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This handbook is not to be construed as a contract. The University reserves the right to change policies, procedures, and regulations to protect students, the University and adhere to the best practices. These changes can be made at any time and will take effect when the administration determines that such changes are prudent. Students will be notified of changes in a timely manner via email, official announcements, and postings to BCYOU (student portal) and campus bulletin boards.

Students are responsible for reading this handbook, official announcements, notices posted on bulletin boards, campus emails, and otherwise to be informed completely in regard to information related to their role as a student at Briar Cliff University.

I. STUDENT CODE OF CONDUCT

Briar Cliff University has as its primary objective, the academic, social and personal development of each student. The University strives to preserve for all of its students an environment that is conducive to academic pursuit, social growth, and individual discipline. Students are expected to behave in a moral and ethical manner, both on and off campus. It is essential that mutual respect for, and sensitivity to, the needs of others be accepted by all members of our community in accordance with the Catholic and Franciscan ideals of Briar Cliff University.

All students are expected to act responsibly and within the regulations and standards established by the University and all civil laws and ordinances. It is impossible to list every category or specific example of conduct serious enough to warrant discipline; therefore, the University reserves the right to initiate disciplinary action and seek appropriate sanctions for conduct which is not specifically identified in the Code of Conduct and regardless of whether the conduct occurred away from University premises or involved a University-related activity. The University will handle student disciplinary matters independently of any related civil or criminal proceedings.

The University does not prohibit students from joining and participating in online communities or social media as individuals. However, any online and/or social media behavior that violates the Student Code of Conduct which is brought to the attention of a University official will be treated as any other violation of the Student Code of Conduct.

The Student Code of Conduct shall apply to all undergraduates and graduate students attending Briar Cliff University. Additionally, all students are responsible for complying with University rules, regulations, policies, and procedures published in hard copy or available electronically including but not limited to the Student Handbook, Residence Life policies, Parking policies, and Student Athlete policies along with program handbooks and announcements which may be issued from time to time.

Please contact the Student Development Office if you have questions about the interpretation of the Student Code of Conduct.
TYPES OF MISCONDUCT

Misconduct which is subject to disciplinary action includes, but is not limited to, the following:

1. Cheating, plagiarism or any form of academic dishonesty as further explained in the Academic Integrity Policy. Conduct covered by the Academic Integrity Policy will be addressed in the manner set out in that Policy.

2. Forgery, alteration or misuse of any campus document, record, or instrument of identification; or knowingly furnishing false information to the University.

3. Misrepresentation of oneself or an organization to be an agent of the University.

4. Obstruction or disruption, on or off campus property, of the academic, research, administrative or disciplinary processes.

5. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, stalking, bullying, cyber-bullying and harassment via social media, and/or other conduct which threatens and/or endangers the health of any person.

6. Attempted or actual theft of and/or damage to property.

7. Unauthorized entry into, unauthorized use of, or misuse of any building, structure, equipment, keys and/or facility; unauthorized and/or fraudulent use of ID cards and/or entry cards; any actions which allow for unauthorized entry into rooms or buildings.

8. Theft or other abuse of computer equipment, networks, facilities and/or resources, including but not limited to:
   a.) Unauthorized entry into a file.
   b.) Unauthorized transfer of a file.
   c.) Use of another individual’s identification and/or password.
   d.) Interfering with the work of another student, faculty member or University official.
   e.) Sending obscene or abusive messages.
   f.) Interfering with the normal operation of the University computing system.
   g.) Violating copyright laws.
   h.) Violation of the University Guidelines for Computer Usage.
   i.) Attempting to gain access to a computer or a network, on campus or off campus, without authorization (i.e., hacking).
   j.) Sending or causing to receive, harassing, obscene or pornographic drawings, images, photographs, or the like.
9. The unlawful use, possession, manufacturing, distribution, or sale of any drugs, agents, and/or drug paraphernalia. Refer to the University Policy on Alcohol and Drugs.

10. Distribution, use or possession of alcoholic beverages and/or alcohol paraphernalia such as beer bongs, binge drinking game equipment, etc. other than as specified in the University Statement on Alcohol and Drugs.

11. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.

12. Arson; abuse of, or tampering with fire alarm systems; tampering with fire emergency equipment or any other emergency equipment.

13. Discrimination as specified in the University Non-Discrimination policy.

14. Any form of gambling not allowed by law.

15. Sexual misconduct and relationship violence as specified in the Policy on Sexual Violence and Sexual Harassment. Conduct covered by the Policy on Sexual Violence and Sexual Harassment will trigger the investigation, hearing and appeal procedures set out in that Policy.

16. Engaging in behavior that is disorderly, lewd, indecent, obscene, and/or disruptive to the University community.

17. Failure to comply with directions of University officials, law enforcement officers, or their designated agents and/or failure to identify oneself when requested to do so.

18. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operation of the University and/or infringes on the rights of other members of the University community and/or the community at large; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

19. Abuse of the student conduct process, including but not limited to:

   a.) Failure to obey a notice from a Hearing Officer or Conduct or Appeal Board or any other designated University official to appear for a meeting or hearing as part of the student conduct process.

   b.) Falsification, distortion, or misrepresentation of information during the course of the student conduct process.

   c.) Disruption or interference with the orderly conduct of a student conduct proceeding.

   d.) Instituting a student conduct proceeding in bad faith.

   e.) Attempting to discourage an individual’s proper participation in, or use of, the student conduct process.
f.) Attempting to influence the impartiality of a hearing officer and/or a member of a Conduct or Appeal Board prior to, and/or during the course of, the student conduct process.

g.) Harassment (verbal or physical) and/or intimidation of a hearing officer and/or a member of a Conduct or Appeal Board.

h.) Failure to comply with any sanction(s) imposed under the Student Code of Conduct.

i.) Influencing or attempting to influence another person to commit an abuse of the student conduct process.

20. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.

21. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts, they are violations of this rule.

22. Commission of any act that could be found to be a violation of any federal, state or local law.

23. Making false reports of a fire, bomb threat, or other dangerous condition (including falsely activating emergency phones on campus); failing to report a fire; interfering with the response of University or municipal officials to emergency calls.

Student Conduct Procedures
The procedures described in this policy are not legal proceedings but are designed to advance the educational mission of the University. Formal rules of evidence and procedure used in legal proceedings do not apply to student conduct proceedings at Briar Cliff University.

