

# Documents & Policies

## Student Privacy and Right to Records Access

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

- 1) The right to inspect and review the student's education records within 45 days of the day the College receives a request for access.
  - Students should submit to the registrar, dean, head of the academic department, Vice President, or other appropriate Official, written requests that identify the record(s) they wish to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
- 2) The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.
  - Students may ask the College to amend a record that they believe is inaccurate or misleading. They should write the College official responsible for the records, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.
  - If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
- 3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
  - Disclosure without consent to College officials with legitimate educational interests is permitted. A College official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including Campus Safety personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
  - A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
  - Other exceptions that permit disclosure without consent are:
    - A. To authorized representatives of the Comptroller General of the United States; the Attorney General of the United States (for law enforcement purposes); the Secretary of the Department of Education of the United States; and state and local educational authorities.
    - B. To parents of dependent students, as defined in section 152 of the Internal Revenue Code of 1986. To bypass confirmation of dependency status, it is recommended that the student sign an Information Release form, confirming parental access.
    - C. To a parent or a legal guardian in connection with a health or safety emergency.
    - D. To a parent or a legal guardian of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance if the student is under the age of 21 and the institution determines that the student has committed a disciplinary violation with respect to that use or possession.
    - E. If a parent or eligible student initiates legal action against the College, the College may disclose to the court, without a court order or subpoena, the student's education records that are necessary for the College to defend itself.
    - F. The disclosure is in connection with a disciplinary proceeding conducted by the College against a student who is an alleged perpetrator of a crime of violence.
- 4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by Bethany College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is  
Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

The College may release public directory information concerning students. Such information includes, but is not limited to, the student's name, address, email address, telephone listing, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (e.g., undergraduate or graduate; full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, photograph, degrees, honors and awards received, and previous institutions attended. The above designated information is subject to release by the campus at any time unless the campus has received a prior written objection from the student specifying information which the student requests not be released.

## Crime Awareness and Campus Security

Date:

January 24, 1992 (Revised 6/3/92) Approved by ADCAB 6/3/92

### References:

- (a) Student Right-to-Know and Campus Security Act
- (b) Emergency Procedure Manual and Disaster Contingency Plan of Bethany College.

### Enclosures:

- (1) Copy of Alcohol and Drug Abuse Prevention Program for Campus
  1. REVISED: This is a new policy.
  2. POLICY: It is a policy of Bethany College of the Assemblies of God to comply with the requirements of the Student Right-to-Know and Campus Security Act as set forth in Reference (a). This includes the collection of data on criminal activities and other emergencies occurring on campus, a methodology of keeping students, staff, faculty, and other interested parties informed of such, a way of reporting these events and to whom, security and access of campus facilities, responsibilities of campus security personnel and their relationship with local police authorities, and a program relating to the prevention of Drug and Alcohol Abuse as promulgated in Enclosure (1).
  3. DEFINITIONS: Interpretation of the term "campus security" by Reference (a), as specified in a United States Department of Education letter of August 1991, GEN-91-27 includes (1) any individual or entity specified in an institution's statement of campus security policy as the individual or entity to whom students and others should report criminal offenses, as well as (2) administration officials having primary responsibility for student and campus activities, such as student counselors, deans, and campus residence directors.
  4. UNSAFE CONDITIONS AND ACCIDENT/INCIDENT REPORTING: Reporting of accidents, unsafe conditions, incidents, and industrial illnesses is covered in Policy 4003, Injury and Illness Prevention Program. Policy 6001, Accident/Incident Involving Persons and Property, sets forth procedures for reporting of accidents and incidents, persons responsible for reporting, and forms used in the process. To amplify upon, and to consolidate the reporting process as it relates to criminal activities and other emergencies, including response by designated individuals on the Bethany staff, procedures set forth below:
    - a. Unsafe Conditions: Employees are encouraged, and charged with the responsibility, to report any unsafe condition noticed on campus. Enclosure (1) of Policy 4003, shall be used for reporting. The Physical Plant Engineer has the responsibility for promptly investigating all reported unsafe conditions, making determination as the corrections needed, and implementing action for correction and/or reporting the condition to the Vice President for Academics.
    - b. Accidents and Incidents involving persons and property: Vehicular accidents shall be reported on the form provided as Enclosure (1) to Policy 4003. Personal injury and industrial illnesses are reported on the form provided as Enclosure (2) to Policy 4003. Responsibility for report preparation is as indicated below with completed report submitted to the physical plant engineer. The Physical Plant Engineer shall have the responsibility to investigate all reports, advise the Vice President for Academics as situation dictates, and requests assistance of and/or inform the local police department when appropriate.
      - (1) Normal Working Hours:
        - (a) Manager/Director/Chairperson of the area where the accident/incident occurred.
        - (b) Physical Plant Engineer when property is involved or injury is to visitors.
        - (c) Dean of Students when personal injury to students occurs.
      - (2) After Normal Working Hours, including weekends and holidays:
        - (a) Peer Advisors/Resident Counselors when students are involved or when accident/incident occurs in their area of responsibility.
        - (b) Security Personnel (10:00 p.m. - 7:00 a.m.) when property is involved or personal injury to visitors occurs.
        - (c) Senior Bethany employee on duty in area where accident/incident takes place.
        - (d) If in doubt, call the plant engineer or the Dean of Students
  5. CRIME IN PROGRESS AND/OR SUSPECTED: Reference (b) addresses crime in progress and/or suspicious conditions with signs to be aware of and procedures to follow:
    - a. Suspicious Signs
      - (1) A scream or call for help.
      - (2) The sound of a whistle or horn.
      - (3) An unfamiliar vehicle repeatedly driving through campus or past your building.
      - (4) Individuals who do not belong to the Bethany organization on campus, particularly if they are in isolated areas such as locks being tampered with or windows broken.

