



## **ASHLAND THEOLOGICAL SEMINARY STUDENT CONDUCT CODE**

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### **I. STATEMENT OF PURPOSE**

Ashland Theological Seminary is committed to the preservation of an environment where every student can study in a safe environment conducive to the fulfillment of our mission. The Faculty, Staff, Administration and Board of Trustees are each dedicated to this end in the establishment of the following Code of Student Conduct.

## **The Aspiration of Matthew 18**

Student members of our community are responsible for their own behavior, as well as holding each other accountable. As a seminary whose mission calls for integration of personal transformation and learning, we are committed to the model of accountability found in Matthew 18:15-17 which reads:

*"If a brother or sister sins, go and point out the fault, just between the two of you. If they listen to you, you have won them over. But if they will not listen, take one or two others along, so that every matter established may be established by the testimony of two or three witnesses. If they still refuse to listen, tell it to the church; and if they refuse to listen even to the church, treat them as a pagan would a tax collector." (TNIV)*

The expectation is that as brothers and sisters we, as students, first seek reconciliation based upon a love relationship with and our unity in Christ.

This system of community accountability creates an environment where students can experience personal growth, learn self-discipline, enjoy the support of others, and develop skills in good decision making. The desire of our student conduct code and our approach to resolution is aspirationally redemptive and restorative.

Seminary personnel desire to journey with students by providing accountability while extending grace, care, love and forgiveness.

## **Community Expression of Matthew 18**

Each member of the Seminary community should seek to be fully aware of his or her own behavior and the positive and negative effects that behavior can have upon the rest of the community. If you know your behavior is outside the limits established by the Seminary and want assistance to reconcile with the community with a change of behavior, you are encouraged to take the initiative and discuss your concern with a student life staff member without the threat of disciplinary action. In the case of such personal concerns, student life staff will help you toward growth and assist you in living within the community guidelines. Exceptions to confidentiality in this approach may be when behavior is self-destructive, hazardous to others, or involves a significant legal issue in which the seminary is obligated to uphold the law and report to appropriate persons.

Conversely, if you know a student who is violating the community expectations, you are encouraged to go directly to that person and express your concern about the behavior and about the consequences it might have on the individual and community. . Ask the student if he or she is willing to change the offending behavior and live within the community expectations. If there is a positive response and the behavior changes, the problem may be resolved. If your confrontation does not solve the problem, and the problem in your estimation is serious, or there is a continuing pattern of adverse behavior, encourage the student to seek assistance from a student life staff member or tell them you will go with them to get help.

If a student life staff member receives information about an incident or situation it can no longer be defined only as a personal problem. It may be considered a community issue and dealt with through the community accountability process. Ignoring problem behaviors give tacit and unspoken approval to the behaviors in question and do nothing to restore the individual's relationship with the community.

## II. AUTHORITY AND JURISDICTION OF THE SEMINARY

Ashland Theological Seminary possesses the authority and responsibility to monitor the conduct of any visitor, whether enrolled as a student or otherwise, to its main campus, or to any location at which it provides classes. Ashland Theological Seminary also possesses the authority and responsibility to monitor the conduct of any person engaged in an activity sponsored in whole or in part, whether on or off Seminary or University property. A guest may be asked to leave a location and/or activity if conduct is deemed in violation of the Student Conduct Code by a faculty member or administrator present.

The Seminary may assert jurisdiction over a student while on property owned or occupied by the Seminary, as well as students engaging in any Seminary activity, whether on property owned or occupied by the Seminary or elsewhere. The Seminary reserves the right to take action for behavior of a student not occurring on property owned or occupied by the Seminary, or not engaging in a Seminary activity, when such behavior has, or reasonably may have, an adverse impact on Ashland Theological Seminary. Any student involved in an activity which may give rise to civil or criminal culpability may also be subject to disciplinary action by the Seminary when, in the sole discretion of the Seminary, such action has, or reasonably may have, an adverse impact on Ashland Theological Seminary. The Seminary reserves the right to determine the timing of implementing disciplinary action against the student.