Standard of Proof
The standard of proof for the Student Conduct process at Briar Cliff University, like many colleges and universities, is whether it is “more likely than not” that a student has violated University policy. Policy violations are generally brought to the attention of the Student Development Office through a report of an incident. The report may come from a campus Security Officer, a Residence Life staff member, Law Enforcement Officer, Briar Cliff University student, or any other member of the Briar Cliff or local community. Once a report is received, the Assistant Dean of Students, Vice President for Student Development, Residence Life Conduct Officer or a designee notifies the student that an initial conference may be held to discuss the matter and the process that will follow.
Conduct Hearings

Cases involving violations of the Student Code of Conduct and/or University policies by students are handled by the Student Development Office. The Vice President for Student Development and Assistant Dean of Students have the discretion and authority to determine who hears the case.

a.) Hearing Officer

If the alleged policy violation is a lower-level violation (a violation that will not result in student and/or resident status jeopardy) and/or the student’s status is not in jeopardy, the accused will be assigned a Hearing Officer, who may be a Residence Life professional staff or another member of the Student Development staff. The Vice President for Student Development or Assistant Dean of Students will determine the Hearing Officer assignment. Parents/Guardians are not permitted to attend Conduct Hearings with students. During the Conduct Hearing, the accused student(s) will be given the opportunity to explain his/her version of events. Based on the information before the Hearing Officer (including any available witness statements), the Hearing Officer will determine whether the student has violated a University policy. If the student is found not responsible, the case will be closed. If the student is found responsible, appropriate sanctions will be determined.

b.) Student Conduct Board

If the alleged policy violation is a higher-level violation, a Student Conduct Board Hearing may be held. A higher-level violation is defined as a violation that may result in student and/or resident status jeopardy. When a case is referred to the Student Conduct Board, the student is given a written statement of charges. After a date is set for a hearing, the student appears before the Student Conduct Board to discuss the case and answer questions. If several students are involved in a situation, each will have a separate hearing.

The Student Conduct Board will be comprised of members of the Briar Cliff community as determined by the Vice President for Student Development, Assistant Dean of Students, or a designee. A University Representative will chair the Student Conduct Board hearings.

A Student Conduct Board Hearing may be conducted in the absence of a student who fails to appear after campus officials have made a reasonable effort to provide advance notice of the hearing time, date, and location.

The responsibility for note-taking or for taping the session will be determined by the chair of the Student Conduct Board. The record of the case and the findings will be the property of the University but will not become part of the student’s official academic record unless the final sanction is Dismissal.

Parents/Guardians are not permitted to attend Student Conduct Board Hearings with students. Students involved in a Student Conduct Board hearing shall have the right to choose a faculty or staff member of the University to serve as a Conduct Board Hearing Support Person. The University will maintain a pool of qualified support persons, or the accused student may request a different faculty or staff for that role. If the selected support person is not from the pool of trained support persons, the person selected is expected to meet with the Vice President for Student Development or the Assistant Dean of Student Development to be briefed on their role at the hearing.
The role of the Conduct Board Hearing Support Person during the hearing is limited to consultation with the student involved. They are not permitted to participate directly in the hearing unless requested by the Board to do so.

Students who have concurrent criminal charges pending against them may have legal counsel present, the cost of which is to be borne by the student. The role of legal counsel is limited to consultation with the student involved and therefore counsel is not permitted to address witnesses or the Board or otherwise participate directly in the hearing.

During the Student Conduct Board Hearing, the accused student(s) will be given the opportunity to explain his/her version of events. If a student wishes to present witnesses, the names of the witnesses must be provided to the Student Conduct Board at least two days prior to the hearing. No witnesses will be heard by the Student Conduct Board unless this requirement is met. Witnesses must have information relevant to the hearing in order to be heard.

Based on information presented at the hearing, the Student Conduct Board will determine whether the student has violated University policy. If the student is found not responsible, the case will be closed. If the student is found responsible, sanctions will be determined. The Student Conduct Board may announce a decision shortly after a hearing or may retire to consider the matter.

The chair of the Student Conduct Board will communicate the Board’s decision in writing to the parties involved generally within 5 days of the hearing and in compliance with the privacy requirements of the Family Educational Rights and Privacy Act. Generally, if another student has filed the complaint, that student will be notified only whether the complaint has been deemed founded or unfounded but will not be informed of sanctions imposed. Exceptions apply in cases where the complainant has alleged a crime of violence or sexual misconduct. In those cases, the complainant will be notified of the final results of the proceeding, limited to the student’s name, the violation committed, and any sanctions imposed. In such cases, any disclosure of this information is not permitted.

The accused student will be notified of the Student Conduct Board’s findings on each of the alleged conduct violations and any related sanctions. The University may also legally notify parents of students who are under the age of 21 of any violation of the University’s alcohol or drug policies and/or laws.

**Student Status Pending Hearing or Appeal**

Pending a hearing or appeal, the student involved may continue to have the same rights and privileges accorded other students. However, grades or diplomas shall be withheld pending final determination of charges that could result in suspension or dismissal. In certain circumstances, the University may temporarily limit or suspend a student’s rights and privileges. Such limitations could include temporary removal from the residence halls, removal from co-curricular activities, and restriction to a specific area on campus in-between classes, a no-contact order, or interim suspension of student status. These measures will be determined in light of the severity of the alleged violation and the safety of or impact on the University community.
Appeals
For both individual Student Conduct Hearings and Student Conduct Board Hearings, all parties are able to appeal the decisions and sanctions. As part of the hearing process the student is informed of the right to appeal and procedures to be followed. Grounds allowed for appeals are:
• A procedural error or irregularity that has a material impact on the outcome of the hearing.
• Previously unavailable new information that has a material impact on the outcome of the hearing.
• Substantial evidence that the sanction imposed is disproportionate to the findings of fact established during the hearing process.

A written notice of appeal must be delivered to the Assistant Dean for Student Development or Vice President of Student Development within 3 business days after the hearing decision has been issued. If the appeal is timely and sets forth a valid basis for appeal, the Designated Appeals officer will review the matter and a determination will be made.

After receiving the appeal and reviewing the hearing record and any allowable new information, the Appeal officer may elect to: affirm the finding and sanction, affirm the finding and change the sanction or reverse the finding.

The imposition of sanctions may be deferred pending the appeal proceedings. This decision will rest with the Appeals Officer. The responsibility for monitoring the sanctions will rest with the Vice President for Student Development, Assistant Dean of Students or their designee.

Right of Appeal from Sanction ofSuspension or Removal/Dismissal from Residence Halls or University
A student who receives a sanction of Suspension or Removal from the residence halls or Suspension or Dismissal from the University has the right to one appeal. The following will be the only grounds allowed for an appeal:

• A procedural error or irregularity that has a material impact on the outcome of the hearing.
• Previously unavailable new information that has a material impact on the outcome of the hearing.
• Substantial evidence that the sanction imposed is disproportionate to the findings of fact established during the hearing process.