- b. Procedures to follow to report crime in process or suspicious situations:
- (1) During hours Bethany Security is on duty, call Security, ext. 1428, or Security Beeper, 438-1518, followed by 63. The number Security if to call must then be entered followed by the # sign. This process requires touch-tone phone and access to an outside line. During normal working hours, call the Campus Engineer or have him contacted by radio by calling the switchboard.
  - (2) If the situation appears dangerous, immediately contact Scotts Valley Police by calling 911. Again, access to an outside line will be required.
  - (3) After normal working hours, including Saturdays, Sundays, and holidays, and hours before Security is on duty, alert Resident Counselors and/or Peer Advisors.
  - (4) Do not attempt to apprehend, or interfere with, suspicious individuals unless such is necessary for self-protection.
  - (5) Be observant. Insofar as is possible, write down a complete description, e.g., approximate age and height, race, color and type of clothes, weight, location when noticed, time of day, circumstances surrounding event, direction of travel, whether on foot or in vehicle, and if applicable vehicle description, including license plate number.
  - (6) Event must be documented by preparations of Report of Criminal Activities or Suspicious Situations provided in Enclosure (1). Completed report shall be submitted to the Campus Engineer.
  - (7) Report may be generated by an individual; however, whenever possible follow procedure for reporting as outlined in paragraph 4(b)(1)(2) above.
6. SECURITY AND ACCESS TO CAMPUS FACILITIES: Campus facilities are locked/unlocked at times specified in the Security Guard Job Description, Enclosure (2). Students are required to return to campus as specified in the Security Guard Job Description and Student Handbook; however, once on campus there is no requirement that they be in their rooms at any certain time. Criteria for use of Gym is spelled out in the Security Guard Job Description and limits access to members of the Bethany family and their guests, or as approved by the Director of Conferencing. Buildings are accessible to students, staff, and faculty, during hours they are not locked on a "need to be there" criteria. Key control is regulated by Policy 6001 that consists of keys being issued to individuals on a "need" basis, and with approval of the individual's supervisor and Area Administrator. Security Guards follow a check list as to locking/unlocking of buildings upon assuming and/or completion of their shift.
7. DOCUMENTATION OF CRIMINAL ACTIVITIES: The Campus Engineer has responsibility for collection of statistical data regarding criminal activities, suspicious conditions, and incidents occurring on the Bethany campus. Documentation will be through completed reports, Enclosure (2), Report of Criminal Activities, Suspicious Conditions, and Incidents. Data will be kept on file for a period of three years and will include, but not necessarily limited to:
- |            |                            |  |
|------------|----------------------------|--|
| a. Murder  | d. Aggravated Assault      | g. Motor Vehicle Theft                           |
| b. Rape    | e. Burglary                | h. Hate Crimes                                   |
| c. Robbery | f. Motor Vehicle Violation | i. Crimes involving Weapon Possession Violations |
- Data will be kept on file for a period of one year for:
- |                         |                         |
|-------------------------|-------------------------|
| a. Liquor Law Violation | b. Drug Abuse Violation |
|-------------------------|-------------------------|
8. CAMPUS LAW ENFORCEMENT: Bethany College maintains a security staff 365 days a year, from 10:00 p.m. through 7:00 a.m. This staff is composed of students who are familiar with the campus and other students attending school at Bethany. The function of the security staff is more of a peer relationship than law enforcement; they are directed to be observant of condition occurring on campus but not to endanger themselves when confronted with any situation that could be beyond their control and expertise. When in doubt, they are directed to call the Scotts Valley Police Department who, generally will respond in a matter of minutes. Bethany is an open campus with a public street passing through the middle of campus. This responsibility to a large extent falls within the jurisdiction of the Scotts Valley Police Department.
9. MONITORING AND RECORDING OF CRIMINAL ACTIVITY AT OFF-CAMPUS STUDENT ORGANIZATIONS: Bethany does not have any student housing off-campus. Thus, monitoring in this respect would not be applicable. As for other students events sponsored by the college, such as social functions, student ministries, etc., reporting and monitoring would be as outlined herein.
10. SECURITY AWARENESS PROGRAMS, INCLUDING REPORTING OF SUSPECTED ACTIVITIES, CRIMINAL ACTIVITIES, AND INCIDENTS: It is the responsibility of Campus Life to periodically inform students that the Security Staff may be contacted, while on duty, as outlined above. Moreover, Peer Advisors and Resident Counselors live on campus and are readily available to advise students, in groups, or one-on-one, as to security awareness and reporting of actual events and/or suspicious situations. Included in the awareness program is addressing the subject at new student orientation, student leadership orientation, and periodic meetings of Peer Advisors and Resident Counselors. For employees, information shall be included as part of new employees orientation with reminders promulgated at least on an annual basis from the office of the Vice President for Academics.

11. PROGRAM NOTIFY STUDENTS AND EMPLOYEES ABOUT PREVENTION OF CRIMES: Bethany College is an open campus with a public street passing through the campus. As such, entry by outsiders is a common occurrence. The terrain is wooded and isolated with a number of paths leading into wooded areas. In view of this, all students and employees must be observant of people on campus at any given time. Moreover, students are discouraged from leaving the main areas of campus and wandering into areas where they cannot be readily observed by others. Caution must be exercised, particularly by women students, if they, for whatever reason, leave the main area of campus. It is advisable that they always be accompanied by another person when leaving areas where they are visible to others. During evening hours it is also advisable that women students walk together in pairs, or in greater number. As outside doors to dormitories are not locked, it is incumbent upon each student to lock the door to his/her room. Leaving a door unlocked is tantamount to inviting events ranging from mischief to dangerous activities. Individuals who appear suspicious and are observed in areas other than the public streets, and are not part of the Bethany campus, must be reported to Security during the hours Security is on duty, Peer Advisors/Resident Counselors after normal working hours and prior to Security coming on duty, and the Campus Engineer during the normal work day. Whenever in doubt, it is the responsibility of each person to call the Scotts Valley Police Department. While it is appropriate for anyone to offer to be of assistance, or to inquire as to the purpose of a stranger on campus, students and employees are discouraged from confronting unknown individuals whenever it appears the person(s) has been drinking, is under the influence of drugs, or manifests inappropriate and unusual behavior. Discretion is the better part of valor in all situations.
12. ALCOHOL, DRUG, AND WEAPONS CONTROL: Bethany is considered to be an alcohol, tobacco, and drug free campus. Policy is spelled in Enclosure (1), as well as prohibition of weapons on campus. The Student Handbook also addresses these issues.
13. INTENDED RESULTS: To establish an internal policy that would meet the intent of the Federal Student Right-to-Know and Campus Security Act and to set forth procedures for ensuring safety on campus, reporting or criminal and/or suspected activities, incidents, and to keep all those who work and/or reside on Bethany fully involved in protection of property and persons.
14. ORIGINATED BY: Campus Engineer.
15. DISTRIBUTION: Students, staff, and faculty.
16. APPROVED BY: Policy & Planning Committee
- \*\*Crime statistics are available upon request.\*\*

### **Bethany College Policy for Human Subjects in Research**

The Bethany College institutional policy on the use of human subjects in research is in congruity with the American Psychological Association policy. For further detail contact the office of Academics.

