victim the final results, regardless of whether the institution concluded a violation was committed.

#### Record of Requests for Access to Student Records

Buena Vista University maintains, as part of the educational record of the student, a record of all requests for access (whether or not the requests were granted), with the exception of requests for directory information. This record includes the name of the party requesting the information, the date, and the legitimate interest this party had in requesting the information.

Such records are not maintained when the student personally inspects his or her records, when disclosures are made at the request of the student, and when disclosures are made to Buena Vista University personnel or other parties with legal access.

#### Rights to Inspection

Students have the right to inspect and review their education records within 45 days of the day the University receives a request for access.

Students should submit to the Registrar written requests that identify the record(s) they wish to inspect. The Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected.

#### Questions About Record Accuracy: Challenges to Content

Students have the right to request the amendment of their education records that the student believes are inaccurate or misleading.

Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the University decides not to amend the record as requested, it shall inform the student of its decision. The student then has a right to a hearing before the University and to challenge the content of the student's educational record on the grounds that the information contained in the records is inaccurate, misleading, or in violation of the privacy rights of the student.

If, as a result of the hearing, the University decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall amend the record accordingly and inform the student in writing of the amendment. Conversely, if, as a result of the hearing, the University decides the information in the educational record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the student of his or her right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the University, or both.

Note: The above policies and procedures are, to the best of our knowledge, consistent with the requirements mandated by Section 438 of the General Education Provisions Act, as amended (The Family Educational Rights and Privacy Act of 1974—FERPA), and the regulations pursuant thereto as issued by the Department of Health, Education, and Welfare, June 17, 1976.

A student may file a complaint with the following governmental office regarding an alleged violation by the University of the Family Educational Rights and Privacy Act (FERPA). The complaint must be made in writing and addressed to: Family Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605. The complaint must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA has occurred. The complaint must be submitted within 180 days of the date of the alleged violation or the date the student knew or reasonably should have known of the alleged violation; the Family Policy Compliance Office may extend this time limit for good cause shown.

**AIDS POLICY STATEMENT:** Buena Vista University is committed to a policy of non-discrimination and community awareness in the treatment of persons identified as, or suspected of, being HIV-positive or infected with Acquired Immune Deficiency Syndrome (AIDS). Recommendations by various health agencies as well as requirements of state and federal law will be adhered to in the University's dealings with students, faculty and staff.

Students or employees of Buena Vista University will not receive differential treatment in the terms, conditions or privileges of enrollment or employment on the basis of infection with the HIV/AIDS virus. As a general rule, no requirement of testing for HIV/AIDS or expectation to inform will be imposed unless health and safety laws demand. Should guidelines established by the Center for Disease Control of the U.S.

Department of Health determine that a person who is infected with HIV/AIDS poses a significant risk of transmission to other persons in a specific occupation, Buena Vista University will evaluate alternatives on a case-by-case basis. Decisions regarding individuals who pose a significant risk will be made in consultation with appropriate persons, who may include: a public health representative, the infected person and that person's physician, and relevant school personnel, such as the Vice President for Academic Affairs, the Vice President for Student Services/Dean of Students and the Director of Health Services.

Any discussions of a person's infected status will be conducted with the objective of achieving confidentiality of information. Unless permission for non-confidentiality is granted, any breach of confidentiality is prohibited by Buena Vista University and by law. Public disclosure of HIV/AIDS status grants the right of University personnel doing same. Should unexpected and unforeseen HIV/AIDS-related issues arise, Buena Vista University will evaluate alternatives on a case-by-case basis. The Buena Vista University Policy on AIDS became effective July 1, 1988. Last revision: Spring 1994.

#### ACADEMIC HONESTY

Buena Vista University believes that personal integrity and academic honesty are fundamental to scholarship. We strive to create an environment where the dignity of each person is recognized and an atmosphere of mutual trust exists between instructors and students. Accordingly, honesty in all academic matters is expected from all students. Actions contrary to academic integrity will not be tolerated. Any attempt to cheat, misrepresent someone else's work as one's own, receive credit for work one did not do, obtain an unfair advantage over other students, or aid another student to do the above will be considered a breach of academic integrity. The faculty has confidence in the integrity of students and encourage students to exercise good judgment in fulfilling this responsibility.

Activities that have the effect or intention of interfering with learning or fair evaluation of a student's work or performance are considered a breach of academic integrity. Examples of such activities include, but are not limited to:

1. Cheating (intentionally using or attempting to use unauthorized material, assistance, or study aids in any academic work). For example, using a cheat sheet for a test, looking at another student's paper during an exam, stealing or buying all or parts of an exam or paper, altering and resubmitting work for a better grade without prior approval to do so, etc.
2. Plagiarism (representing another's ideas, words, expressions, or data in writing or presentation without properly acknowledging the source). For example, misrepresenting another's work as one's original work, using someone else's idea without giving proper credit, failing to cite a reference or failing to use proper documentation, using works of another gained over the Internet and submitted as one's own work, etc.
3. Falsification and/or misrepresentation of data (submitting contrived or made up information in any academic exercise). For example, making up data, citing non-existent sources, etc.
4. Facilitating academic dishonesty (knowingly helping or attempting to help another violate any provision of the academic honesty policy). For example, working together on a take home exam or other assignment when the option has not been made available, giving your paper/assignment to another student for his/her use, etc.
5. Computer crimes (damaging or modifying computer programs without permission). For example, software piracy, hacking, constructing viruses, knowingly introducing viruses into the system, copying programs and/or data belonging to others, etc.
6. Multiple submission (submitting, without prior approval from the instructors involved, any work submitted to fulfill academic requirements in another class). For example, submitting the same paper for two different classes, etc.
7. Misrepresentation of academic records (knowingly misrepresenting or tampering with any portion of official records of the University or transcripts). For example, forging a change of grade slip or registration form, tampering with computer records, etc.
8. Unfair advantage (trying to gain unauthorized advantage over fellow students). For example, gaining or facilitating unauthorized access to exam materials (past or present); interfering with another student's efforts in an academic exercise; lying about the need for an extension on a paper or assignment; destroying, hiding, removing or keeping, library materials, etc.

Any violation of this policy will be treated as a serious matter. The instructor has primary responsibility over classroom behavior and maintaining academic integrity. Instructors are encouraged to specify clearly at the beginning of each course what constitutes violations of academic honesty and the consequences for

academic dishonesty. In cases of repeated or flagrant violations, a student may be dismissed from the University. Depending on nature and severity of the offense, the University reserves the right to exact maximum penalty, even in the case of a first offense.

See the University catalog for the complete policy of Academic Honesty.