A written notice of appeal must be delivered to the Vice President for Student Development within 3 business days after the hearing decision has been issued. If the appeal is timely and sets forth a valid basis for appeal, the Vice President for Student Development will name an Appeal Board of at least 3 members to review the matter. The Appeal Board will consist of individuals who were not involved in the original Conduct Hearing.

After receiving the appeal and reviewing the hearing record and any allowable new information, the Appeal Board may elect to: affirm the finding and sanction, affirm the
finding and change the sanction or reverse the finding. The decision of the Appeal Board is final.

The imposition of sanctions may be deferred pending the appeal proceedings. This decision will rest with the Hearing Officer or Student Conduct Board chair. The responsibility for monitoring the sanctions will rest with the Vice President for Student Development, Assistant Dean of Students or their designee.

**Student Conduct Sanctions**
The following are sanctions which may be imposed for violations of the Student Conduct Code:

a.) *Disciplinary Reprimand*: A warning to the student that the cited behavior is not acceptable and that future misconduct will necessitate further disciplinary action. A Disciplinary Reprimand stays active on the student’s disciplinary record in the Student Development Office files for four academic months of a fall or spring term.

b.) *Disciplinary Warning*: Notice to the student that future misconduct will result in more severe disciplinary action by the University. A Disciplinary Warning stays active on the student’s disciplinary record in the Student Development Office files.

c.) *Disciplinary Probation*: A specified period of time during which the student is removed from good standing. The student may be restricted from representing the University in any extracurricular activity or running for or holding office in any student group or organization. The student may be allowed to remain in the residence halls and at the University on the condition that he/she complies with the sanctions imposed by the Hearing Officer or Student Conduct Board. Failure to maintain behavioral expectations will result in further disciplinary action.

d.) *Restitution*: Student is held responsible for personal or property damages through financial compensation or appropriate service.

e.) *Fine*: Monetary sanction which must be paid within a designated time.

f.) *Suspension from the Residence Halls*: Student is temporarily removed from the residence halls, without refund of housing fees, and is not allowed to live in the residence halls or have residence hall visitation privileges for a designated period of time.

g.) *Removal from the Residence Halls*: Student is removed from the residence halls, without refund of housing fees, and is no longer allowed to live in the residence halls or have residence hall visitation privileges.

h.) *Suspension from the University*: Temporary loss of student status for a specified time with resultant loss of all student rights and privileges. A suspended student will be required to leave campus and not be permitted to return until the end of the suspension. A suspended student will lose credit for subjects carried that semester and fees and tuition will be forfeited in the same manner as would be determined for a withdrawing student. The disciplinary action will be recorded as a part of the student’s record in the Dean of Student’s office.
i.) Dismissal from the University: Termination of student status. The dismissal action may be permanent, may involve a specified time, or may remain indefinite, subject to reconsideration at a later date. A dismissed student shall receive a grade of “W” (withdrawal) in all courses carried during the term he/she is dismissed and fees and tuition will be forfeited in the same manner as would be determined for a withdrawing student. The sanction of dismissal will be noted in the student’s permanent record in the files of the Registrar’s Office. Unless otherwise stipulated, all dismissal sanctions include a ban from campus.

j.) Immediate Removal from Campus: A student who presents a threat to his or her own well-being or to the rights, safety and/or property of others may be subject to immediate removal from the Briar Cliff campus. The student may not re-enter any campus building, including the residence halls, or be present on campus without the advance written permission of the Vice President for Student Development, Assistant Dean of Students, or their designee.

k.) Other Sanctions: Other sanctions may be imposed instead of or in addition to those specified above, including but not limited to the following: community service, educational or research projects, mandated counseling or therapy, relocation to another University living area, restriction from specified University premises, or loss of specified privileges.

l.) Parental Notification: In compliance with FERPA regulations (Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99), on-campus residents under the age of 21 who are found responsible for alcohol and/or drug policy violations may have their parents notified of their student conduct outcome. This notification will be shared with the student in their conduct hearing.

**STUDENT GRIEVENCE PROCEDURES**

To support its commitment to equity and due process, Briar Cliff establishes the following procedures for addressing student grievances. Students always maintain the right to seek legal recourse in public courts of law.

A grievance constitutes a formal complaint contesting the perceived injustice of a specific action or judgment imposed directly upon the grievant(s) by a Briar Cliff official or an officially sponsored University organization.

Note: Grievance Procedures are not avenues for appealing disciplinary sanctions. [There is a separate appeals procedure described on page 53 of the Student Handbook for appeals regarding disciplinary sanctions]. Nor are the grievance procedures proper arenas for contesting the wisdom of a specific University policy.

**Briar Cliff Students May File Three Types of Grievances:**

- **Academic Issues:** Regarding course grades, academic practices, or academic integrity.

- **Administrative Issues:** Regarding application of college policies; decisions pertaining to Briar Cliff’s co-curricular program; and decisions regarding student records, rights, financial matters, and campus employment.
Discrimination Issues: Regarding unjustified or unlawful discrimination in the areas of race, color, religion, national origin, gender, age, handicap or disability, status as a Vietnam-era or special disabled veteran, or Title IX compliance.

For Grievances Regarding Academic Issues:

Appealing Grades: Students wishing to appeal grades or other academic practices (excluding academic integrity issues) should follow these procedures:
1. Discuss the concern with the faculty member involved. If not resolved,
2. Appeal to the department chairperson in writing within three working days of discussing the grievance with the faculty member. Include in the written document circumstances of the grievance, specific concerns, and a proposed remedy. The student is notified in writing of the department chairperson’s decision. If not resolved,
3. Appeal to the division chairperson in writing within three working days of discussing the grievance with the faculty member. Include in the written document circumstances of the grievance, specific concerns, and a proposed remedy. The student is notified in writing of the division chairperson’s decision. If not resolved,
4. Appeal to the Vice President for Academic Affairs in writing within three working days of notification by the chairperson. Include in the written document circumstances of the grievance, specific concerns, and a possible remedy. The student is notified in writing of the Vice President for Academic Affairs’ decision.
5. In all cases, the decision of the Vice President for Academic Affairs is final.

For Grievances Regarding Administrative Issues And Discrimination Issues:
The student should approach the person he/she perceives to be responsible for the offense in order to work out a solution. If the grievance remains unresolved after five working days, the student then may bring the issue to the immediate supervisor of the person against whom the grievance is being made.
If the grievance remains unresolved after 10 working days, the student through the Vice President for Student Development may ask in writing that a hearing be convened to evaluate the merits of the grievance. The Vice President for Student Development will appoint a three-person Grievance Board, consisting of one faculty member, one administrator and one student to review the grievance. The student’s concisely written request should include the substance of the grievance, the avenues that already have been pursued, and the specific relief desired. At the earliest possible date and within 15 working days of the receipt of the student’s written request, the Grievance Board will inform both the grievant and the respondent in writing of the committee’s decision to conduct or not conduct a formal hearing.