### **Rehabilitation Act of 1973**

It is the policy of Bethany College not to: solely by reason of handicap, exclude from participation, deny benefits, or discriminate under any program or activity against any otherwise qualified handicapped individual as required by Section 504 of the Rehabilitation Act of 1973.

### **Drug and Alcohol Abuse Prevention Program**

Bethany College (the "College") is required by the Drug Free Schools and Communities Act Amendment of 1989 to adopt and implementation program to prevent the use of illicit drugs and the abuse of alcohol by students and employees. Every student shall receive a copy of the program annually in conjunction with the registration for classes and every employee of the College shall receive a copy of the program annually through the campus mail. Additional copies of the prevention program can be obtained from the Office of the Vice President for Academics.

#### **A. POLICY**

The unlawful possession, use, or distribution of illicit drugs is prohibited on college property and off of College property and in conjunction with College activities. The possession, use, or distribution of alcohol is prohibited on College property and off College property and in conjunction with College activities.

Students organizations are under the same requirements as individuals concerning local, state, and federal laws. Any violation of these laws in conjunction with a student organization activity constitutes a violation of College policy.

Students and employees are reminded that the College is owned and operated by Bethany College of The Assemblies of God. The specific purpose of Bethany College is to propagate the Gospel of Jesus Christ as a college in affiliation with and under the auspices of the Assemblies of God, Northern California and Nevada District Council, Inc., a California Non-Profit Corporation, and the General Council of the Assemblies of God, a Missouri Non-Profit Corporation. The College is part of a Pentecostal denomination. All students and employees are expected to abide by the highest standards of Christian ethics. The College, and the Assemblies of God, interpret the

Bible to condemn: a) alcohol consumption in any form, and b) the possession, use and/or distribution of illicit drugs.

B. DEFINITIONS

“College activities” are defined as those activities that are sponsored by a College department or are sponsored by a recognized student organization. “College property” is defined as College-owned or leased grounds, facilities, or vehicles.

C. DESCRIPTION OF LOCAL, STATE, AND FEDERAL LEGAL SANCTIONS

1. Local sanctions

The City of Scotts Valley does not have municipal codes for alcohol offenses nor illicit drug offenses. The City uses State Codes.

2. State sanctions

California statutes prohibit the following acts:

Alcohol offenses:

Purchase by a minor. Any person under 21 years of age who purchases any alcoholic beverage is guilty of a misdemeanor (Official California Business & Professions Code § 25658a).

The above offense is punishable by a fine of not less than \$100, no part of which shall be suspended or the person shall be required to perform not less than 24 hours nor more than 32 hours of community service during hours when the person is not employed and is not attending school, or such combination of fine and community service as the court deems just.

Possession by a minor. Any persons under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor. This section does not apply to possession by a person under the age of 21 making delivery of an alcoholic beverage in pursuance of the order of his parent or in pursuance of his employment (Official California Business and Professions Code §§25662).

Drinking while driving. No person shall drink any alcoholic beverage while driving a motor vehicle upon any highway (State of California Vehicle Code §23220).

Drinking in motor vehicle. No person shall drink any alcoholic beverage while in a motor vehicle upon a highway (State of California Vehicle Code §23221)

Possession of marijuana or open container while driving: (a) No person shall have in his or her possession on his or her person, while driving a motor vehicle upon a highway, any bottle, can, or other receptacle, containing any alcoholic beverage which has been opened, or seal broken, or the contents of which have been partially removed. (b) Except as authorized by law, every person who possesses, while driving a motor vehicle upon a highway upon a highway, not more than an avoirdupois ounce of marijuana other than concentrated cannabis as defined by Section 11006.5 of the Health and Safety Code, is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100). Notwithstanding any other provision of law, if the person has been previously convicted three or more times of an offense described in this subdivision during the two-year period immediately preceding the date of commission of the violation to be charged, the previous convictions shall also be charged in the accusatory pleading and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, Sections 1000.1 and 1000.2 of the Penal Code are applicable to the person, and the court shall divert and refer the person for education, treatment, or rehabilitation, without a court hearing or determination or the concurrence of the district attorney, to an appropriate community program which will accept the person. If the person is so diverted and referred, the person is not subject to the fine specified in this subdivision. In any case in which a person is arrested for a violation of this subdivision and does not demand to be taken before a magistrate, the person shall be released by the arresting officer upon written promise to appear in court, as provided in Section 40500, and shall not be subjected to booking (State of California Vehicle Code §23222).

Possession of open container in motor vehicle: No person shall have in his or her possession on his or her person, while in a motor vehicle upon a highway, any bottle, can, or other receptacle, containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed (State of California Vehicle Code §23223).

Possession of alcohol in vehicle: Person under 21:

(a) No person under the age of 21 years shall knowingly drive any motor vehicle carrying any alcoholic beverage, unless the person is accompanied by a parent or legal guardian or is employed by a licensee under the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000) of the Business and Professions Code), and is driving the motor vehicle during regular hours and in the course of the person's employment.

(b) No passenger in any motor vehicle who is under the age of 21 years shall knowingly possess or have under that person's control any alcoholic beverage, unless the passenger is accompanied by a parent or legal guardian or is employed by a licensee under the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000) of the Business and Professions Code), and the possession or control is during regular hours and in the course of the passenger's employment.

(c) If the vehicle used in any violation of subdivision (a) or (b) is registered to an offender who is under the age of 21 years, the vehicle may be impounded at the owner's expense for not less than one day or more than 30 days for each violation.

(d) The driver's license of any person under 21 years of age convicted of a violation of this section shall also be suspended for not less than 15 days nor more than 30 days (State of California Vehicle Code §23224).