#### RESPECT FOR PERSONS

Students who act with serious disregard for the physical and emotional well-being of others will be in violation of the Code of Conduct. These include, but are not limited to:

1. Accessory: Aiding, abetting, inciting or cooperating with another person in the commission of a violation of University regulations.
2. Criminal Conduct: Students shall not violate city, state or federal laws. This includes but is not limited to theft and illegal gambling.
3. Deception, Fraud and Misuse of Documents: Furnishing false information to the University, including, but not limited to, representing oneself as another in person or in writing, knowingly supplying false or misleading information to University officials or falsifying, tampering with, altering, forging or misusing any University record or official document is prohibited.
4. Failure to Comply with Judicial or Administrative Sanctions: Failure to complete community service requirements, violation of probation or warning, etc, or failure to meet financial obligations to the University is prohibited.
5. Failure to Comply with Requests: Failure to follow the oral or written instructions regarding University policies or state law which is given by any properly identified University official whom the Board of Trustees or the President has vested with the authority to give such instruction, or knowingly interfering with students, faculty or staff acting in the performance of their assigned duties is prohibited.
6. Harassment Policy: Please see policy in this handbook. (Page 28-33)
7. Inappropriate Behavior: Members of Buena Vista University are expected to behave in a mature, responsible manner, respecting the rights and privileges of all other members of the University community. An act which is morally shameful, jeopardizes the integrity of the University, or is detrimental to the University or to any member of the University community is prohibited.
8. Misuse of Property and Vandalism: University and vendor property is to be respected and used in a responsible manner. The following behaviors are inappropriate on campus: unauthorized removal, alteration, possession or use of property belonging to a designated area; unauthorized entry into or onto any property; damage, destruction or defacement of property.
9. Sexual Misconduct Policies: Please see the policy in this handbook. (Page 23-28)
10. Substance Abuse: Following is an abbreviated excerpt of the Buena Vista University Drug & Alcohol policy as distributed to all students, faculty, and staff at the beginning of each academic year.

Students and employees of Buena Vista University who engage in the unlawful manufacture, possession, use, or distribution of illicit drugs, or drug-related paraphernalia, or who provide controlled substances to others, will be subject to disciplinary sanctions by the University, as well as to any criminal penalties that might be levied by the courts.

Students and employees of Buena Vista University who possess or consume alcohol while not of legal age, or who provide alcohol to minors in violation of national or Iowa, or other relevant, state law, or who are or appear to be under the influence of alcohol in any public area of the Storm Lake campus, or on property used by the University such as classrooms at BVU Graduate & Professional Studies locations, or as part of any University-sanctioned activities, will be subject to disciplinary sanctions by the University. Please see the complete Buena Vista University Drug & Alcohol Policies in this handbook. (Page 18)

11. Weapons and Explosives: Possession of any firearm and/or ammunition is prohibited on campus. Storing firearms in a vehicle on campus is also prohibited. A firearm is defined as a sporting shotgun, rifle, handgun or any other item shooting a projectile. In addition to firearms, any item defined as a dangerous weapon under the Code of Iowa is prohibited from the residence halls. These include but are not limited to daggers, stiletto, axe, switchblade knife, or knife exceeding five inches. Explosives including fireworks are also prohibited.

## CODE OF CONDUCT

### STATEMENT OF PURPOSE

The Buena Vista University community subscribes to and strongly supports the rights of each student to study and interact in a quiet, respectful and nonviolent atmosphere that supports the pursuit and acquisition of knowledge. Each member of the University community is expected to assume responsibility for creating an environment conducive to fulfilling such a goal.

Therefore, the Vice President for Student Services/Dean of Students and the Associate Vice President for Academic Affairs & Dean of Graduate & Professional Studies, and her/his designees, reserve the right to initiate and enforce regulations that enhance this philosophy and which they judge necessary to preserve the educational and spiritual mission of Buena Vista University. Members of, and visitors to, the University community are required to abide by all University regulations, as well as local, state and federal laws. By attending Buena Vista University, students voluntarily indicate their decision to behave within the norms set forth by the University. Any person not willing to live within these norms should expect disciplinary action by the University and/or criminal prosecution.

### PHILOSOPHY

Buena Vista University is an independent institution of higher education affiliated with the Presbyterian Church (USA). The University Student Code of Conduct policy is based on academic and social rights and responsibilities. One of the objectives of higher education is to help students achieve self-reliance and desirable and acceptable habits of conduct.

As residents of Storm Lake, the State of Iowa and the nation, students are subject to the same local, state and federal laws as other citizens. The University is not a sanctuary from these laws, and the authority of the university may be asserted when a student violating laws or ordinances threatens the University's interest as an academic institution.

Buena Vista University students are encouraged to speak freely, to assemble peacefully and to petition. They may expect freedom from personal force and violence, threats of violence and personal abuse. As members of an academic community, students should conduct themselves within limits established by Buena Vista University for maintaining a learning environment.

At BVU, the student's academic and social freedoms are largely unrestricted —until the choices made begin to interfere with the freedom and rights of other members of the campus community. However, responsibility does not simply end where the regulations begin. It is also the student's responsibility, as a member of the University community, to work to improve the conditions for learning on the campus.

A function of Buena Vista University is to facilitate the learning and development of persons within the University community. This purpose carries with it the responsibility to regulate conduct and behavior so that the achievement of educational and other goals is not impeded, obstructed or threatened. Ultimately, University authority in matters of student conduct resides with the President of the University and the person(s) to whom immediate authority and responsibility has been delegated, namely, the Vice President for Student Services/Dean of Students and Associate Vice President for Academic Affairs & Associate Vice President for Academic Affairs and Dean of Graduate & Professional Studies and his/her staff. Student conduct which evidences good intentions, mature considerations for reasonable and foreseeable consequences, and respect for others will support the standards of the University community.

If a student is involved in misconduct, the University may impose sanctions. In general, the University is concerned with violations of campus rules and policies. However, civil or criminal infractions may be of such a nature or severity that there is a legitimate reason for concern for the safety, property, well-being and reputation of the University or the safety, property and well-being of members of the University community.

Student organizations and groups are expected to adhere to all applicable institutional regulations. Officers of organizations are responsible for assuring compliance and, if appropriate, for representation when disciplinary proceedings are initiated. Some examples of acts of misconduct that are unacceptable and therefore subject to disciplinary action include, but are not limited to, the following:

#### BUENA VISTA UNIVERSITY DRUG POLICY

The University considers the use, possession, distribution, sale or manufacture of illicit drugs or drug-related paraphernalia as contrary to the welfare of the University community and strictly prohibits such activities.

##### *Sanctions for violations of the Drug Policy:*

1. Use or possession:

A student or employee who uses or possesses illegal drugs or drug-related paraphernalia will be subject to disciplinary action up to and including immediate suspension, expulsion or discharge from Buena Vista University.

2. Manufacture, distribution and/or sale:

A student or employee who manufactures, distributes or sells illicit drugs or drug-related paraphernalia will be subject to immediate suspension, expulsion or discharge from Buena Vista University.

#### BUENA VISTA UNIVERSITY ALCOHOL POLICY

Preface: Buena Vista University supports the laws of the State of Iowa and of all states in which it operates and the expressed intent of any policy pertaining to the use of alcohol at any Graduate & Professional Studies location is to be consistent with all relevant local, state and federal laws and regulations. Employees, students and visitors to Buena Vista University will be required to obey the laws and regulations of the University, understanding that these laws and regulations are made with respect for the common good. Any and all questions of definition and/or classification regarding adherence to the Drug and Alcohol Policy will be determined by the Office of Student Services.

1. This policy applies to the Buena Vista University Storm Lake campus, Buena Vista University Graduate & Professional Studies, and events and activities sponsored or sanctioned by Buena Vista University.
2. Measures or activities designed to circumvent the intent of this policy or the laws and regulations of the State of Iowa, or, for University-sanctioned activities outside of the State of Iowa, the relevant state or local laws and regulations, will not be tolerated.
3. Possession of alcoholic beverages or their containers, or the consumption of alcoholic beverages by anyone not of legal age, as well as misrepresentation of age or identity for the purpose of obtaining alcohol, is forbidden on the Buena Vista University Storm Lake campus and on property used by the Graduate & Professional Studies program, pursuant to relevant state and local laws.
4. Consumption of alcohol on trips sponsored by Buena Vista University Graduate & Professional Studies (i.e., conventions, field trips, etc.) shall be consistent with relevant, local laws and regulations, and the decisions of the designated leaders of those trips. Members of the Graduate & Professional Studies staff are not specifically responsible for enforcing the Drug and Alcohol Policy on any trips sponsored or sanctioned by Buena Vista University.