If Grievance Board members believe that the grievance has sufficient merit to conduct a formal hearing, they will send letters to the grievant and respondent outlining the specific grievance and suggesting a timeline for the proceedings. Any schedule must consider the time constraints inherent within or between semesters. All parties will receive written allegations. Respondents may waive the right to attend the proceedings of the Grievance Board.
Grievance Board Composition:
Members of the Grievance Board should excuse themselves from participation in a formal hearing of a student grievance, if they have any conflicting interests. All members of the Grievance Board are subject to the approval of both parties in the grievance.

Board Processes:
Throughout all proceedings, the Student Grievance Board must maintain utmost concern for the dignity, safety, and comfort of all parties involved in the process.

Both the grievant and the respondent may seek counsel from any member of the Briar Cliff community, excluding those serving on the Board.

The hearing itself is closed. Each party may invite one member from the Briar Cliff faculty, administration, or student body to attend the meeting with them. This person may provide counsel but may not speak for the grievant.

Each Grievance Board must choose specific procedures for how it will deal with the presentation of evidence, witnesses, and cross examination.

The “Preponderance of the Evidence” will be the standard of proof throughout the proceedings. The Grievance Board will ensure that both parties have access to all the evidence being presented and sufficient time to examine it.

The Student Grievance Board should strive for consensus but may settle the case by majority vote. Proceedings and resolutions of the Board must remain confidential unless both parties agree in writing to release the information. In all cases, the decision of the Grievance Board is the final action in the Briar Cliff Grievance Procedure.

ACADEMICS

The University catalog contains all polices and requirements of Briar Cliff’s academic programs. Check the University catalog for specific information regarding majors; academic status; internships; adding, dropping or withdrawing from classes; transfer credit; conditional admission; good academic standing; academic probation; academic dismissal; and, degree requirements for all programs.

Academic Integrity
Briar Cliff strives to create an environment where the dignity of each person is recognized. Accordingly, integrity in relationships and work is supported and rewarded, and honesty in academic matters is expected of all students. Actions which are contrary to the spirit of academic integrity will not be tolerated. Any attempt to misrepresent someone else’s work as one’s own, receive credit for assignments one did not do, obtain an unfair advantage over other students in the completion of work, or aid another student to do the above will be considered a breach of academic integrity. These include:

- Obtaining, disseminating or using unauthorized materials for the completion (by oneself or another student) of an examination, paper or assignment;
- Unauthorized collusion with another student in completing an assignment;
- Submitting as one’s own the work of another student or allowing one’s work to be submitted for credit by another;
- Copying from another student’s paper or allowing one’s paper to be copied;
• Computer theft which includes unauthorized duplication of software, unauthorized access into accounts other than one’s own and the use of University resources (computer facilities, networks, software, etc.) for financial gain;

• Plagiarism: the representation of another’s ideas, statements or data as one’s own. Plagiarism includes copying, paraphrasing or summarizing another’s work (even if that work is found on the Internet) without proper acknowledgment (footnotes, in-text credit, quotation marks, etc.). For a more detailed explanation of what constitutes plagiarism and how to avoid it, refer to The Little Brown Handbook, available in the University bookstore and Bishop Mueller Library.

The policy of Briar Cliff University is that for an individual’s first offense, the student’s instructor or work supervisor will determine an appropriate penalty, with a possible penalty of “F” for the course or termination of employment. For a second offense, the instructor or supervisor and the vice president for academic affairs will determine an appropriate penalty, up to and including dismissal from the University. For an offense after the second, the vice president for academic affairs will determine an appropriate penalty, up to and including dismissal from the University. Depending on the nature and severity of the offense, the University reserves the authority to exact maximum penalty even in the case of a first offense.

In all cases of alleged academic dishonesty, the faculty member or work supervisor shall, in writing, notify the student of the specific charges and circumstances and a copy of the notice shall be sent to the vice president for academic affairs. If the student wishes to deny the allegations or appeal the penalty, he/she must, within 10 working days, file a written intent to appeal, first the department chairperson or the work supervisor’s immediate superior. If the appeal is not resolved and the student wishes to continue the appeal, the student must, within three working days, file a written intent to appeal with the division chairperson. If the appeal is not resolved and the student wishes to continue the appeal process, the student must, within three working days, file a written intent to appeal with the vice president for academic affairs.

If the instructor is the chairperson of the department, the appeal shall be directed to the division chairperson. If the instructor is the division chairperson, the appeal shall be directed to the vice president for academic affairs.

The person to whom the appeal is made will weigh the evidence presented (in writing or at an oral hearing) by both the student and the instructor or work supervisor and make a judgment. If the matter is not resolved to the satisfaction of the student, faculty member, supervisor, department chair or division chair, the appeal process will continue to the vice president for academic affairs, whose decision will be final. If a student is found in violation of the University’s Policy on Academic Honesty, the student may be subject to disciplinary review that may include an appropriate penalty, up to and including dismissal from the University. Depending on the severity of the offense, the University reserves the authority to exact maximum penalty even on the first offense.

All material and information relative to any violation of academic integrity shall be kept by the vice president for academic affairs in a special file during the period in which the student is enrolled at Briar Cliff University, serving only as a statement of record if the student is subsequently charged with a violation of academic integrity. In case of an appeal, the file will be destroyed if the student is found not guilty of the offense. If the student is found guilty, the file remains until the student’s graduation from Briar Cliff University or three years after the student’s last date of enrollment.
In order to support the academic integrity statement, faculty members are expected to administer, monitor and evaluate tests and other assignments in a fair and consistent manner.

Advising
Advising is important for academic success at Briar Cliff University. Every student has an academic advisor at the University. First-year students are assigned advisors by the coordinator of new student advising [Newman Flanagan Center 314, ext. 5558]. Transfer students and adult learners are assigned advisors in their major departments. If students do not know their advisors or wish to change advisors, they should consult the coordinator of advising at ext. 5558 or 279-5558.

Advisors are a student’s primary source of academic information. Advisors help students identify skills and academic goals, as well as explore career options. Advisors also are good sources of information on other areas of campus life. Students should consult their advisors on a regular basis. Advisors keep a file on each student that includes:

A. Profile sheet (including address and admissions information);
B. Summary evaluation sheet of completed courses;
C. Copies of grade reports for each term; and,
D. Test scores (ACT, assessment results) and transcripts.

Throughout the semester faculty may send written warning notices to students performing poorly in their classes. A copy of this notice is sent to the student’s advisor. Advisors will ask students to discuss the conditions which led to this warning and work on strategies to remedy the situation.