## III. DEFINITIONS

- A. **Student:** Any person registered in one or more courses in any degree program, diploma, program, certificate program, non-degree program or class on any campus of Ashland Theological Seminary. Teaching or Graduate Assistant and Interns, if also registered as students, are classified as students for the purpose of this Code.
- B. **Campus:** All property/programs owned, leased or affiliated with Ashland Theological Seminary and/or Ashland University.
- C. **Member of the Ashland Community:** Any Ashland Theological Seminary or Ashland University faculty member, student, employee, or Trustee, as well as any person on campus who is an employee of an entity with an ongoing relationship, whether contractual or otherwise, with Ashland Theological Seminary or Ashland University.
- D. **Incident Report:** The initial document setting forth facts suggesting the violation of a rule or regulation of Ashland Theological Seminary or Ashland University by a student.
- E. **Schedule Letter:** The formal document alleging the violation of a rule or regulation of Ashland Theological Seminary or Ashland University by a student for which a sanction may be imposed.
- F. **Appropriate Administrator:** The AVP for Enrollment and Student Services or his/her designate.
- G. **Student Conduct Conference:** A session held between the Appropriate Administrator and the student named in an incident report to seek resolution to the concerns raised.
- H. **Student Conduct Committee Hearing:** A committee made up of five community members to address the conduct violation if resolution is not found in the Student Conduct Conference.
- I. **Executive Session:** The sanctioning part of the process which follows the conclusion of the Student Conduct Committee Hearing.

## IV. REGULATIONS AND POLICIES

Most regulations follow. However, others are published elsewhere, either in the Seminary catalog, Student Handbook or other Seminary publications.

As applicable to students, the following activities are hereby prohibited:

### A. Safety

1. **Physical Abuse/Self-Endangerment:** Physical abuse – the use of force on another person. Self-endangerment – Threatening or attempting to intentionally harm self.
2. **Harassment:** Threatening to harm, intentionally harassing, hazing, stalking, coercing, intimidating or seriously embarrassing any person through conduct which would offend a reasonable person. For further policies and guidelines regarding harassment, see the Seminary Student Handbook.
3. **Dangerous Weapons:** Possession, use, sale, or distribution anywhere on any campus or at any activity sponsored, either in whole or in part by Ashland Theological Seminary or Ashland University, of a dangerous weapon is prohibited. “Dangerous Weapons” include but shall not be limited to all firearms, BB and pellet guns, knives, ammunition, explosives, fireworks and firecrackers of any type, and all other illegal weapons. No person shall carry a concealed weapon whether under proper license or otherwise, on any campus or other property owned or occupied by Ashland Theological Seminary or Ashland University.
4. **Sexual Imposition/Indiscretion:** Engaging in sexual conduct with another person when (a) the sexual contact is offensive to the victim; (b) the victim’s ability to appraise the nature of or control the offender’s conduct is substantially impaired; or (c) the victim is unaware of the sexual contact.
5. **Drugs:** Possession, use, cultivation, or manufacture, sale or distribution on any campus of any drug, or drug paraphernalia, except under the direction of a licensed physician or as expressly permitted by law. Conviction of any federal, state, or local law of any drug offense is a violation of this policy.

### B. Property

1. **Unauthorized possession, use or removal:** Unauthorized possession, use, or removal from a designated area of property belonging to Ashland Theological Seminary or Ashland University, any member of the Ashland community, or any guest or vendor.
2. **Destruction/Damage to Property:** Destruction, damage, or defacement, including damage to technological equipment or network services belonging to Ashland Theological Seminary or Ashland University, any member of the Ashland community, or any guest or vendor.