Illicit drug offenses:

Possession of a controlled substance. Prescription required: No person shall have in his/her possession any controlled substance except that furnished to such person upon the prescription of a physician, dentist, podiatrist, or veterinarian (Business & Professions California Code §4230).

Controlled substance/narcotic drug:

Unlawful acts; exception; burden of defense; punishment; probation: No person shall use, or be under the influence of any controlled substance which is (1) specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055 or (2) which is a narcotic drug classified in Schedule III, IV, V, excepting when administered by or under the direction of a person licensed by the state to dispense, prescribe, or administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances. It shall be the burden of the defense to show that it comes within the exception. Any person convicted of violating any provision of this section is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year in the county jail. The court may place a person convicted hereunder on probation for a period not to exceed five years and shall in all cases in which probation is granted require as a condition thereof that such person be confined in the county jail for at least 90 days. In no event does the court have the power to absolve a person who violates this section from the obligation of spending at least 90 days in confinement in the county jail. (§11550 Health and Safety Code)

Opium pipes; instruments for injecting or smoking controlled substances: It is unlawful to possess an opium pipe or any device, contrivance, instrument or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in subdivision (b) or (c) of Section 11054, or specified in subdivision (b) or (c) of Section 11055 or (2) a controlled substance which is a narcotic drug classified in Schedule III, IV, or V (Health & Safety Code §11364).

Presence in room or place where designated controlled substances are smoked or used: It is unlawful to visit or to be in any room or place where any controlled substances which are specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or which are narcotic drugs classified in Schedule III, IV, or V are being unlawfully smoked or used with knowledge that such activity is occurring. (Added by State. 1972, C. 1407, C. 1407, P. 3019, §3. Amended by State. 1973, C. 1078, p. 2181, § 15, eff. Oct. 1, 1973.) (Health and Safety Code §11365).

Adults employing or selling to minors; punishment; prior convictions:

(a) Every person 18 years of age or over who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale, or peddling any marijuana, who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give any marijuana to a minor, or who induces a minor to use marijuana in violation of law shall be punished by imprisonment in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than five years in state prison.

(b) If such person has been previously convicted once of any offense described in subdivision (d), the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 10 years in the state prison.

(c) If such persons has been previously convicted two or three times of any offense described in subdivision (d), the previous convictions shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 15 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 15 years in the state prison.

- (d) Any previous conviction of any of the following offenses, or of any offense in the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) or (c) or this section: (1) Any felony offense described in Section 11378, 11379, or 11380. (2) Any felony offense described in this division involving a controlled substance specified in subdivision (b) or (c) of Section 11055. (3) Any felony offense described in this division involving a narcotic drug classified in Schedule III, IV, or V. (Added by Stats.1972, c. 1407, p. 3018, § 3. Amended by Stats.1973, c. 1078, p. 2179, § 12, eff. Oct 1, 1973.) (Health and Safety Code § 11361).

### 3. Federal Sanctions

A description of the applicable legal sanctions under federal law for the unlawful distribution of illicit drugs is set forth in Appendix A to this program.

Legal sanctions for the unlawful possession or distribution of alcohol are found primarily in state and local law.

Legal sanctions under federal law for the unlawful possession of illicit drugs include the following:

21U.S.S. 844(a): 1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 3 years, and fined at least \$5,000 but not more than \$250,000 or both.

Special sentencing provisions for possessions of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to 4250,000, or both, if: (a) 1st conviction and the amount of crack possessed exceeds 5 grams; (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams; (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21U.S.C. 853(a)(2) and 881 (a)(7): Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment.

21U.S.C. 881(a)(4): Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

21U.S.C. 844(a): Civil fine of up to \$10,000 (pending adoption of final regulations).

21U.S.C. 853(a): Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for 1st offense, up to 5 years for second and subsequent offenses.

18U.S.C. 922(g): Ineligible to receive or purchase a firearm.

### Miscellaneous

Revocation of certain federal licenses and benefits, e.g., pilot license, public housing tendency, are vested with the authority of individual federal agencies.

### D. HEALTH RISKS ASSOCIATED WITH THE USE OF ILLICIT DRUGS AND THE ABUSE OF ALCOHOL

The health risks associated with the use of illicit drugs are summarized in Appendix B to this program.

#### ALCOHOL

Definition: "Alcoholic Beverage." "Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of 1 percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgement and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

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

### E. DESCRIPTION OF AVAILABLE SERVICES

#### 1. On Campus

Campus Life: The Office of Campus Life has counselors, for referral, available to help students with any problem that interferes with their academic or developmental progress. There is no charge for this service. The Dean of Students are also for counseling. Confidentiality is guarded carefully. No information is shared with anyone without the student's permission providing

that the said student voluntarily initiates the counseling process at the College. A student needing long term therapy generally is referred to other professionals off campus.

Miscellaneous: Since the College is a Christian educational institution, each faculty and staff member is expected to serve as a "counselor" to both students and employees. This "Informal" counseling is commonplace, and typically consists of Biblical instruction and prayer.

#### 2. Community services

Off-campus community counseling and treatment services are available from the following organizations:

Janus Alcoholism Services, 200 7th Ave., Suite 150, Santa Cruz, CA (408) 462-1060

New Life Center, 707 Fair Ave., Santa Cruz, CA (408) 427-1007.

Star Lodge Hospital, 5271 Scotts Valley Dr., Scotts Valley, CA (408) 438-2090.

The Camp, (residential), 3192 Glen Canyon Rd, Scotts Valley, CA (408) 438-1868.

Triad, 5321 Scotts Valley Dr., Suite 200, Scotts Valley, CA (408) 438-3521

#### F. PENALTIES OF VIOLATIONS

Violations of these Bethany College policies can result in disciplinary action up to and including discharge for employees and dismissal for students and referral for prosecution.

#### G. PROGRAM REVIEW

The College will conduct a biennial review of this program to determine its effectiveness, make changes where necessary, and ensure that it is consistently followed.