#### SMOKING POLICY

Iowa Smokefree Air Act. The Smokefree Air Act was signed into law by Governor Chet Culver on April 15, 2008. Effective July 1, 2008 smoking will be regulated in public places, places of employment, and certain outdoor areas. In accordance with the new law, smoking is now prohibited on all University property including our Graduate & Professional Studies locations.

## SMOKELESS TOBACCO

In the interest of student health and commitment to preparing students for future professional lives, smokeless tobacco products are prohibited in classes and at indoor, university-sponsored events.

**[The following Judicial Process is under review and will soon be changing to better serve the Graduate & Professional Studies locations]**

## JUDICIAL PROCESS

The judicial process for violations is initiated when any member of the University community files a written complaint with an appropriate administrator (residence director, vice president for student services/dean of students or a designee, Campus Security).

The accused student may request to have a private decision or to have the charge heard by the Judicial Board. In either instance, adjudication will be based on preponderance of the evidence, and sanctions will be based on severity and/or previous offenses. The student may respond to the charges at any hearing related to the judicial process.

## ADMINISTRATIVE HEARING

The accused student may have his/her case decided by an appropriate administrator (vice president for student services/dean of students or designee) when there is mutual consent between the student and the administrator. This judicial process is confidential, but the decision is not necessarily confidential. The student may appeal this decision to the appropriate administrator (see "Appeals Process" within the Judicial Process section).

## JUDICIAL BOARD

The accused student may have his/her case decided by the Judicial Board by choice or when there is not mutual consent for a private decision between the student and the designated administrator. This judicial process is confidential, but the decision is not necessarily confidential. The student may appeal this decision to the appropriate administrator (see "Appeals Process" within the Judicial Process section). In special cases requiring immediate action, the vice president for student services/dean of students or a designee may impose sanctions, which will be temporary until the Judicial Board can be convened. Such temporary sanctions must be reported to the Judicial Board and other appropriate administrators.

## JUDICIAL BOARD COMPOSITION AND PROCEDURES

Complaints brought before the Judicial Board must be in writing. Any student charged with a violation will receive written notification of the charges, the nature of the evidence, and the name(s) of any witness(es) who will testify. Hearings are non-adversarial (i.e. no attorneys), confidential, and shall not be considered analogous to court proceedings. Hearings will be conducted with simplicity and fairness, and will not be restricted to technical rules of substantive or procedural law. While the proceedings of the Judicial Board are confidential, its decision is not necessarily confidential.

### Membership

1. The Judicial Board shall consist of the following voting members:
  - Two faculty members (appointed by the chair of faculty senate)
  - Six student members (appointed by the president of Student Senate):
    - One student representing Pierce, White and Swope Halls
    - One student representing Grand and Liberty Halls
    - One student representing Briscoe, Constitution, McCorkle Halls and Cottages
    - Three at large members

It is encouraged that one (1) of the at-large positions be held by an off-campus student. The Student Senate president may represent one (1) of the student groups. Students in their first semester at Buena Vista University are not eligible. One (1) faculty standing alternate will be appointed by the vice president for academic affairs/dean of faculty and one (1) student standing alternate will be appointed by the president of Student Senate. All faculty and students are appointed to the Judicial Board on an annual basis.

The vice president for student services/dean of students or a designated alternate shall be an ex-officio member who is responsible for assisting the student chairperson with procedural matters. This ex-officio member may cast a deciding vote to break a tie among regular members.

2. The Judicial Board chairperson will be selected by the Board from its student membership and must be a Student Senator. The chairperson has the authority to maintain order and control of all persons at the hearing. The chairperson may expel persons from the hearing whose conduct interferes with the proper procedures of the Board. In such an event, the hearing will continue without the expelled person(s).

The chairperson or the vice president for student services/dean of students shall call for meetings of the Judicial Board. The chairperson (or the vice president for student services/dean of students) will inform the accused of the convening of the Judicial Board meeting in a timely manner. The chairperson (or the vice president for student services/dean of students) will inform the student, in writing, of the Judicial Board decision in a timely manner.

3. A Secretary will be selected by the Board from its membership and is responsible for keeping accurate records of the case(s). These records are confidential as to specifics of the case(s) and person(s) involved, but not as to university rules or principles of conduct, whether the final decision is guilty or not guilty.

The secretary's confidential record should include thorough notes during the hearing, summaries of the reasoning of the Board and copies of the charges, decision, and sanctions. A report, omitting all names but otherwise complete, shall become a part of the permanent record of the Judicial Board and be available to members of the Board so as to provide a guideline for future deliberations. The secretary must file results of the hearing with the vice president for student services/dean of students within two (2) class days after the adjournment of the proceedings. Sanctions recommended by the Judicial Board will be implemented by the vice president for student services/dean of students, or his/her designee. If the media requests information, the secretary may make available a report of any disciplinary action recommended, omitting all names but including university rules or general principles of conduct violated. The Judicial Board may make public all decisions without names.

#### JURISDICTION

Buena Vista University shall have jurisdiction over all students who are enrolled at Buena Vista University. Any school sponsored or sanctioned activities, during which harassment is alleged to have occurred, shall trigger jurisdiction. For any other alleged incident occurring off campus, however, this jurisdiction will be invoked only upon the written concurrence of the president and the vice president for student services/dean of students.

#### HEARINGS

Convening of the Judicial Board:

A. Hearings will be scheduled after a written complaint from an appropriate administrator is filed with the chairperson of the Judicial Board. Any complaint must state the offense, giving the time, date, place, circumstances and person(s) involved or present during the alleged violation.

B. The chairperson or secretary will send a written summons to all parties involved, accused(s), complainant(s), witness(es) and members of the Judicial Board, within three (3) class days after receipt of

the request or complaint. Included with the summons must be notification of the accused's and complainant's opportunity to testify personally and the opportunity to present evidence and witness(es). The time, date and place of the hearing will be stated in the summons. Further, the accused must be notified that failure to appear at the hearing will result in loss of opportunity to respond to the charge(s) and that the Judicial Board will consider the case and proceed in judgment. The hearing will ordinarily take place within one week (seven days) after the summons is sent except in special situations determined by the chairperson of the Judicial Board and/or the vice president for student services/dean of students.

C. Times may be reduced or extended as may be appropriate under the circumstances.

#### ATTENDANCE

Five (5) of the eight (8) Board members will constitute a quorum and are required to conduct a hearing.

Hearings will be closed to everyone except Judicial Board members and person(s) involved in the action.

Members of the Judicial Board must disqualify themselves from hearing cases arising from matters directly relating to them, or concerning person(s) about whom they are prejudiced. The accused(s) may request that one (1) Board member not attend the hearing. This request must be delivered to the chairperson prior to the scheduled hearing and be entered into the minutes of the hearing.

A quorum must be maintained and standing alternates may be used if regular members cannot attend. If allowed exclusions reduce the Judicial Board attendance below the required five (5) members, the vice president for student services/dean of students will determine whether an alternate hearing body or a postponement of the hearing is more appropriate based on the nature of the allegations.