### C. Integrity

1. **Failure to meet financial obligations to Ashland Theological Seminary or Ashland University or giving the Seminary or University a worthless check.**
2. **Failure to comply with requests/sanctions:** Failure to follow oral or written instructions regarding Seminary policies or federal, state, or local laws by a properly identified Seminary official whom the Board of Trustees or the President of the Seminary has vested authority to give such instruction, or knowingly interfering with or obstructing students, faculty, or staff acting in the performance of their assigned duties. Cooperation with staff in their assigned duties is expected. Failure to comply with a judicial sanction may result in suspension or dismissal.
3. **Deception, Fraud and/or Misuse of Documents/Technology:** Furnishing false information to Ashland Theological Seminary or Ashland University, including but not limited to representing oneself as another (in writing or in person), knowingly supplying false or misleading information to Seminary or University officials, unauthorized possession of an ID or false ID or falsifying, tampering, altering, forging, or misusing any Seminary or University record, computer,

- technology, or official document. For additional information, see the Student Handbook section entitled “Information Technology Acceptable Use Policy”.
4. Dishonesty in Student Conduct Matters: Dishonesty before Seminary or University student conduct bodies, knowingly misrepresenting verbally or in writing the nature of events or identification of persons or failing to appear before an appropriate student conduct body by a complainant or collaborators when requested by an official member of the Student Conduct process.
  5. Inappropriate Behavior: Disorderly conduct, or an act which violates the Seminary’s policies as stated in the Student Handbook or which jeopardizes the integrity of Ashland Theological Seminary, or any of its community members, guests, or vendors. Behavior which is deemed by Seminary officials to be unethical or irresponsible due to the influence of drugs or alcohol is also a violation of this policy. Because students are representatives of Ashland Theological Seminary and Ashland University, inappropriate behavior violations can include activities which occur off campus. Conviction of any federal, state, or local criminal statute is a violation of this policy.
  6. Classroom Disruption: Activity or behavior which interferes with an instructor of faculty member’s ability to teach or any student’s ability to learn. The instructor or faculty member retains latitude in determining whether activity or behavior is disruptive.
- D. Accessory Responsibility: Aiding, abetting, inciting, or cooperating with another person in the commission of a violation of regulations. All members of the Ashland community have the responsibility for enforcing rules and reporting violations. Any individual, when Seminary or University policies are being violated, is subject to the same disciplinary action as the violating party. Students are responsible for the behavior of their guests.
- E. Traffic, Parking, and Vehicle Operation: Any person operating a motor vehicle on Ashland Theological Seminary or Ashland University property, or any campus, will be responsible for complying with University vehicle and parking regulations. Persons found to be in violation of such regulations may be ticketed and/or subject to student conduct action in accordance with the severity of the offense.
- F. Academic Integrity: Please see the Academic Integrity Policy in the Ashland Theological Seminary Student Handbook.

## **V. RIGHT OF A STUDENT AGAINST WHOM A COMPLAINT HAS BEEN BROUGHT**

If the process of reconciliation outlined in Section I of this document has not produced compliance and/or resolution and a complaint is then brought against an Ashland Theological Seminary student, the student has the following rights:

- a. Being informed in writing of specific violations being addressed;
- b. Having sufficient time to allow for the preparation of his/her response;
- c. Having the right to the incident report being processed in a timely manner;
- d. Requesting a full Student Conduct Committee Hearing if one can be convened in a timely manner;
- e. Questioning a student conduct hearing member’s ability to participate fairly in a Student Conduct Committee Hearing;
- f. To have a support person accompany him/her during the student conduct process. Said person cannot be a lawyer;

- g. Having witnesses appear on his/her behalf during a student conduct hearing. If a witness cannot appear, a signed statement by the witness may be submitted as long as it is witnessed by a Seminary official verifying the writer. Witnesses may be required by the appropriate administrator or his/her designee;
- h. Being entitled to know the nature and source of the evidence at the time that the incident is processed and to be informed of the final outcome of the case in writing;
- i. Understanding that all conferences and hearings shall be closed to the public;
- j. The Ashland community may be informed when a student accepts responsibility or is determined responsible through the Seminary conduct code process for committing a violation of physical abuse, vandalism, and sexual imposition. The specific information provided will be the student's name, the violation, and the sanctions issued;
- k. Having the opportunity to appeal as outlined in the Seminary Student Conduct Code section X.