## Guidelines Relating to AIDS, ARC, and A Positive HTLV-III Antibody Test

Bethany College is a Christian community committed to a historical evangelical interpretation of Scripture. This community therefore believes it is the obligation of all persons to abstain from sexual intercourse outside of a monogamous heterosexual marriage. Some pre-marital conduct seeks to circumvent normal sexual activity reserved for marriage relationships. Such activity places the participants at extreme risk. In an effort to responsibly advise members of this community about the health hazards of such conduct, the following guidelines recommended by the American College Health Association have been adopted by the Policy and Planning Committee. These guidelines are not an endorsement of any of the activities discussed herein. What is commonly referred to as "safe sex" does not address the ethical, moral and Biblical issues present in a Christian community of the requirement to accept responsibility for the consequences of our behavior. The College urges all members of its community to practice an exemplary life—style which honors the human body as a temple of the Holy Spirit and glorifies Christ. Hatred, bigotry or prejudice toward any person or group is not consistent with Biblical standards of conduct.

1. Most students who have AIDS, ARC, or a positive HTLV—III antibody test, whether they are symptomatic or not, should be allowed regular classroom attendance in an unrestricted manner as long as they are physically able to attend classes.
2. There is not sufficient medical justification for restricting the access of students with AIDS, ARC, or a positive HTLV—III antibody test to student unions, auditoriums, restaurants, cafeterias, snack bars, gymnasiums, swimming pools, recreational facilities, or other common areas.
3. The Public Health Service recommends that the following observation be emphasized:
  - a. Even though they may be asymptomatic (having no visible symptoms), persons with confirmed positive HTLV—III antibody tests may transmit infection to others through anal or vaginal sexual intercourse, the sharing of needles, and possibly, exposure to others through oral—genital contact or intimate kissing.
  - b. The efficacy of condoms in preventing infection with HTLV—III is unproven, but the consistent use of them may reduce transmission.
  - c. Toothbrushes, razors, and other implements that may become contaminated with blood should not be shared.
  - d. Persons with AIDS, ARC, or a positive HTLV—III antibody test should not donate blood, plasma, other body organs, other body tissues, or sperm. The American College Health Association also endorses the request of the American Red Cross that persons who fall into defined risk categories for AIDS not donate blood or plasma. If persons with confirmed reactive (positive) antibody tests have accidents involving bleeding, contaminated surfaces should be cleaned with household bleach freshly diluted 1:10 in water. When seeking medical, dental, or eye care, these persons should advise the practitioner of their positive antibody status so that appropriate evaluation can be undertaken and precautions can be taken to prevent transmission to others.
4. Consideration of the existence of AIDS, ARC, or a positive HTLV—III antibody test should not be part of the initial admission decision for those applying to attend Bethany College.
5. The American College Health Association does not advocate the routine requirement that students be asked to respond to questions about the existence of AIDS, ARC, or a positive HTLV—III antibody test. It is, however, appropriate to encourage new students to inform the Dean of Student Development if they have AIDS, ARC, or a positive HTLV—III antibody test in order that the institution can provide them proper medical care and education. This, like all other medical information, must be

handled in a strictly confidential manner in accordance with institutionally approved procedures and requirements.

6. College officials should not undertake programs of screening newly admitted or current students for antibody to HTLV—III; neither should mandatory screening of employees be implemented. Especially, no single group should be screened
7. College health services should be familiar with sources of testing for antibody to HTLV—III, and should be able to refer students or employees requesting such testing. Health care providers should understand the capabilities and limitations of the test, and should be able to counsel those desiring to be tested or to refer them to counseling sources elsewhere. Testing should only be done where it is confidential or anonymous, where positive results can be confirmed by specific tests, and where both pre and post—test counseling are available.
8. Decisions about residential housing of students with AIDS, ARC, or a positive HTLV—III antibody test must be made on a case-by—case basis. Those making such decisions should keep in mind the fact that AIDS is a condition present in an individual, not one that inhabits a building. The best currently available medical information does not support the existence of a risk to those sharing dormitories with infected individuals; there may, however, be in some circumstances reasonable concerns for the health of those with AIDS or ARC who might be exposed to certain contagious diseases (e.g., measles or chicken pox) in a close living situation. Health officers in institutions with the flexibility to provide private rooms may wish to recommend that students with AIDS or ARC be assigned to such private rooms in the interest of protecting the health of those students. The American college Health Association recognizes that fear of AIDS may bring considerable pressure to bear on institutional housing officers
9. Guidelines concerning the handling of confidential medical information about students with AIDS, ARC, or a positive HTLV—III antibody test follow the general standards included in the American College Health Associations, Recommended Standards and Practices for a College Health Program, Fourth Edition, 1984. In general, it is recommended that no specific or detailed information concerning complaints or diagnosis be provided to faculty, administrators, or even parents, with out the expressed written permission of the patient in each case. This position with respect to health records is supported by amendment to the Family Education Rights and Privacy Act of 1974. Certainly no person, group, agency, insurer, employer, or institution should be provided any medical information without the prior specific written consent of the patient. Given the possibility of unintended or accidental compromise of the confidentiality of information, health officers should carefully weigh the importance of including any specific information regarding the existence of AIDS, ARC, or a positive HTLV—III antibody test in the medical record except in circumstances of medical necessity created by the evaluation of an illness. At minimum, the inclusion of any such information in the medical records should be discussed with the patient prior to its entry. Health officials and other institutional officers must remember that all confidential medical information is protected by statutes and that any unauthorized disclosure of it may create legal liability. The duty of physicians and other health care providers to protect the confidentiality of information is superseded by the necessity to protect others only in very specific, threatening circumstances. The number of people in the institution who are aware of the existence and/or identity of students or employees who have AIDS, ARC, or a positive HTLV—III antibody test should be kept to an absolute minimum, both to protect the confidentiality and privacy of the infected persons and to avoid the generation of unnecessary fear and anxiety among other students and staff.
10. There is no medical necessity for the College to advise others living in a dormitory of other students who have AIDS, ARC, or a positive HTLV—III antibody test. The responsibility to provide a safe living environment is best dealt with by educational programming as discussed earlier in this statement. Similarly, college officials should make no attempt in any other setting to identify those students or employees who have AIDS, ARC, or a positive HTLV—III antibody test.
11. College health policy should encourage regular medical follow up for those who have AIDS, ARC, or a positive HTLV—III antibody test. Special precautions to protect the health of immunologically compromised individuals should be considered during periods of prevalence of such contagious diseases as chicken pox and measles.
12. Those who are known to be immunologically compromised should be excused from institutional requirements for certain vaccinations, notably measles and rubella vaccines, as those vaccinations may lead to serious consequences in those with poorly functioning immune systems.
13. College health services must strictly observe public health reporting requirements for AIDS. Patients who meet criteria for the revised surveillance definition of AIDS must be reported to the local public health authorities. The detailed surveillance definition is included in: Centers for Disease Control: Revision of Case Definition of AIDS for National Reporting—United States: Morbidity and Mortality Weekly.
14. Information about those with AIDS, ARC, or a positive HTLV—III antibody test should not be shared with anyone other than the Dean of Students and/or the head of the college health staff. The forgoing guidelines have been adopted from the recommendations from the American College Health Association.