#### PROCEDURES

Copies of the charge letter will be distributed to all in attendance prior to the hearing. The charge letter will be read aloud at the beginning of the hearing by the chair. All information presented at the hearing is confidential. Disclosure of privileged information by a member of the Board will result in that member's expulsion from the Board. In such an instance, the seat will be filled by a standing alternate representing the same constituency (faculty, student, or administrator) and a new alternate will be appointed by the appropriate source. Individuals appearing before the Board are responsible for presenting truthful information. Any person found willfully presenting false or misleading information will be subject to sanction.

The complainant will be required to speak first. The accused will then have a chance to respond. Members of the Board are then given the opportunity to ask questions of both the accused and the complainant. Next, the accused and the complainant will be given the opportunity to ask questions of each other through the chair. Witnesses are then called one at a time, alternating from complainant to accused (when necessary) with each asked to make a statement and then respond to any questions the Board has. The accused and complainant will be given the opportunity to ask questions of each witness through the chair. Evidence and testimony will be limited to that which is relevant to the case. Relevance of evidence and testimony will be determined by the vice president for student services/dean of students or his/her designee. Testimony should be presented in person. When a witness cannot be present, testimony may, when necessary, be presented in a signed, written form. Any intimidation of students participating in a hearing will be viewed as an offense, subject to disciplinary action. After all witnesses have been heard, the board may ask any remaining questions of the accused and complainant. Then the accused and the complainant, respectively, will be given the opportunity to make a final statement. Final statements are not subject to questions by the Board. After all information has been presented, the hearing will be adjourned and the Judicial Board will deliberate in private to determine the guilt or innocence of the accused using a preponderance of the evidence. Decisions of the Judicial Board are based on majority vote. Upon a determination of guilt, the Board must impose an appropriate sanction. Previous offenses are used for purposes of determining sanctions only after a decision of guilt has been made. Finally, the accused and the complainant, respectively, are brought back to be read the verdict and any subsequent sanctions.

The entire hearing process, including deliberations by the Board and reading of decisions and all subsequent sanctions will be audio taped for use in the event of an appeal.

Results of the hearing must be filed with the vice president for student services/dean of students within two (2) class days following the hearing. A written, dated notice of the decision will be forwarded to the accused by the Office of Student Services within one (1) class day following receipt of the decision.

#### AMENDMENTS

The Judicial Board and/or the vice president for student services/dean of students may call a special meeting to discuss or amend structures or procedures of the Board. All proposed revisions or amendments must be explained to the Student Senate and passed by the Student Services Committee of the Faculty Senate, the Faculty Senate and the president of the University.

#### SANCTIONS APPROPRIATE FOR VIOLATIONS

Students found guilty of a policy violation as a result of an official hearing will receive one of the following 5 sanctions and may also be subject to any additional disciplinary actions.

1. Official Warning: An Official Warning is a written censure regarding misconduct with the understanding that further misconduct could result in more severe disciplinary action. Official Warnings are not noted on a student's academic record (transcripts).

2. Disciplinary Probation: Disciplinary Probation is a serious sanction and further violations of campus policy may result in suspension or expulsion. Disciplinary Probation is not noted on a student's academic record (transcripts).

3. Suspension: Suspension is a set period of time during which the privilege of attending classes and/or being on campus is withdrawn. The student may be returned to good standing at the completion of the period or after specified conditions are met. When disciplinary action (i.e. suspension or expulsion) results in the loss of any college or college-contracted service for the student, there will be no refund, except prorated board, unless required by federal, state or other regulations. When a student is suspended a notation will be made on the student's academic record (transcript) as follows: "SUSPENDED (date) FOR CONDUCT." During a subsequent semester, a student who desires to be reinstated must notify the vice president for student services/dean of students and present evidence that the conditions for reinstatement have been satisfied.

4. Denial To Re-register: Denial to re-register is denial of the opportunity to continue with the University at the conclusion of the current term. This is the same as suspension or expulsion, but the student is permitted to complete the semester for academic and/or financial reasons. When a denial to re-register is finalized, a notation will be made on the student's academic record (transcript) as follows: "DENIED PERMISSION TO RE-REGISTER (date) FOR CONDUCT".

5. Expulsion: Expulsion is withdrawal of the privilege of attending the University with no promise (implied or otherwise) that the student may return at a future time. A student who has been expelled from the university for disciplinary reasons may be re-admitted only by the authority of the vice president for student services/dean of students. When an expulsion is finalized, a notation will be made on the student's academic record (transcript) as follows: "EXPELLED (date) FOR CONDUCT." An expelled student may never be on the BVU campus without permission from the president of the university.

With the exception of suspension, expulsion and denial to re-register, the sanction does not appear on the transcript and is not made available to persons or organizations outside the University. Legitimate requests for such information from graduate schools, employers, and the like will be filled only with the permission of the student.

#### DISCIPLINARY ACTIONS

The nature of some policy violations may also warrant disciplinary actions in addition to the Sanctions listed above. Disciplinary actions may include, but are not limited to:

1. Financial restitution to the appropriate party(ies).
2. Service or educational project.
3. Loss of privileges associated with the offense such as use of university facilities, visitation, attendance at university functions, etc.
4. Monetary fines.
5. Counseling — encouraged or required participation in counseling sessions.
6. Denial of:
  - participation in public performances, publications, events or activities sponsored by student campus organizations, except assignments required for course work
  - holding an office in any student organization
  - using a motor vehicle on campus
  - attending or sponsoring university social functions
  - serving as an academic assistant
  - use of the athletic facilities

#### APPEALS PROCESS

- Sanctions imposed by a residence hall director may be appealed to director of Residence Life or director of housing. Upon receiving an appeal, the director of Residence Life or director of housing may refuse to hear the case for lack of sufficient reason for appeal; request that the original hearing body grant

another hearing, stating the reason for the request; uphold the decision; or impose alternative sanction(s) no greater than the original sanction.

- Sanctions imposed by or upheld by the director of Residence Life or director of housing may be appealed to the vice president for student services/dean of students. Upon receiving an appeal, the vice president for student services/dean of students may refuse to hear the case for lack of sufficient reason for appeal; request that the original hearing body grant another hearing, stating the reason for the request; uphold the decision; or impose alternative sanction(s) no greater than the original sanction.
- Sanctions imposed by or upheld by the vice president for student services/dean of students may be appealed to the president. Upon receiving an appeal, the president may refuse to hear the case for lack of sufficient reason for appeal; request that the original hearing body grant another hearing, stating the reason for the request; uphold the decision; or impose alternative sanction(s) no greater than the original sanction.
- Sanctions imposed by the Judicial Board may be appealed to the president. Upon receiving an appeal, the president may refuse to hear the case for lack of sufficient reason for appeal; request that the original hearing body grant another hearing, stating the reason for the request; uphold the decision; or impose alternative sanction(s) no greater than the original sanction.

Appeals to these sources must state reason(s) and be presented in writing within two (2) class days after receiving the decision. Appeals may be based on failure of the hearing body to follow proper procedures, new evidence or excessive sanctions.

## SEXUAL MISCONDUCT POLICY

### PREAMBLE

Buena Vista University will not tolerate sexual aggression in any form. The University is committed to a campus environment, which is free from the emotional and physical threat of sexual assault. A student, staff, administrator or faculty member charged with sexual misconduct can be prosecuted under Iowa criminal statutes and/or disciplined under the University's Sexual Misconduct Policy. Buena Vista University affirms that those who bring charges forward – whether administrators, faculty, staff, or students will be supported and will be treated with dignity and respect.