## **VI. COMPLAINANT'S/VICTIM'S RIGHTS**

If an Ashland Theological Seminary student is the complainant, the student has the following rights:

- a. To be treated with respect and dignity by all institutional personnel;
- b. To be made aware of appropriate counseling, medical resources, and academic assistance as determined by the Seminary, when requested;
- c. To reasonable accommodations in campus residence or classes as determined by the Seminary;
- d. To information pertaining to the campus student conduct process as well as criminal and civil options;
- e. To request that student conduct violation charges be pursued;
- f. To have a support person, parent, or spouse accompany him/her during the student conduct process. Said person cannot be a lawyer;
- g. To speak at the Student Conduct Committee Hearing in a seat not directly facing the accused if the complainant requests;
- h. To remain present throughout Student Conduct Committee Hearing proceedings excluding the executive session;
- i. To submit questions to be asked during the Student Conduct Committee Hearing proceedings, subject to the discretion of the appropriate administrator or his/her designee;
- j. To be informed of the Student Conduct Committee Hearing and Executive Session results so long as sharing the information does not cause the Seminary to violate any privacy laws. Student Conduct Committee Hearing members are trained to support and serve as advocates for complainants and victims as well as the accused;
- k. The complainant has the right to appeal a decision of the Student Conduct Committee.

## **VII. PROCESS FOR ADDRESSING VIOLATIONS OF THE STUDENT CONDUCT CODE**

### Initiation of Incident Report

When the conduct of a student reasonably appears to constitute a violation of any rule or regulation of Ashland Theological Seminary, and the process of Matthew 18 (identified in Section I) has been pursued without compliance or restoration occurring, any member of the Ashland Community may file an Incident Report with the appropriate administrator. Such Incident Report shall contain facts which the person filing the document believes constitute the violation of a rule or regulation of Ashland Theological Seminary.

### Reasonable Grounds Determination

If, in the opinion of the appropriate administrator, there exists grounds to believe a student has violated the Student Conduct Code of Ashland Theological Seminary, the appropriate administrator or his/her designee shall prepare a file of the complaint, setting forth the conduct alleged to be a violation of a rule or regulation of Ashland Theological Seminary, the place or places and the date or dates on which such conduct occurred and shall state the specific rule or regulation alleged to have been violated.

### Notice to the Student

A copy of the complaint shall be delivered to the student along with a notice of the date and place a Student Conduct Conference shall take place. The notice shall be delivered via email and/or by certified mail, return receipt requested.

### Student Conduct Conference

In time a Student Conduct Conference shall be held. The appropriate administrator or his/her designee shall be the officer at such conference and will be joined by a selected administrator for record keeping. The conference may be recorded for the purpose of appeal. At the beginning of the conference, the officer shall indicate the nature of the offense, the rule or rules to have been violated and the possible sanction(s) capable of being imposed. The student shall accept or deny responsibility for the allegations contained in the incident report. In the event the student accepts responsibility, the hearings officer may reach an agreed disposition with the student. In this event, a document stating the conduct, the rule or regulation which the student admits to having been in violation and the disposition because of such admission shall be prepared.

At this time, the conference officer will assign and communicate appropriate sanctions or refer the matter to a Student Conduct Committee Hearing.

## **STUDENT CONDUCT COMMITTEE HEARING**

### Members of the Committee

In the event it becomes necessary to convene a Student Conduct Committee Hearing, two students from the Center specific Student Roundtable, one faculty member, and one administrator shall be selected by the Associate VP for Enrollment and Student Services, or his/her designee, to serve on the committee. The student will be asked if any member of the committee should be disqualified on the grounds of personal bias. Mere employment by Ashland Seminary of any faculty member or staff employee shall not constitute cause of recusal.