Assessment
All incoming students are assigned to either WRTG 100 or WRTG 109 based on ACT/SAT scores. Students with a math ACT score of below 21 will be required to take developmental math courses, prior to enrolling in a 3 or 4 credit math course. Students may request to assess in writing or to take a math assessment to test into a higher level writing or math course. Before assessment, students should show that they have engaged in study or preparatory work likely to enable better performance on the assessment instrument.

Reading Requirement
First year students with a reading score below 18 on the reading portion of the ACT or below 470 on the SAT verbal section are required to take the Reading Dynamics course during the first semester.

Tutoring
Tutoring, especially in group settings, promotes active learning, peer interaction, and good study habits. Tutors assist students with course work and test preparation. Tutoring is available for students desiring to improve their grades and understanding of course content, as well as those experiencing academic difficulties. Students attending classes that meet on the Briar Cliff campus during the spring and fall semesters can request assistance for 100- and 200-level courses of two or more credit hours. Students may sign up for tutoring sessions in the Student Support Services office, HH 057, from the first day of the semester through the eleventh week of classes. There is no charge for tutoring. Students signing up for tutoring must commit to:
1. Attending weekly sessions. Students who skip two or more sessions without notifying the tutor can be dismissed from the program for the semester.

2. Contacting the tutor (or the coordinator if the tutor cannot be reached) well in advance if they must be absent.

3. Providing the tutor with a copy of the class syllabus.

4. Bringing relevant materials (class notes, texts, written assignments, homework) with them to the tutorial.

5. Letting the tutor know if projects they work on together will be turned in for a grade.

**Learning Communities**

Briar Cliff University’s CORE learning communities aim to foster intellectual development and personal and professional growth by mindfully engaging our campus, Siouxland region and global society and by offering the entire Briar Cliff community value-centric opportunities to collaborate and build meaningful, long-term personal and institutional relationships.

**STATEMENT ON ALCOHOL AND DRUGS**

**Drug Free Workplace Policy**

**University Regulations - Preface**

In March 1988, Congress enacted the Drug-Free Workplace Act which requires all federal contractors and grantees to maintain a drug-free workplace. In September 1989, President Bush's National Drug Control Strategy proposed that the Congress pass legislation to require schools, colleges and universities to implement and enforce firm drug prevention programs and policies as a condition of eligibility to receive federal financial assistance. The Drug-Free Schools and Communities Act of 1989 demonstrates the intent of Congress to draft institutions of higher education into the federal government's war on drugs.

The law requires that schools certify that they have adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The law requires that the school distribute annually to each student and employee the following information:

- standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of drugs and alcohol by students and employees on the school's property or as any part of the school's property or as any part of the school's activities,

- a description of the applicable legal sanctions under local, state and federal law for unlawful possession, use or distribution of illicit drugs and alcohol,

- a description of the health risks associated with the use of illicit drugs and the abuse of alcohol,

- a clear statement that the school will impose sanctions on students and employees, consistent with local, state and federal law, and a description of these sanctions, up to and including expulsion or termination of employment and referral for prosecution for violations of the standards of conduct, and
a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students.

The school must conduct a biennial review of its program to (i) determine its effectiveness and implement changes if they are needed, and (ii) ensure that the sanctions developed are enforced consistently.

The purpose of this policy is not only to comply with the Drug-Free Schools and Communities Act of 1989, and the Drug Free Workplace Act of 1988, but to continue the work of providing both students and employees an opportunity to understand the harmful effects of drug and alcohol use so that responsible choices can be made.

The policy of Briar Cliff University is to provide a drug-free workplace and learning environment for all of its employees and students. The presence of illegal drugs in our school and workplace is a danger to each one of us because they impair the safety and health of those who are here to work and learn. In addition, drugs undermine the confidence in the work done by each employee and student. Additionally, all employees and student are responsible for compliance with any University policies outlined in any program handbooks and announcements which may be issued from time to time (i.e. Student Athletic policies).

Definitions

In order to provide a uniform understanding of the policy, the following definitions apply:

- **Alcohol** is defined as ethyl alcohol, and includes any beverage, mixture, medication or preparation containing ethyl alcohol.

- A **drug** is defined as any substance, other than alcohol, that has a known mind- or function-altering effect upon the human body or that impairs one's ability to safely perform his or her work, and specifically includes, but is not limited to, all prescription drugs and all illegal drugs.

- A **prescription drug** is defined as any substance prescribed by a licensed medical practitioner, when that drug is taken by the individual for whom it was prescribed.

- An **illegal drug** is defined as any substance listed on the Schedules I through V of the Controlled Substance Act as further defined by federal statutes and regulations (a listing of controlled substances will be maintained in the human resources office, health office, and the library), any substance otherwise illegal under federal, state, local or Indian law, any synthetic, counterfeit or designer drug, any look alike drug and any item of drug paraphernalia.

- **Under the influence** is defined as that condition where any of the body's sensory, cognitive or motor functions or capabilities are altered, impaired, diminished or affected due to alcohol and/or drugs.
• An *employee* is defined as any person in the service of the university, who is paid through the university's payroll system (including work-study students).

• A *student* is defined as any person taking any class at Briar Cliff University on campus or at a correspondent facility.

• *University premises* is defined as all property owned by the university, all university vehicles, all private vehicles on university property or being used on university business, and all university parking lots and recreational areas.

• *Designated areas* residence hall rooms designated as “wet” in Baxter and Noonan, Pub in Stark, and authorized special events.

• *Dry residence hall* Toller and Alverno Halls in which students are not allowed to consume or possess alcohol or alcohol-related paraphernalia.

• *Dry room*: room or suite in which students assigned are under the age of 21. Room or suite in which a minor lives, or when a minor visits a wet room.

• *Conviction* is defined as a finding of guilt including a plea of *nolo contendere* (no contest).

• *Official University event*: Meets one or more of the following conditions open to all Briar Cliff students, uses the name Briar Cliff, or sponsored by a University organization.

• *Open container*: Any container in which the manufacturer’s seal has been broken, including water bottles, cups, and other open-faced containers.

• *Wet rooms*: Room or suite in which all students assigned are 21 or older in Baxter or Noonan Hall.

• *Wet room contract*: Agreement is signed by students in room/suite in which all residents are of legal age.

• *Drinking Game*: Games in which the intent is to consume alcohol in an irresponsible way. (e.g., beer pong, quarters).

• *Conviction* is defined as a finding of guilt including a plea of *nolo contendere* (no contest).

• *Legal age* is defined as 21 years.

• *Minor* is defined as any person under age 21 years.

**Alcohol Policy**

Briar Cliff University has the responsibility to maintain an educational environment conducive to academic achievement and at the same time help young adults develop into mature and responsible citizens. The university promotes a respect for individual rights and privileges. Individuals must recognize that when exercising rights, they assume the responsibility to become well informed about alcohol use and abuse.
Briar Cliff University respects the right of those who choose to abstain from alcohol use and encourages responsible drinking habits by individuals who choose to drink. Because of our concern for the rights and personal growth of each individual, the institution will intervene when inappropriate behavior is demonstrated.