Victims are strongly encouraged to report sexually abusive behaviors to the Office of Student Services, Counseling Services, Campus Security or SAVE (Students Against A Violent Environment) as soon as possible after the incident. Compassionate support, assistance and treatment services are available on campus for victims. The campus' first responsibility in responding to reports of sexual misconduct is attending to the needs of the victim. All reports of sexual aggression are taken with the utmost seriousness, and the victim will be referred to the appropriate support persons for assistance. Victims are encouraged to preserve evidence in case they would like to pursue charges at a later date. Confidentiality will be protected and support for victims will be provided when not in conflict with overriding community interests.

Buena Vista University proceedings are separate and distinct from state and federal legal proceedings. If the victim wishes to enter the legal system, it will be necessary to file separate charges with local law enforcement officers. The University will provide support to victims who choose to file charges with local law enforcement. Even if criminal justice authorities choose not to prosecute, the University will pursue disciplinary action at the request of the victim.

### JURISDICTION

Buena Vista University shall have jurisdiction over all students who are enrolled at Buena Vista University. Any school sponsored or sanctioned activities, during which sexual misconduct is alleged to have occurred, shall trigger jurisdiction. For any other alleged incident occurring off campus, however, this jurisdiction will be invoked only upon the written concurrence of the President, Vice President for Student Services/Dean of Students, and the Associate Vice President for Academic Affairs & Dean of Graduate & Professional Studies.

Persons who knowingly, willfully, and/or maliciously make false accusations of sexual misconduct may be prosecuted under the Code of Conduct.

## DEFINITIONS OF SEXUAL MISCONDUCT

Consent requires actual words or conduct explicitly demonstrating a knowing and voluntary agreement to have sexual intercourse or to participate in sexual activities. However, in determining whether consent was given, the following rules shall apply:

1. Silence is not consent
2. Previous sexual relationships and current relationships with the accused may not be taken as an indication of consent.

A person who is incapacitated cannot give consent. In determining whether a person has the capacity to consent in a knowing and voluntary manner, the totality of the circumstances shall be considered. In determining capacity, the circumstances to be considered include, but are not limited, to:

1. use of alcohol, drugs and/or other intoxicants
2. use of force, threat of force, or deception
3. lack of awareness that the act is being committed
4. impairment by virtue of mental or physical condition
5. coercion by supervisory or disciplinary authority.

The following constitute sexual misconduct:

- a. non-consensual sexual contact: any sexual contact, either bodily or with an object, including, but not limited to, kissing, fondling, rubbing or grabbing, without consent. Attempted sexual contact may be adjudicated as if the contact actually took place.
- b. non-consensual sexual intercourse: including, but not limited to, vaginal, anal or oral penetration, however slight, without consent. Any attempted sexual intercourse may be adjudicated as if the act were carried out. Some common terms used are rape, date rape and acquaintance rape.
- c. sexual exploitation: any sexually exploitive conduct, examples of which are: filming or photographing an individual or party in a sexual manner without consent from that individual or parties and/or publishing distributing, printing, disseminating the material in a manner the individual or parties involved did not consent to.

## HEARING BOARDS

If the complainant chooses to proceed with internal action, he or she may choose from among three hearing options. The members and alternates of the Hearing Boards are chosen by the President's Council for employees, and by the Judicial Board for students.

The Sexual Misconduct Hearing Board, for any particular hearing, consists of one administrator, one faculty or staff member, and one student, the combination to be determined by the status of the persons involved. The members and alternates of the Hearing Board will be selected by the President's Council and the Judicial Board. The Vice President for Student Services/Dean of Students and the Associate Vice President for Academic Affairs & Dean of Graduate & Professional Studies is responsible for selecting representatives to serve on a particular Hearing Board. The chair of the committee will be selected by the Hearing Board prior to each hearing.

The Administrative Hearing Board consists of three administrators, selected by the vice president for student services/dean of students. The Chair will be selected by the Board prior to each hearing.

The process for a member of the faculty, administration or staff accused of sexual misconduct shall be a hearing before the Administrative Hearing Board, which will make a finding of fact to the appropriate vice president, who will determine the final disposition. In the event the accused is a Vice President, the finding of fact will go to the President of the University for disposition. In the matter that the accused is the President, the matter will go to the chair of the Board of Trustees.

The Dean's Hearing consists of the Vice President for Student Services/Dean of Students and the Associate Vice President for Academic Affairs & Dean of Graduate & Professional Studies, or his/her designee. The Vice President for Student Services/Dean of Students and the Associate Vice President for Academic Affairs & Dean of Graduate & Professional Studies, or his/her designee, has the right to refer the case to one of the Hearing Boards.

The University will file charges on campus with the consent of the complainant. The university will support the victim regardless of the decision he or she makes regarding the filing of a complaint on campus and/or with law enforcement officials.

#### HEARING PROCEDURES

Each Hearing Board will choose a chair prior to a hearing. The process is the same for all hearing Boards. Copies of the complaint will be distributed to all members of the hearing body at least 24 hours prior to the hearing.

All hearings pursuant to this policy shall be closed and all persons in the hearing room shall be admonished to keep all evidence, testimony, and deliberations confidential. All information presented at the hearing is confidential. Disclosure of privileged information by a member of the Hearing Board will result in that member's expulsion from the Board. In such an instance, the seat will be filled by a standing alternate, representing the same constituency, and a new alternate will be selected by the appropriate body. Board members may be subject to sanction and will be expelled from the Hearing Board. Any allegation regarding a breach of confidentiality on the part of any Board member shall be submitted in writing to the Vice President for Student Services/Dean of Students and the Associate Vice President for Academic Affairs & Dean of Graduate & Professional Studies for appropriate and timely action.

Members of the Hearing Boards must disqualify themselves from hearing cases arising from matters directly relating to them, or concerning persons about whom they are prejudiced. The accused and the complainant may each request that Board members be removed for cause. The accused and the complainant shall be notified of the names of those who will serve on the Board at the time the hearing is scheduled. If either objects to any member or members of the Board, he/she must submit reasons for the objections to the Vice President for Student Services/Dean of Students and the Associate Vice President for Academic Affairs & Dean of Graduate & Professional Studies, in writing, at least 24 hours before the hearing. The Vice President for Student Services/Dean of Students and the Associate Vice President for Academic Affairs & Dean of Graduate & Professional Studies will review the objection and decide whether the Hearing Board member(s) should or should not be replaced. Removal from the Hearing Board shall only occur if the vice president for student services/dean of students is convinced that a lack of impartiality or other extenuating circumstances would result, were the hearing board member to adjudicate the incident. The decision of the vice president for student services/dean of students must be delivered to the chair prior to the scheduled hearing and be entered into the minutes of the hearing. If necessary, another Board member will be selected to replace that person.

The hearing will not be video-taped, but the hearing process will be audio-taped for possible appeals. The vice president for student services/dean of students will destroy the tapes after the appeals period has expired.

#### HEARING PROTOCOL

The complainant will be asked to make a statement to the Hearing Board first, followed by a statement from the accused. The accused has the right to remain silent at the hearing. If the accused does not come to the hearing, the hearing will continue in his/her absence. Members of the Board may ask questions. Each party may submit questions to the Board to be asked of the other party and/or witnesses during the hearing. Either party may request a reasonable recess during the proceedings.

Individuals appearing before the Hearing Board are responsible for presenting truthful information. Any person found to be willfully presenting false or misleading information shall be subject to disciplinary action.

#### RECORD OF HEARING

When opening statements and clarifying questions are completed, witnesses will be brought individually into the hearing room. All witnesses not testifying will remain outside the hearing room. All witnesses may be questioned by the Hearing Board. When all witnesses have been heard, the complainant and the accused will be given the opportunity to make final statements. Following final statements, the matter will be deliberated by the Board.