## **Bethany College Policy On Sexual Assault**

### **Definition**

For the purposes of this statement by the College, “sexual assault” includes, but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

### **Policy**

Sexual assault by force or coercion, including deliberate coercion through the use of drugs or alcohol, is absolutely unacceptable at Bethany College. Any member of the Bethany community who commits sexual assault at or on the grounds of the College, or at any of the College’s off-campus facilities or activities, or at the facilities or activities of any affiliated student organization, will face maximal institutional sanctions, in addition to any prosecutions external authorities may undertake. Bethany College is committed to providing information on services, resources, and treatment available to victims of sexual assault.

### **Notification**

With the consent of the victim, charges of sexual assault received by College offices or personnel shall be communicated promptly to Campus Life at 1440.

### **Legal Reporting Requirements**

Health care professionals are expected to fulfill legally mandated reporting requirements.

### **Emergency Services Available to Victims**

Victims of sexual assault are urged to seek immediate attention from emergency police, medical, and counseling services. On the Bethany campus and in the immediate vicinity, the following provide 24-hour response and will arrange for police assistance, medical assistance, emotional support services, and advocacy and support:

“911” Emergency Network: dial 9-911 from College phones or 911 from outside phones.

24 hour Campus Security: extension 1428.

Scotts Valley Police: 438-2323

Dominican Hospital Sexual Assault Nurse: 462-7744

Referral: Referral for short-term counseling, long-term therapy, follow-up pregnancy testing, and treatment for sexually transmitted diseases is available at Campus life at extension 1440. In addition, general counseling, information, support, and general referral is available.

### **Ombudsman**

The Academic Dean serving as ombudsperson (extension 1525) is available to all in the Bethany community for general counseling, advice, and advocacy.

### **Ongoing Case Management Procedures**

Both informal procedures and formal grievance procedures for case management of sexual assault charges are given in the College’s policy on Sexual Harassment appearing in the Bethany College Personnel Handbook and the Student Handbook.

Victims are to be kept informed by those responsible for those procedures of the status of any disciplinary proceedings and the results of any disciplinary action or appeal, providing that the victim agrees in advance, in writing, to treat this information as confidential.

The Offices of Academics is available to help student victims deal with academic difficulties that may arise because of the victimization and its impact.

Information Requests and Confidentiality: The College offices responding to charges of sexual assault have established protocols for protecting confidentiality and for handling inquiries from the press, concerned students, and parents.

Information about Options: The College offices responding to charges of sexual assault will inform victims, at a minimum, of the options of: criminal prosecution, civil prosecution, the disciplinary process, the appropriate grievance procedure, the availability of mediation, alternative housing assignments, and academic assistance alternatives.

## **POLICY & PROCEDURES FOR DISMISSAL OF STUDENTS WITH DISABILITIES**

### **504/ADA GRIEVANCE PROCEDURE**

#### **Overall 504/ADA Policy**

In compliance with Section 504 and the Americans with Disabilities Act, Bethany College seeks to support and accommodate students. Students with special needs should contact the Director of Educational Support Services to submit necessary paperwork and determine appropriate accommodations. In order to receive accommodations students must submit substantiating documentation from applicable professionals, review recommended accommodations with the director, sign the necessary release forms for extending accommodations, and share the Bethany forms for recommended accommodations with the requested faculty/staff.

Students need to take responsibility for proactively sharing substantiating documentation for accommodations with the Director of Educational Support Services, so that accommodations can be recommended to the appropriate faculty and staff in a timely manner at the beginning of each term. Accommodations are not granted on a retroactive basis. All students receiving accommodations under 504/ADA are to make appointments to meet individually with the director at the beginning of each term to review accommodations sheets for classes and residential needs. Students are also welcome to contact the director throughout each term to review their needs and receive support for pursuing a collaborative process with the faculty and staff of Bethany College in a desire to extend equal access and prevent discrimination.

Regardless of student disability, it is the students' responsibility to follow the policies and procedures of the college with regard to academic and technical qualifications, including faith and conduct, in order to be in good standing, or the student may risk warning, probation and potential disqualification/dismissal from Bethany College.

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 prohibit discrimination against individuals with disabilities. According to these laws, "No otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a public entity." Poor judgment and quick temper are not, in and of themselves disabilities, though they may be manifestations of a disability. After accommodations are granted for a student's disability, students must conform to conduct expectations of all Bethany College students.

"Qualified" with respect to post-secondary educational services means "a person who meets the academic and technical standards requisite to admission or participation in the educational program or activity, with or without reasonable modifications of rules, policies or practices; the removal of architectural, communication or transportation barriers; or the provision of auxiliary aids and services."

"Person with a disability" means "any person who: 1) has a physical or mental impairment which substantially limits one or more major life activities including walking, seeing, hearing, speaking, breathing, learning and working; 2) has a record of such impairment; or 3) is regarded as having such an impairment."

Disabilities covered by legislation include (but are not limited to) AIDS, cancer, cerebral palsy, spinal chord injuries, loss of limbs, multiple sclerosis, muscular dystrophy, diabetes, epilepsy, head injuries, hearing and visual impairments, specific learning disabilities, psychiatric disorders, and speech impairments. Note that accommodations for disabilities under 504/ADA do not include personal services, remediation, or guaranteed success. The intent of Bethany College is to support qualified students with disabilities while following the requirements of the law.