### Time for Hearing

In a reasonable amount of time, the hearing will commence. For good cause, this hearing may be continued for a reasonable period. The purpose of such hearing shall be to resolve any defects in the procedure to date as well as to identify any defenses presented by the student. Any affirmative defenses shall be asserted at this hearing. Both the appropriate administrator and the student shall identify the names of any party who may be called to give testimony in the matter. The committee shall set a date certain for an adjudication of the complaint.

## Procedure

The appropriate administrator or his/her designee will describe the case before the committee. The complainant, one suspected of a violation, and advocates should be identified and the Incident Report read. An explanation of charges may also be read from the Student Handbook. The one suspected of a violation will accept or deny responsibility for the violation.

The complainant will be asked to affirm that all statements are the truth and that knowingly misrepresenting any information to the committee is a violation of the Student Conduct Code. After affirming, the complainant will describe the incident to the committee. Committee members may ask questions of the complainant. Complainant may call collaborators who will submit a written and signed statement to the committee. Collaborators must also affirm that the statements expressed by them are truthful and that knowingly misrepresenting any information to the committee is a violation of the Student Conduct Code. Committee members may again question the complainant and his/her witnesses.

The one suspected of a violation will follow the process described in the preceding paragraph.

Both the complainant and the one suspected of a violation are given the opportunity for final statements. The committee members may ask additional questions. The committee dismisses the complainant; the one suspected of a violation and advocates/collaborators and enters the Executive Session.

## EXECUTIVE SESSION OF THE STUDENT CONDUCT HEARING COMMITTEE

Deliberations of the Committee shall not be public or audio/video recorded. In cases not involving suspension or dismissal, at least two thirds (2/3) of the members of the Committee must agree upon a decision. In cases involving suspension or dismissal, a decision to suspend or dismiss must be unanimous. The standard of proof is a preponderance of the evidence. The Committee shall present its decision in written form, and shall make findings of fact and conclusions based upon the application of rules and regulations involved. A recording of the hearing, but not the Committee's deliberation, may take place, but any recording made by the Seminary or the University shall be the property of the Seminary or University. In the event the student desires a copy of a transcript of such a recording, it shall be at the expense of the student.

## **VIII. SANCTIONS**

- A. **Disciplinary Probation:** A sanction which defines a student's status for a specific amount of time; future infractions will result in either suspension or dismissal.
- B. **Suspension:** Exclusion from the Seminary campuses, classes, and other Seminary activities for a specific amount of time, which may range from several days or weeks to the remaining portion of a quarter or to a period of up to two (2) years. During this time period the student is not allowed on campus or at any Seminary activities. A student given the sanction of suspension is excluded from classes with no right to take tests or make up work missed during the remainder of the quarter. The student shall be withdrawn from classes and issued the grade of "W" (withdraw) at the request of the appropriate administrator or the Director of Enrollment Management. No credit will be granted for any class graded "W" (withdraw). No tuition for the quarter from which the student withdraws will be refunded.
- C. **Dismissal:** Termination of student status either permanently or for a period of no less than two (2) years after which the student may apply for readmission. During this time period, the student is not permitted on any Seminary campus or at Seminary activities. The student shall be withdrawn from classes and issued a grade of "W" (withdraw) at the request of the appropriate administrator or