## SUPPORT PERSON

Both the complainant and the accused may have a support person accompany them to the hearing. The support person must be from the BVU community. The support person may not speak to or for the complainant and/or the accused, nor write to that person during the hearing.

## POLICY LIAISON

BVU provides assistance for the complainant, the accused, and any other involved persons in the form of Policy Liaisons, comprised of students, staff, faculty, and administrators.

Any student or employee who is the complainant, the accused, or a witness of alleged sexual misconduct may ask for support from among the group of Policy Liaisons, or may select his/her own person from the BVU Community. The Policy Liaisons are available to explain the process and may remain with the person during the entire process. The complainant and the accused and witnesses may each request a Policy Liaison. The Policy Liaison is present at the hearing to communicate, concerning policy questions, with the person being helped.

Student Senate will select students to become Policy Liaisons. The President's Council will select faculty, administrators, and staff to become Policy Liaisons.

## DELIBERATION

All persons in the room, except for the Hearing Board will be asked to leave during deliberations. The Hearing Board decision will be reached based on a preponderance of the evidence. The accused and the complainant will be brought back into the room separately and told of the decision. The chair of the chosen Hearing Board will also put the decision in writing for both parties. A letter outlining the conditions of the disposition of the hearing will be placed into the adjudicated student's personal file and in the judicial file of the University.

## SANCTIONS FOR STUDENTS FOUND GUILTY OF SEXUAL MISCONDUCT

The president or a designated vice president may remove the accused from campus prior to a hearing if that person is believed to be a danger to the victim and/or the BVU community. This action has no bearing on the hearing and does not imply guilt.

Sanctions appropriate for violations include the following, or a combination thereof:

1. Written Censure is an official statement condemning the conduct of the adjudicated student, which will be placed in the student's personal file.
2. Disciplinary Probation maintains the jurisdiction of the Board over the adjudicated student for a designated period of time. Failure to successfully fulfill the conditions of probation will result in suspension or expulsion and will be determined by vice president for student services/dean of students.

Conditions of probation are those requirements the student must successfully fulfill and may include but are not limited to:

- Financial restitution for tangible goods and services for the appropriate party(ies).
- Service or educational project.
- Loss of privileges associated with the offense such as the use of university facilities, visitation, attendance at university functions, etc.
- Counseling—encouraged or required participation in counseling sessions.
- Denial of participation including but not limited to, co-curricular involvement, public performances, publications events or activities sponsored by student campus organizations, excluding assignments required for course work.
- Denial of holding an office in any student organization.
- Denial of using a motor vehicle on campus.
- Denial of attending or sponsoring university social functions.

3. Suspension is a set period of time during which the privilege of attending classes or of being on campus is withdrawn. The student may be reinstated at the completion of the period or after specified conditions are met. When disciplinary action (i.e. suspension or expulsion) results in the loss of any college or college-contracted service for the student, there will be no refund, except pro-rated board, unless required by

federal, state or other regulations. When a student is suspended a notation will be made on the student's academic record (transcript) as follows: "SUSPENDED (date) FOR CONDUCT." This notation will remain on the record until the terms of the suspension have been satisfied. During a subsequent semester, a student who desires to be reinstated must notify the vice president for student services/dean of students and present evidence that the conditions for reinstatement have been satisfied.

4. Expulsion is withdrawal of the privilege of attending the University with no promise that the student may return in the future. A student who has been expelled from the University for disciplinary reasons may only be re-admitted by the authority of the president. When this expulsion is finalized, a notation will be made on the student's academic record (transcript) as follows: "EXPELLED (date) FOR CONDUCT." An expelled student may never be on the BVU campus without permission from the president of the University.

#### RELEASE OF INFORMATION

Publicizing sexual misconduct is necessary so that the campus community can make informed judgments and take appropriate preventative measures. Support will be provided and confidentiality will be protected when not in conflict with overriding community interests. The information will be posted throughout the campus on a specific color exclusively used for this purpose, and the information will be in each student's mailbox, and available in the Office of Student Services. The vice president for student services/dean of students, or his /her designee, will be responsible for distributing the information.

#### APPEALS PROCESS

Appeals from the accused will be heard by the vice president for student services/dean of students or his/her designee. Appeals must be filed by the accused within two class days after receiving the written decision from the Hearing Board. Appeals will be considered only for failure of the original hearing body to follow process or for new evidence. An appeal must be submitted in writing stating the grounds for the appeal and a copy will be provided to the complainant. A second appeal may be made to the President of the University, and will follow the same process as stated above.

The complainant is entitled to an appeal if he/she can show, to the satisfaction, that the adjudication process was in any way biased, unfair, or the process or punishment violated the policy.

#### RIGHTS OF THE COMPLAINANT

- To be free from any suggestion the complainant must report the crimes.
- To be able to choose the level of involvement in university disciplinary proceedings against an accused, including the right to an advocate.
- To have any allegations of sexual misconduct treated seriously and non-judgmentally; the right to be treated with dignity.
- To be free from any suggestion the complainant is responsible for the commission of crimes against her/him.
- To be free from any pressure from campus personnel to:
  - Refrain from reporting policy violations.
  - Report policy violations if the complainant does not wish to do so.
  - Report policy violations as lesser offenses.

#### RIGHTS OF THE ACCUSED

- To be provided with a full and complete explanation of the charges.
- To be presumed innocent unless proven otherwise.
- To be provided with an explanation of the possible range of the penalties/punishments.
- To cross-examine witnesses and to testify on his/her own behalf.
- To remain silent during hearing proceedings.
- To present witness and documentary evidence, and an explanation or argument on his/her own behalf.

#### RIGHTS TO RESOURCES ON AND OFF-CAMPUS

A right to a facilitated discussion is available on campus, but it is not a part of the process of responding to sexual misconduct. A facilitated discussion may be requested only in the case of non-consensual sexual contact.

- To be notified of existing campus and community based medical, counseling, mental health and student services for complainant of sexual assault whether or not the crime is formally reported to campus or civil authorities.
- To have access to campus counseling under the same terms and conditions as apply to other students in their institution seeking such counseling.
- To be informed of and to be assisted in exercising:  
Any rights to confidential or anonymous testing for sexually transmitted diseases, human immunodeficiency virus, and/or pregnancy; any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases.
- To receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities if the complainant so chooses.
- To receive full, prompt, and victim-sensitive cooperation of campus personnel with regard to obtaining, securing, and maintaining evidence.

#### CAMPUS JUDICIAL RIGHTS

- To be able to choose the level of participation in university disciplinary proceedings against an accused, including the right to an advocate.
- To have all irrelevant sexual/relationship evidence excluded during disciplinary proceedings.
- To have any allegation of sexual misconduct investigated and adjudicated by campus authorities.
- To be afforded the opportunity to have a policy liaison and/or support person present during any campus disciplinary proceeding.
- To be notified in writing of the outcome and sanction of the sexual misconduct disciplinary proceeding against the accused and to be notified of any appeal.

#### CAMPUS INTERVENTION POLICY

- In certain instances, state and federal law requires institutions to take certain action for the safety of the community and for the welfare of the complainant, even if not requested by the complainant. This includes, but is not limited to, changes in classes and housing. Decisions will be made with sensitivity to the complainant and in a fair and reasonable manner.
- There shall be no statute of limitations on campus, as long as the accused remains enrolled at the University.
- If an accused student withdraws from the University after the incident, the hearing will go forward with or without the accused. The accused may return to campus for the hearing.