### Policy Regarding Dismissal

- A. No student who has a disability, or is regarded by the college as disabled, shall receive a long term suspension or dismissal or be asked to withdraw from the College unless he/she
  - 1) has violated Bethany College's standards of conduct as outlined in the Student Handbook;
  - 2) has failed to meet Bethany College's academic or other "technical" (including faith) standards for continued enrollment required of all students; or
  - 3) is determined to constitute a direct threat to him/herself or others
- B. Bethany College will not impose a long term suspension or dismissal/disqualification on a student with disabilities, or ask that such a student withdraw from Bethany College, for reasons that Bethany College or the student believe are related to, or caused by, the student's actual or perceived disability, without first providing the student with due process protections.
- C. In the event that a student with disabilities is properly dismissed, consistent with these procedures, Bethany College may set requirements for his/her readmission that are more stringent than those imposed on students seeking initial admission. Examples of these higher requirements may involve, but are not limited to:
  - 1) verification of a student's ability to live collaboratively in a residential setting,
  - 2) having a one year history of emotional stability without being destructive toward self or others
  - 3) an ability to maintain activities of daily living, such as health and personal hygiene for him/herself.

### Process With Regard to Dismissal for Violation of Technical Standards

1. Notice of the reasons for the proposed dismissal will have been preceded by the following steps:
  - a) verbal warning, which will be clearly documented with date(s) and circumstances of infraction in student's file
  - b) written warning of infraction(s) warranting continued concern in violation of Bethany College's technical standards, including Incident Reports brought to Student Life by Campus Security and other members of the Bethany community
  - c) probationary contract entitled Statement of Probation signed by student and Dean of Students
  - d) violation of contract leading to conference with student and dismissal/disqualification

The Director of Educational Support Services is notified at the onset of any dismissal process for all students so that support to 504/ADA students can be provided while preserving confidentiality. In case of absence of the Director of Educational Support Services, the Vice President for Academics is to be notified and included in conference to ensure collaboration and supportive due process under 504/ADA.

2. At any point in this process the student will have an opportunity to hear and rebut evidence that the student has failed to meet the conduct or technical standards of Bethany College, or constitutes a direct threat to him/herself or others.

In the event of direct threat, a student may be placed on 72 hour suspension, extendable for good cause and by mutual agreement, pending review by the Dean of Students, Vice President for Academic Affairs, and Director of Educational Support Services. Following their review, the student may face possible dismissal from the College, or be placed on probationary status.

Bethany College may dismiss a student from a college program, when, as a result of disability, the student's participation in the program constitutes a "direct threat." A direct threat is a significant risk of causing substantial harm to the health or safety of the student or others that cannot be eliminated or reduced to an acceptable level through the provision of reasonable accommodations. An assessment will be made by an individual qualified to assess whether a direct threat is present. It may be either an external person with expertise or an internal person from Bethany College who is qualified to make such a determination. In neither case will the person making the assessment be involved in making the decision whether or not to dismiss the student. The student will be provided opportunity to introduce counter evidence and independent professional assessment at both the assessment and decision points in the case of dismissal due to direct threat.

3. In the event that the student is judged to have failed to meet Bethany College's conduct or academic/technical standards, the student shall be permitted an opportunity to demonstrate any of the following:
  - a) On the basis of equal treatment, his/her punishment should be mitigated (e.g. that students without disabilities were not dismissed for comparable offenses, or were readmitted based on extenuating circumstances).
  - b) That he/she requested and was denied a reasonable accommodation that is reasonably connected to the failed performance or conduct.
  - c) That, with reasonable accommodation, he/she can meet the standards of Bethany College in the future. This may include the accommodation of living off campus in an appropriately supportive environment (such as a group home), rather than residing in the college dorms, according to college policy.

### Grievance Procedure for Dismissal/Disqualification Due to Violations of Technical Standards

The grievance procedure for the prompt and equitable resolution of complaints of discrimination on the basis of disability will follow the appeal process outlined in the Student Handbook. Following a "discipline review meeting" in which an action of dismissal/disqualification is taken, a student who wishes to appeal that decision based on perceptions of discrimination due to a documented 504/ADA condition may pursue the appeal process described in the Student Handbook, as modified below for 504/ADA related issues. There are two levels of appeal at Bethany College for students who have been dismissed/disqualified due to violations of technical standards.

Level 1 Appeal is to the Disciplinary Review Advisory Committee (DRAC) assigned by the President, utilizing the format outlined in Appendix C, pages 70 and 71 of the Student Handbook. In the interest of protecting student's confidentiality regarding his or her disability, the composition of the committee will be modified so that no students serve in these situations. Appeals may be made to the DRAC if any of the following conditions exist:
 

1. There is evidence that procedural fairness was not granted during the disciplinary process.
2. New evidence has been discovered that the Student Life Team was unable to consider at the time of the initial discipline process.
3. There is substantial evidence that a member(s) of the Student Life Team was (were) biased toward the student.
4. There is evidence that the dismissal/disqualification did not allow for mitigating circumstances due to accommodations granted through documented conditions covered under 504/ADA policies.

The appeal must be made in writing to the Dean of Students within 48 hours of the original decision. The written appeal shall consist of a statement of detailed facts that make the appeal necessary. The DRAC will meet within five days to hear the appeal and decide whether the appeal should proceed to a hearing. All disciplinary sanctions placed on the student will remain in effect while the appeal is in process.

Level 2 Appeal is to the President, and is the final stage of appeal at the college level.

If, after the DRAC dismisses or disqualifies a student, the student may appeal to the College President. The student must submit a formal letter of appeal to the President describing the rationale for the appeal. The student must also submit a formal letter to the Student Life Office requesting any data regarding the issue to be forwarded to the President's office. The letters must be submitted within five business days of the DRAC's decision.

The President shall review all information provided. The President shall exercise presidential prerogative on a case by case basis. This may involve conducting interviews, forming an advisory committee, refusing to review or opting not to hear an appeal based on his satisfaction with the DRAC's decision.

The decision of the President is final and no further appeal is open to the parties at the College. The President shall issue a decision in writing to the parties within five business days. All disciplinary sanctions placed on the student will remain in effect while the appeal is in process.

### Process With Regard to Dismissal/Disqualification for Violation of Academic Standards

1. Students must maintain Satisfactory Academic Progress as described in the College Catalog (see under Grade Policies) Note: All students with disabilities who have submitted substantiating paperwork to the Director of Educational Support Services and qualify under 504/ADA will have the support of the

director as a secondary advisor, regardless of GPA. Also, all students on Academic Warning or Probation will have the director as a secondary advisor. The purpose is to assist and support students with special needs toward academic success at Bethany College.