The legal drinking age in the state of Iowa is 21 years. Briar Cliff University upholds the federal, state, and local statutes and has established specific regulations to govern the use, sale and possession of alcoholic beverages on the property of the university. Except for specified areas on the university campus, the consumption, sale, or use of alcoholic beverages is prohibited. Violation of state law, city ordinance, or university regulations will be considered grounds for disciplinary action and referral to appropriate law enforcement agencies.

**Regulations**

1. **Use and Possession**

   The use or possession of alcohol is forbidden on campus except by individuals of legal age in residence hall rooms with valid wet room contract or designated approved locations.

   Except as noted above, the Vice President for Student Development must approve the sale and/or consumption of all alcohol at any university-sponsored activity. The vice president has the right to decide the locations in which alcohol may be served. Under no circumstances will alcohol be served or consumed in hallways, employee offices or student organization offices.

2. **Guidelines for Social Events**

   The following guidelines apply to all social events, both on and off campus, sponsored by Briar Cliff University.

   a. All functions that include serving of alcoholic beverages must be registered with the student development office. Each sponsor must fill out a registration sheet to be filed with the Vice President for Student Development. Each sponsor is responsible for upholding the laws of the state of Iowa, and the Briar Cliff alcohol policy. Briar Cliff University will maintain an up-to-date liquor license for on-campus events.

   b. Individuals sponsoring events must implement precautionary measures to ensure that alcoholic beverages are not accessible to or served to persons under the legal drinking age or to persons who appear intoxicated.

   c. At social functions where alcoholic beverages are provided by the sponsoring organization, sellers of alcohol must be at least 21 years old and servers of alcohol must be at least 19 years old.

   d. Consumption of alcoholic beverages is permitted only within the approved area designated for the event.
e. Non-alcoholic beverages must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages.

f. A reasonable portion of the budget for the event shall be designated for the purchase of food items.

g. Institutionally approved security personnel shall be present at all times during a university-sponsored event (on and off campus) in which more than 100 attendees are expected. If more than 200 persons are expected to attend, at least two security personnel must be present.

h. No employee event shall include the serving/selling of alcoholic beverages during regular work hours.

3. Athletic Events

   No alcohol will be permitted in association with any intercollegiate or intramural athletic event.

4. Advertising Guidelines

   Alcohol may not be mentioned on any sign or poster advertising social events on or off campus. Alcohol shall not be mentioned on any advertisement accepted by any campus publication. No advertising that encourages irresponsible drinking of alcohol will be accepted by any campus publication.

5. Violations

   The following are considered violations of the Briar Cliff University alcohol policy:

   a. possession or consumption or being in the presence of an alcoholic beverage by a minor,
   b. providing alcoholic beverages to a minor,
   c. possession or drinking an alcoholic beverage (open container) in a public area,
   d. possession of alcoholic beverage containers (full or empty) larger than one gallon or possession of a tap without authorization,
   e. disrupting the rights of others by being abusive, disorderly, or disrespectful because of alcohol,
   f. lounge parties involving alcohol consumption,
   g. alcohol consumption in hallways, student organization offices, or employee offices, and
   h. failure to register a social event in which alcoholic beverages are served

6. Enforcement
Every member of the university community should take individual responsibility for upholding the alcohol policy. The area coordinators have direct responsibility for upholding the alcohol policy within the resident halls. The campus security staff has direct responsibility for upholding the alcohol policy in all campus areas.

7. Student Sanctions for alcohol violations

The Vice President for Student Development or his/her designee will determine sanctions for students’ alcohol violations.

Any individual or group violating the alcohol policy or regulations will be subject to one or a combination of the following sanctions:

a. confiscation and disposal of alcohol,

b. monetary fine,

c. loss of housing privileges,

d. chemical dependency evaluation

e. required follow-up sessions at a counseling center or alcohol referral resource,

f. suspension,

g. community service and/or

h. any other action deemed appropriate including dismissal from Briar Cliff University and/or termination

B. Sanctions for Alcohol Policy Violations

Possession of alcohol or presence in a room with alcohol and minors:

**First violation**: Minimum $100 fine
- Educational sanction(s)
- University will require the student to undergo a chemical dependency evaluation or participate in an alcohol education, rehabilitation, or counseling program.
- Vice President for Student Development or designee may notify parent(s) or guardian(s)
- Completion of sanctions may result in reduced fine.

**Second violation**: Minimum $150 fine
- Educational sanction(s)
- Alcohol Assessment at student’s expense
- Counseling session based on assessment results
- Community Restitution
- May result in notification of parent(s) or guardian(s)

**Third violation**: Minimum $200 fine
- Possible sanctions include loss of campus housing, scholarships, or suspension from the University.
- Required out-patient alcohol class
- University restrictions imposed
- Community restitution
- Mandatory counseling session with campus counselor
- May result in notification of parent(s) or guardian(s)

**Fourth violation:** Minimum $200 fine
- Possible sanctions include loss of campus housing, scholarships, or suspension from the University.
- May result in notification of parent(s) or guardian(s) that the student has violated the University’s alcohol code for a fourth time.

**Fifth violation:** Minimum $200 fine
- May result in dismissal from the University.

* All assessments and educational components are at the expense of the person in violation of the policy. Failure to complete them will result in fines or other disciplinary action.

A. **Regulations**

At all times students are to recognize that they are responsible for their behavior and must accept the consequences of their decisions and actions. If attention is drawn to a student’s room for any of the following reasons and alcohol is present, the residents of the room and the individual present will be subject to disciplinary actions:

1) noise
2) overcrowding,
3) excessive or irresponsible drinking,
4) inappropriate behavior or major disturbances,
5) reasons relating to the safety, health and general welfare of the student,
6) vandalism, and/or
7) any violation of a residence hall policy.

All students are responsible for the conduct of their guests and their compliance with the alcohol policy. If a guest is not a Briar Cliff student, the host will be responsible for all fines and/or disciplinary action relevant to that individual. Students should implement precautionary measures to ensure that alcoholic beverages are not accessible or served to persons under legal drinking age or to persons who appear intoxicated.
GOOD SAMARITAN EXCEPTION

At Briar Cliff, we are “our brother’s/sister’s keeper.” In order to promote helping without fear of penalty, the University establishes the Good Samaritan Exception.

If an individual or group assists a BCU intoxicated student or guest obtain assistance from a University staff member, security officer, medical professional, or law enforcement official, the intoxicated student and individual(s) assisting may not be subject to University discipline for either being intoxicated or for providing alcohol, provided responsible, peaceful, and appropriate actions are taken.