#### HARASSMENT POLICY

##### POLICY STATEMENT SUPPORTING DIVERSITY AND FREE SPEECH

Diversity of views, cultures, and experiences is critical to the academic mission of higher education. Such diversity enriches the intellectual lives of all, and it increases the capacity of Buena Vista University to serve the educational needs of its community.

BVU is also equally committed to academic freedom and free speech. As members of an institution of higher learning, respecting these rights requires that we tolerate expressions of opinion that differ from our own or that we may find abhorrent.

These values of free expression justify protection of speech that is critical for diversity and other principles central to the University's academic mission. However, values of free expression are not supported, but rather are undermined by acts of intolerance that suppress alternative views through intimidation or injury. As members of an institution of higher learning, we must stand against any assault upon the dignity and value of any individual, through harassment that substantially interferes with his or her educational

opportunities, peaceful enjoyment of residence, physical security, or terms or conditions of employment (collectively, "protected interests").

Buena Vista University is committed to preventing harassment while protecting individual rights. The BVU community promotes an environment in which incidents of discriminatory harassment are less likely to occur; an environment that is hospitable to all members of the university community regardless of race, sex, color, national origin, religion, age, sexual orientation, disability or status.

Ultimately, however, these goals will not be fully realized unless every member of the University community takes personal responsibility for fostering an environment in which diversity can be appreciated and in which all students and employees can reach their fullest potential. No committee or other entity can substitute for the good will, freely given, by the individuals who make up the University.

### I. UNIVERSITY POLICY PROHIBITING HARASSMENT

A. It is a violation of University policy for any University employee or student to subject any person to harassment.

B. Harassment defined: Actions constitute harassment if:

1. They are substantially interfere with another's educational or employment opportunities, or physical security, and
2. The actions are intentional and taken with the knowledge that they are likely to substantially interfere with protected interests identified above.

### II. BVU & FIRST AMENDMENT GUIDELINES

A. The University's Legal Obligations

As a university and employer, BVU has moral, legal, and, to a limited extent, contractual obligations to maintain reasonable educational and working environments that allow students and employees to pursue their goals without substantial interference stemming from harassment. BVU is committed to the goal of achieving diversity within the campus community. Principles of academic freedom and constitutional guarantees of free speech, however, limit the University's ability to use restrictions on speech as a means of promoting diversity and opposing harassment and discrimination. Thus, as stated in these policies, the Harassment Policy does not restrict free speech protected by state and federal constitutional laws or by principles of academic freedom.

### III. ILLEGALITY OF HARASSMENT

A. Sexual Harassment

Sexual harassment is prohibited under Title IX of the Educational Amendments Act of 1972 and Titles VI/VII of the Civil Rights Act of 1964, and includes any unwelcome sexual conduct which:

1. is made a term or condition of an individual's employment; or
2. has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

These statements also apply to the ability of an individual to obtain an education (as in a situation involving a faculty member/administrator/staff member and a student).

The following is a list that is by no means exhaustive, of conduct considered to be sexual harassment, *if unwelcome and shown to be sufficiently severe and pervasive*:

- direct or indirect threats or bribes for sexual activity
- sexual innuendoes and comments
- intrusive sexually explicit questions
- sexually suggestive sounds or gestures
- repeatedly asking a person out for dates or to have sex
- touching, patting, pinching, stroking, squeezing, tickling, or brushing against a person
- neck/shoulder massage
- rating a person's appearance or sexuality
- ogling, leering or staring at a person's anatomy
- spreading rumors about a person's sexuality or graffiti about a person's sexuality
- name-calling
- sexual ridicule
- jokes about sex or genders
- letters, notes, telephone calls, or material that is of a sexual nature
- displaying pictures, photographs, calendars, cartoons, or other material with a sexually explicit content
- stalking a person

*Harris v. Forkli (1993)* and *Oncale v. Sundowner (1998)*: To determine the existence of a severe or pervasive harassing environment, the following circumstances must be considered: frequency and duration of conduct; severity of the conduct (physical threats, humiliation, or mere utterances); and the level of interference with the complainant's employment or education.

## B. Harassment Based on Race and National Origin

Harassment based on race or national origin can be oral, written, graphic or physical conduct related to an individual's race, color, or ethnicity, including, but not limited to:

- Intimidation or implied or overt threats of physical violence motivated by race, color or national origin
- Acts of aggression or assault upon another, or damage to property of another, motivated by the individual's race, color, or ethnicity
- Demeaning jokes, taunting, racial slurs and derogatory racial nicknames, innuendos, or other negative or derogatory remarks relating to race, color, or ethnicity
- Graffiti, slogans, cartoons, or posters depicting racial/ethnic slurs and/or derogatory sentiments
- Criminal offenses directed at persons because of their race or national origin

## C. Harassment Based on Sexual Orientation

Sexual Harassment is punishable under federal and state law. Some harassment directed at gay, lesbian, bi-sexual or transgender individuals can fall under the sexual harassment guidelines if it is targeting such individuals for physical sexual advances, etc. Buena Vista University will not tolerate any type of harassment toward members of the gay, lesbian, bi-sexual or transgender community. BVU's harassment policy prohibits any conduct toward individuals based on their sexual orientation that creates a hostile environment. All allegations of such conduct will be investigated and are subject to the hearing procedures of this policy.

## D. Other Targets of Harassment

Comments and actions that constitute harassment may also be based on any other protected interest, such as religion, age, ability, and/or physical appearance. Buena Vista University will not tolerate such conduct and all allegations will be investigated and are subject to the same hearing procedures and sanctions as other forms of harassment under this policy.

## RETALIATION

Buena Vista University will discipline or take other appropriate action against any student, faculty member, staff member, or administrator who retaliates against (or attempts to retaliate against) any person who reports alleged harassment or violence, files a complaint of harassment, or who testifies, assists, or participates in any investigation, hearing or proceeding related to such harassment or violence. Retaliation includes, but is not limited to, any form of threat, intimidation, reprisal, or discrimination.

## JURISDICTION

Buena Vista University shall have jurisdiction over all students who are enrolled at Buena Vista University. Any school sponsored or sanctioned activities, during which harassment is alleged to have occurred, shall trigger jurisdiction. For any other alleged incident occurring off campus, however, this jurisdiction will be invoked only upon the written concurrence of the president and the vice president for student services/dean of students.

## HEARING BOARDS

If the complainant chooses to proceed with internal action, he or she may choose from among three hearing options. The members and alternates of the Hearing Boards are chosen by the President's Council for faculty/staff, and by the Judicial Board for students.

The Harassment Hearing Board, for any particular hearing, consists of one staff member, one faculty member and one student. The members and alternates of the Hearing Board will be selected by the President's Council and the Judicial Board. The vice president for student services/dean of students is responsible for convening representatives to serve on a particular hearing board. The Chair of the Hearing Board will be selected by that Hearing Board prior to each hearing.

The Administrative Hearing Board consists of three administrators, convened by the vice president for student services/dean of students. The chair will be selected by the Board prior to each hearing.

The Dean's Hearing consists of the vice president for student services/dean of students or his/her designee. The vice president for student services/dean of students or designee has the right to refer the case to one of the Hearing Boards.

The University will file charges on campus with the consent of the complainant. The University will support the victim regardless of the decision he or she makes concerning the filing of a complaint on campus and/or with law enforcement officials.