- a) Should a student enter Bethany College on Academic Probation, he/she must achieve a minimum cumulative GPA of 2.0 to attain Good Standing at the college. A student on Academic Probation is required to enroll in Study Skills and attend the Student Individualized Learning Center.
  - b) A continuing student who receives a term GPA below 2.0, but whose cumulative GPA remains above a 2.0, will be put on Academic Warning for one term and encouraged to enroll in Study Skills and utilize the Student Individualized Learning Center. If the student's term GPA in the succeeding semester does not increase to a 2.0, but his/her cumulative GPA remains above 2.0, Academic Warning status will be continued.
  - c) A student whose cumulative GPA drops below 2.0 will be placed on Academic Probation for one semester.
  - d) A student on Academic Probation who does not attain at least a cumulative 2.0 GPA will be Academically Disqualified from Bethany College.
  - e) A student must successfully complete a certain percentage of the credits attempted (currently 66%) to be considered to be making Satisfactory Academic Progress. This criterion, known as Rate of Progress toward completion, is also used in the Academic Progress Review. Failure to meet Rate of Progress requirements leads to a student being placed on Academic Probation for a semester. If the student does not meet the Rate of Progress requirement after a semester, the student may be allowed to continue enrollment, but is not eligible to receive financial aid.
  - f) If progress is being made but criteria for Satisfactory Academic Progress has not been achieved, a second semester of Academic Probation may be requested by written appeal to the Vice President for Academics.
2. For all students, an Academic Honor Code violation will result in a student receiving an "F" in the class, and the Office of Academics will be notified so that if the student is involved in further plagiarism or cheating, he/she may face expulsion from the College.
    - a) As noted in the college catalogue, Bethany students are expected to exhibit Christian integrity in all aspects of their college life. Cheating on examinations or other course work will lead to disciplinary action by the faculty member involved and/or the Academic Affairs Committee.
    - b) Plagiarism is the stealing or passing off as one's own the words or ideas of another. This includes using another's words verbatim, in paraphrased form, or using another person's ideas, thoughts, or theories without proper documentation; for example, all Internet sources must be cited.
  3. For students qualifying under 504/ADA, course substitutions will be determined by a deliberative process involving the following determinations:
    - a) The requirement's value in the degree sought by the student; hence consideration will be given for the significance of the course content as essential core knowledge in the field of study.
    - b) Did the student take full advantage of proffered accommodations and tutoring support?
    - c) Did the student demonstrate with appropriate documentation that his/her weakness in a subject was itself disabling or sufficiently related to an ADA/504 disability?
    - d) When a course substitution is granted the student will receive notification allowing documentation and verifying informed consent, so that the student is made aware that the substitution is only applicable in this college and is not binding on any other college or program within the college; further, the student will be notified that the substitution may ultimately affect further studies at this college or other colleges and universities, including graduate studies, and finally, that the course substitution is being granted based on the student's disability.
    - e) If a student has received a grade of F in a course as a result of causes later determined to be related to a qualifying 504/ADA disability, the student may request that the Instructor change the grade to an NC. If the instructor declines or is no longer employed by the College, the student may then appeal to the Academic Affairs Committee to have the grade changed to an NC. A grade of NC will not impact the student's GPA, but may have an adverse impact on the student's Rate of Progress.

#### **Academic Appeals Procedure (as per Academic Catalog )**

1. Students qualifying under 504/ADA are required to follow the same academic appeals procedure as noted in the Academic Catalog, p.14, while recognizing that they will have first had the option of submitting the confidential form for recommended accommodations to their professors. Should the recommended accommodations have been inadequate for their needs, students should notify the Director of Educational Support Services in the first weeks of class to facilitate possible revisions. (Note: accommodations are presumed effective unless student notifies professor and Director of Educational Support Services otherwise. Accommodations do not guarantee academic success.)
2. All questions and complaints regarding grades and class issues should be discussed with the classroom instructor before the matter is appealed. (Students making allegations of harassment or hostile environment against a professor need not discuss

those with the professor before continuing this appeal process.) A student who has questions should first be sure he/she has complied with the requirements of the syllabus and announcements made by the teacher in class, unless the student has received an agreed upon accommodation. Any disputes must be discussed with the professor within fourteen calendar days after the issuance of the disputed grade or assignment.

3. If a student continues to feel that a grade or assignment is unreasonable after conferring with the classroom instructor, he/she may appeal to the Vice President for Academic Affairs. If the student feels this relates to a lack of fairness concerning his/her disability, the Director of Educational Support Services may be consulted and assist the student in the appeal process. This appeal must be made in 14 calendar days following the conference with the instructor.
4. If the student wishes to appeal further, the Vice President for Academics may refer the matter to an ad hoc appeals committee composed of qualified faculty, staff and student representatives. If the appeal involves a 504/ADA disability, the composition of the appeals committee may be adjusted by the Vice President for Academics to preserve the confidentiality of the student who is making the appeal.

#### **Appeal Process for Academic Disqualification**

Prior to the beginning of the next term, a student who has received notice of Academic Disqualification may appeal to the Vice President for Academics. To be considered, the appeal must be submitted in writing consistent with the deadline outlined in the Letter of Disqualification. The Vice President for Academics will thoughtfully weigh the student's reasons and inform the student of the decision in writing prior to the first day of classes.

#### **Readmission Following Academic Disqualification**

Students who have been disqualified may apply for readmission to Bethany College upon completion of 12 units of academic college work with a GPA of "C" or above according to the readmission policy of the College and pending other holds, financial or technical, on the student's record. No student with disabilities shall be discriminated against in this policy, but the student will be expected to fulfill any requirements of readmission discussed and recorded at the time of disqualification from the College.

#### **Recourse to the Office for Civil Rights**

If the student is dissatisfied with his/her treatment and believes there to have been a violation of his/her rights under 504/ADA, the student may file a complaint with the U.S. Department of Education, Office for Civil Rights, Ninth Circuit, 50 United Nations Plaza, Room 239, San Francisco, California 94102.