LIABILITY

Hosts who provide alcohol or provide the place to consume alcohol can be held responsible for the actions of intoxicated persons. Should tragedy occur from actions of someone intoxicated, hosts may be held liable.

ILLICIT DRUGS POLICY

It is the policy of Briar Cliff University that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances is prohibited on its property or as part of any of its activities. Any full or part-time employee or student (regardless of length of the student's program of study) found to be illegally manufacturing, distributing, dispensing, possessing, or using controlled substances on university premises or while conducting university business off university premises shall be subject to disciplinary action in accordance with applicable policies of the state of Iowa, the Board of Trustees, and Briar Cliff University, up to and including termination or Dismissal from Briar Cliff University. Employees and students are reminded that illegal manufacture, distribution, dispensing, possession or use of controlled substances may also subject individuals to criminal prosecution. The presence of marijuana odor or smoke constitutes “reasonable cause” for authorized staff to enter and search a room. Drugs or paraphernalia found will be secured and police called. Violations of this policy may include but are not limited to, $250 fine, housing and disciplinary probation, suspension, dismissal from University, or completion of a drug assessment or treatment program at the student’s expense and fine.

DEFINITIONS

Controlled substances: those substances included in Schedules I-V of the Controlled Substance Act outlined in the Drug Free Workplace Policy.

Drug: any substance, other than alcohol, that has a known mind-altering or function altering effect upon the human body or that impairs ability to perform work safely. Includes illegal substances.

Prescription drug: any substance prescribed by a licensed medical practitioner and taken by the individual for whom it was prescribed.

Regulations for Employees

A. Prohibited Actions
1. The following actions or behaviors are strictly prohibited by Briar Cliff University. This list is not all inclusive.

2. The unauthorized or unlawful use, possession, sale, manufacture, theft, dispensation or distribution of drugs and/or alcohol while on the job, on university property, or in any university work site or at school activities is strictly prohibited. All employees are prohibited from being under the influence of drugs and/or alcohol at any time while on duty, on university property or in any university work site.

3. Conviction of a criminal drug offense which includes violation of federal or state drug statutes or other drug-related offenses occurring on Briar Cliff University premises or while engaged in Briar Cliff business.

4. Unauthorized consumption of or possession of alcoholic beverages or abuse of alcoholic beverages, misuse of prescribed controlled substances on Briar Cliff work sites or premises or during university business.

B. Employee sanctions

Any violation of the drug free workplace policy will result in disciplinary action(s) up to and including termination of employment. Depending on the seriousness of the infraction one or more of the following may be imposed.

1. Written warning
2. Final written warning
3. Suspension
4. Evaluation by local or regional treatment facility and/or successful completion of recommended treatment (FMLA may apply for required rehabilitation, see FMLA policy for more information)
5. Termination of employment

Regulations for Student

As a condition of enrollment for students, any criminal drug statute conviction (conviction means a finding of guilt, including a plea of nolo contendere) occurring on university premises, or while conducting university business off university premises, must be reported to the Vice President for Student Development within five days of conviction. If not reported, disciplinary action will be taken, up to and including Dismissal from University.

Specific regulations regarding controlled substances are as follows:

1. Students may not possess any illegal drug in university buildings or on the general university property. The maximum penalty for violating this rule is dismissal from Briar Cliff University, with the right of appeal, and/or civil prosecution.
2. Irresponsible conduct under the influence of drugs while on campus is subject to disciplinary action by the Vice President for Student Development or his/her designee.

3. Irresponsible conduct, while under the influence of drugs off campus, which brings discredit or ill favor to the good name of the university is subject to disciplinary action by the Vice President for Student Development.

4. In accordance with state and federal laws, possession of controlled drugs is prohibited at off-campus functions sponsored by any organization representing the university. Students at off-campus functions found to be in possession of or using illegal drugs will be subject to disciplinary action by the Vice President for Student Development.

5. In the specific case of marijuana, the detection of the odor of marijuana is sufficient evidence to constitute complicity in the use for those present. In addition, the smoking of any kind of herbal blend or mix is strictly forbidden on campus and will be subject to the same penalty as applies to controlled substances.

**Disciplinary Action/Treatment**

Conduct which brings discredit or ill favor to the good name of the university and involves the use of drugs or alcohol on campus, while conducting university business off campus, or while attending an off-campus function sponsored by any organization representing the university, is subject to disciplinary action. If any of the above occurs Briar Cliff University may require an assessment/evaluation at a local or regional drug treatment facility (at the employee's or student's expense) and, if warranted, successful completion of a drug/alcohol treatment program at the employee's or student's expense.

**Inspections**

Any employee or student whose actions give Briar Cliff reasonable cause to suspect that he/she has violated this policy will be required to submit to an inspection by the security department of any vehicle brought on Briar Cliff premises and/or inspection of any pocket, package, purse, briefcase, tool box, lunch box or any other container brought onto or being removed from Briar Cliff premises and to submit to inspection of desk, file cabinet, locker or other furniture on the Briar Cliff premises. The inspection must be related to the suspected violation and will be completed with a witness and the employee/student present if possible.

**Referral to Enforcement Agencies and Professional Licensing Boards**

Any employee or student who violates this policy shall be subject, depending on the circumstances, to notification of appropriate law-enforcement agencies and professional licensing boards. This action may be taken at the university's sole discretion.

**Drug Statute Convictions**

Employees convicted of any federal, state, or local criminal drug statute violation occurring at the workplace must notify their supervisors or vice presidents of that conviction within
five days of conviction. Failure to do so may result in discipline up to and including immediate discharge from employment. Supervisors and vice presidents are to promptly relay this information to their superiors and/or to the Director of Human Resources for investigation.

As a condition of enrollment for students, any criminal drug statute conviction occurring on university premises, or while conducting university business off university premises, must be reported to the vice president for enrollment management and student development within five days of conviction. If not reported, disciplinary action will be taken up to and including Dismissal from Briar Cliff University.

Federal, state and local sanctions regarding drug and alcohol violations are attached to this Policy.

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

Alcohol: Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment 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 stopping 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.

Illicit Drugs: The harmful effects of illicit drugs vary from substance to substance. The following is a summary of the effects of a number of such substances by category:

1. Narcotics: Repeated use of narcotics, such as opium, morphine, and heroine, results in an increasing tolerance; the user must administer progressively larger doses to attain the desired effect, leading to dependence. Possible effects of the use of narcotics include euphoria, drowsiness, respiratory depression, constricted pupils, and nausea. Effects of overdose include: slow and shallow breathing, clammy skin, convulsions, coma,
and possible death. Withdrawal may lead to watery eyes, runny nose, yawning, and loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating.