#### HEARING PROCEDURES

Each Hearing Board will choose a chair prior to a hearing. The process is the same for all Hearing Boards. Copies of the complaint will be distributed to all members of the hearing body at least 24 hours prior to the hearing.

All hearings pursuant to this policy shall be closed and all persons in the hearing room shall be admonished to keep all evidence, testimony, and deliberations confidential. All information presented at the hearing is confidential. Disclosure of privileged information by a member of the Hearing Board will result in that member's expulsion from the Board. In such an instance, the seat will be filled by a standing alternate representing the same constituency, and a new alternate will be selected by the President's Council or the Judicial Board depending on whether the person being replaced is a member of the faculty, staff or student body. Any allegation regarding a breach of confidentiality on the part of any board member shall be submitted in writing to the vice president for student services/dean of students for appropriate and timely action. In cases of alleged impropriety or other serious concerns, Board members may be subject to sanction and may also be subject to expulsion from the Hearing Board.

Members of the Hearing Boards must disqualify themselves from hearing cases arising from matters directly relating to them, or concerning persons about whom they are prejudiced. The accused and the complainant may each request that Board members be removed for cause. The accused and the complainant shall be notified of the names of those who will serve on the Board at the time the hearing is scheduled. If either objects to any member or members of the Board, he/she must submit reasons for the objections to the vice president for student services/dean of students, in writing, at least 24 hours before the hearing. The vice president for student services/dean of students will review the objection and decide whether the

Hearing Board member(s) should or should not be replaced. Removal from the Hearing Board shall only occur if the vice president for student services/dean of students is convinced that a lack of impartiality or other extenuating circumstances would result, were the hearing board member to adjudicate the incident. The decision of the vice president for student services/dean of students must be delivered to the chair prior

to the scheduled hearing and be entered into the minutes of the hearing. If necessary, another Board member will be selected to replace that person.

The hearing process will be audio taped in case of appeals. The vice president for student services/dean of students will destroy the tapes after the appeals period has expired or an appeal is processed.

#### HEARING PROTOCOL

The complainant will be asked to make a statement to the Hearing Board first, followed by a statement from the accused. The accused has the right to remain silent at the hearing. If the accused does not come to the hearing, the hearing will proceed in his/her absence. Members of the Board may ask questions. Each party may submit questions to the Board to be asked of the other party and/or witnesses during the hearing. Either party may request a reasonable recess during the proceedings.

Individuals appearing before the Hearing Board are responsible for presenting truthful information. Any person found willfully presenting false or misleading information, shall be subject to disciplinary action.

#### RECORD OF HEARING

When opening statements and clarifying questions are completed, witnesses will be brought individually into the hearing room. When witnesses are not testifying, they will remain outside the hearing room. All witnesses may be questioned by the Hearing Board. When all witnesses have been heard, the complainant and the accused will be given the opportunity to make final statements. Following final statements, the matter will be deliberated by the Board.

## SUPPORT PERSON

Both the complainant and the accused may have a support person accompany them to the hearing. The support person must be from the BVU community. The support person may not speak to or for the complainant and/or the accused, nor write to that person during the hearing.

## POLICY LIAISON

BVU provides assistance for the complainant, the accused, and any other involved persons in the form of policy liaisons, comprised of students, staff, faculty, and administrators.

Any student or employee who is the complainant, the accused, or a witness of alleged harassment may ask for support from among the group of policy liaisons, or may select his/her own person from the BVU Community. The policy liaisons are available to explain the process and may remain with the person during the entire process. The complainant and the accused and witnesses may each request a policy liaison. The policy liaison is present at the hearing to communicate, concerning policy questions, with the person being helped.

Student Senate will select students to serve as policy liaisons. The President's Council will select faculty, administrators, and staff to serve in the role of policy liaisons.

## DELIBERATION

All persons in the room, except for the Hearing Board will be asked to leave during deliberations. The Hearing Board decision will be reached based on a preponderance of the evidence. The accused and the complainant will be brought back into the room separately and informed of the decision. The chair of the chosen Hearing Board will also put the decision in writing for both parties. A letter outlining the conditions of the disposition of the hearing will be placed into the adjudicated student's personal file and in the judicial file of the University.

## SANCTIONS FOR STUDENTS FOUND GUILTY OF HARASSMENT

The president or a designated vice president may remove the accused from campus prior to a hearing if that person is believed to be a danger to the victim and/or the BVU community. This action has no bearing on the hearing and does not imply guilt.

Sanctions appropriate for violations include the following, or a combination thereof:

Written Censure is an official statement condemning the conduct of the adjudicated student, which will be placed in the student's personal file.

Disciplinary Probation maintains the jurisdiction of the board over the adjudicated student for a designated period of time. Failure to successfully fulfill the conditions of probation will result in suspension or expulsion and will be determined by the vice president for student services/dean of students. Conditions of probation are those requirements the student must successfully fulfill and may include but are not limited to:

- Financial restitution for tangible goods and services for the appropriate party(ies).
- Service or educational project.
- Loss of privileges associated with the offense such as the use of university facilities, visitation, attendance at university functions, etc.
- Counseling—encouraged or required participation in counseling sessions.
- Denial of participation including but not limited to, co-curricular involvement, public performances, publications events or activities sponsored by student campus organizations, excluding assignments required for course work.
- Denial of holding an office in any student organization.
- Denial of using a motor vehicle on campus.
- Denial of attending or sponsoring university social functions.
- Denial of attendance at athletic events.
- Denial of use of athletic facilities.
- Denial of serving as academic assistant.

Suspension is a set period of time during which the privilege of attending classes or being on the campus is withdrawn. The student may be reinstated at the completion of the period or after specified conditions are met. When disciplinary action (i.e. suspension or expulsion) results in the loss of any college or college-contracted service for the student, there will be no refund, except pro-rated board, unless required by federal, state or other regulations. When a student is suspended a notation will be made on the student's academic record (transcript) as follows: "SUSPENDED (date) FOR CONDUCT." This notation will remain on the record until the terms of the suspension have been satisfied. During a subsequent semester, a student who desires to be reinstated must notify the vice president for student services/dean of students and present evidence that the conditions for reinstatement have been satisfied.

Expulsion is withdrawal of the privilege of attending the University with no promise that the student may return in the future. A student who has been expelled from the University for disciplinary reasons may only be re-admitted by the authority of the president. When this expulsion is finalized, a notation will be made on the student's academic record (transcript) as follows: "EXPULLED (date) FOR CONDUCT." An expelled student may never be on the BVU campus without permission from the president of the University.

#### RELEASE OF INFORMATION

Publicizing incidents of sexual misconduct is necessary in order for members of the campus community to make informed judgments and take appropriate preventative measures. Support will be provided and confidentiality will be protected when not in conflict with overriding community interests. The information will be posted throughout the campus on a specific color of paper, which is exclusively used for this purpose. In addition, this information will be in each student's mailbox and available in the Office of Student Services. The vice president for student services/dean of students or his/her designee will be responsible for distributing the information.

#### APPEALS PROCESS

Appeals from the accused are to be heard by the president or his/her designee. Appeals must be filed by the accused within two class days after receiving the written decision from the Hearing Board. Appeals will be considered only for failure of the original hearing body to follow process or for new evidence. An appeal must be submitted in writing stating the grounds for the appeal and a copy will be provided to the complainant. A second appeal may be made to the president of the University, and will follow the same process as stated above.

The complainant is entitled to an appeal if he/she can show, to the vice president for student services/dean of students satisfaction, that the adjudication process was in any way biased, unfair, or the process or punishment violated the policy.