- the AVP for Enrollment and Student Services. No credit will be granted for any class graded “W” (withdraw). No tuition for the quarter from which a student withdraws will be refunded.
- D. Restitution: Reimbursement for damage, destruction, or misappropriation of property. This shall not be considered a punitive fine, but a charge to repair, replace, or compensate for damage, destruction or misappropriation of the property involved.
  - E. Notification to Others: Providing notice to those deemed necessary or appropriate to further support the student, or to whom such notice may be necessary or required. Persons or institutions having a legitimate interest in the conduct of a student may be notified.
  - F. Education/Judicial Assignment: An assignment to be completed by a specific time in a satisfactory manner. It can include drug and/or alcohol education or assessment, counseling services, meeting with Seminary officials, required community service, writing of reflection /learning outcomes papers or writing letters of apology. Any costs associated with this sanction shall be the responsibility of the student.
  - G. Loss of Privilege: The temporary or permanent loss of the privileges associated with the use of services or goods provided by Ashland Theological Seminary, Ashland University or affiliated entities.
  - H. Removal of Property: Requiring the student to remove any property owned or possessed by the student and situated on campus property. Removal will be completed in a timely manner or will be done at the expense of the student.
  - I. Restriction: Restriction and/or revocation of campus privileges for a specific period of time. Such restriction shall exclude the student from a designated area and/or a designated activity.
  - J. Withholding of Degree: In order for a student to be approved for graduation, the student must resolve any outstanding student conduct charges and must comply with all sanctions issued. A degree shall be withheld should there remain any further activity on the part of the student subject to judicial sanctions.

## **IX. INTERIM SUSPENSION**

In the event the conduct of a student poses a risk to the health, welfare, or security of members of the Ashland community, or to the property of Ashland Theological Seminary or Ashland University, the Seminary may, during the pendency of any matter, either before or after a complaint has been filed, suspend the student. In such event, the AVP for Enrollment and Student Services shall notify the Seminary President and the Academic Dean, setting forth facts which state that the conduct of the student poses or could reasonably pose a threat to: (a) the stability and continuance of normal Seminary functions; (b) Seminary or University property, and/or; (c) the emotional/physical welfare of the student in question, or to other persons.

In such event the Associate VP for Enrollment and Student Services or his/her designee impose an interim suspension without a hearing, the student will immediately be notified and shall have the right to request a hearing on such suspension. Any hearing requested by the student shall be limited to a determination as to whether grounds exist for the imposition of the interim suspension. The standard of proof shall also be a preponderance of the evidence.

## **X. APPEALS**

In the event the student disagrees with the decision of the Committee, he or she may appeal the student conduct decision to the appropriate administrator. The student shall give notice of appeal no later than five (5) business days from the date of the student conduct decision. The student shall also indicate the grounds for and evidence in support of such an appeal and indicate what relief he/she seeks. Any appeal is limited to proof of: 1) prejudicial errors in the procedure of the hearing of the Student Conduct Committee which significantly affected the fairness of the judicial process, 2) the penalty is excessive, 3) the decision of the Executive Session is arbitrary and/or capricious, and 4) evidence unavailable for presentation during the hearing of the Student Conduct Committee, which was unavailable for reasons not caused by the student, is now available. The student shall deliver a copy of his/her appeal to the appropriate administrator. The decision to any appeal must be in writing.

## **XI. RETALIATION**

Ashland Theological Seminary strictly prohibits retaliation against any person reporting, assisting or participating in any manner in any community accountability investigation or proceeding. Retaliation is any action by any person that is perceived as: intimidating, hostile, harassing, retribution, or violent that occurred in connection to the making and follow-up of the report. This includes retaliation of any kind, whether it is by an employee, student, visitor or other third-party. Any person violating this policy may be subject to appropriate community accountability, up to and including termination if they are an employee, and suspension or dismissal if they are a student.

## **XII. EXCLUSIONS**

This Code shall not apply to matters involving Academic Integrity. Such matters are covered under the Academic Integrity Policy found in the Student Handbook.

## **XIII. AMMENDMENTS**

The Seminary Cabinet reserves the right to amend this code from time to time and will provide written communication of such amendments to the Seminary community in a timely manner.

Adopted: March 13, 2008

Revised: July 2013