2. **Depressants**: Depressants, including barbiturates (e.g., Phenobarbital and Valium) and chloral hydrate have a potential for abuse associated with both physical and psychological dependence. The effect may vary from person to person and from time to time in the same individual. Low doses produce mild sedation. Higher doses, in so far as they relieve anxiety or stress, may produce a temporary sense of well-being; they may also produce mood depression and apathy. Higher doses also result in impaired judgment, slurred speech, and loss of motor coordination, disorientation, and the potential for dependence. The effects of overdose include shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death. Withdrawal may lead to anxiety, insomnia, and possible death.

3. **Stimulants**: Use of stimulants, such as cocaine, metamphetamine and amphetamines, may lead to a temporary sense of exhilaration, an excess of energy, hyperactivity, excessive wakefulness, and a loss of appetite. They may also lead to irritability, anxiety, and apprehension. These effects are greatly intensified with administration by intravenous injection, which may produce a sudden sensation known as a “flash” or “rush”. The protracted use of stimulants is followed by a period of depression known as “crashing.” Long term use can lead to brain damage. The effects of overdose include agitation, increase in body temperature, hallucinations, convulsions, and possible death. The effects of withdrawal include apathy, long periods of sleep, irritability, depression, and disorientation.

4. **Hallucinogens**: Hallucinogens, including LSD, peyote, and mescaline, distort the perception of objective reality. They induce a state of excitation of the central nervous system, shown by alterations of mood, usually euphoric, but sometimes seriously depressive. Other effects include hallucinations and poor perception of time and distance. Effects of overdose include longer, more intense “trip” episodes, psychosis, and possible death.

5. **Cannabis**: There are three drugs that come from cannabis, or hemp, that are distributed in the United States: Marijuana, hashish, and hashish oil. The effects vary from individual to individual. Marijuana is considered a “gateway” drug that may lead to the use of other illicit drugs. Low doses of these drugs tend to induce restlessness and an increasing sense of well-being, followed by a dreamy state of relaxation, and often hunger. Changes in perception may lead to disorientation. Overdose may lead to fatigue, paranoia, and possible psychosis. Withdrawal may lead to insomnia, hyperactivity, and decreased apathy.

**Examples of Federal, State and Local Penalties and Sanctions for Drug/Alcohol Violations**

**Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance**
21 U.S.C. 844(a) 1st conviction: Up to 1 year imprisonment and fined at least $1,000.00, or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years, and fined at least $2,500.00.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years, and fined at least $5,000.00.

Conviction for possession of flunitrazepam: up to 3 years’ imprisonment and fined as provided above, or both.

21 U.S.C. 853(a)(2): 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 of imprisonment.

21 U.S.C. 881(a)(4) and 881(a)(7): Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance and any real property used to facilitate such crime.

21 U.S.C. 862(b): (any State or Federal conviction involving possession of controlled substance). First offense - denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year, successful completion of drug treatment program with periodic testing, and/or community service; second or subsequent offense - denial of Federal benefits up to 5 years, successful completion of drug treatment program with periodic testing, and/or community service.

Miscellaneous

Revocation of federal licenses and benefits (e.g., pilot licenses, public housing tenancy) are vested with the authorities of individual Federal agencies.

Note: Federal penalties for manufacture or distribution of controlled substances include various prison sentences ranging up to life in prison without parole and various fines ranging up to $10 million for individuals and $50 million for defendants other than individuals, or both. 21 U.S.C. 960.

State Penalties and Sanctions

Iowa Code §123.46: Consumption of alcohol or intoxication in public places is a serious misdemeanor.

Iowa Code §§ 123.47(1), 123.47(4), 123.47(5), 123.47(6): Providing alcoholic liquor, wine or beer to persons under legal age. Minimum fine of $200-$500.00 for first offense. For second or subsequent offense, minimum fine of $500 and other monetary penalties. If violation results in serious injury or death to any person, imprisonment and higher monetary fines for an aggravated misdemeanor or Class D felony may be imposed.
**Iowa Code §§ 123.47(2), 123.47(3):** Purchase of alcoholic liquor, wine or beer or attempt to purchase by person under legal age; possession or control by persons under legal age. First offense - fine of $200.00; second or subsequent offense - fine of $500.00 and possible suspension of motor vehicle operating privileges for up to 1 year.

**Iowa Code § 123.49(1):** Providing alcoholic liquor, wine or beer to an intoxicated person. Possible imprisonment or fine.

**Iowa Code § 124.401(5):** Possession of a controlled substance. In general, if the substance is marijuana, first offense is 6 months in jail and $1000 fine, second offense is a serious misdemeanor and third or subsequent offense is an aggravated misdemeanor. If the substance is other than marijuana, the first offense is a serious misdemeanor, the second offense is an aggravated misdemeanor and the third or subsequent offense is a Class D felony.

**Iowa Code § 124.406:** Distribution of a controlled substance to person under age 18. Depending on nature of substance, the location of the crime, and the ages of the parties, penalties can involve minimum imprisonment for periods of 5 or 10 years.

**Iowa Code § 124.407:** Sponsoring, promoting, aiding, or assisting with a gathering with knowledge that controlled substance will be distributed, used or possessed there. Where the controlled substance is other than marijuana this is punishable as a Class D felony. Where only marijuana is present, it will be punishable as a serious misdemeanor.

**Second or subsequent offenses of most of the above-referenced offenses may be punished by imprisonment for a period up to three times the term otherwise authorized and/or a fine of up to three times the amount otherwise authorized. Iowa Code § 124.411.**

**Iowa Code § 124A.4:** Manufacture, delivery or possession with intent to deliver an imitation controlled substance. Depending on ages of the participants, this will be penalized as an aggravated misdemeanor or a Class D felony with applicable imprisonment and fines.

**Iowa Code § 124B.9:** Sale, transfer, furnishing or receipt of a "precursor substance" with knowledge or intent it will be used unlawfully manufacture a controlled substance will be penalized as a Class C felony with applicable imprisonment and fines.

**Local Penalties**

**Sioux City Municipal Code § 8.16.010:** Consumption in public places- Intoxication. Imprisonment not to exceed 30 days and/or fine of at least $65.00, not to exceed $625.00.

**Sioux City Municipal Code § 8.16.020:** Operating, conducting, causing or allowing or suffering to be conducted or operated a place where intoxicating liquor is illegally kept,
sold or given away. Imprisonment not to exceed 30 days and/or fine of at least $65.00, not to exceed $625.00.

**Sioux City Municipal Code § 8.20.050:** Possession of drug paraphernalia. Imprisonment not to exceed 30 days and/or fine of at least $65.00, not to exceed $625.00.

**Sioux City Municipal Code § 8.20.060:** Manufacture, delivery or offering for sale of drug paraphernalia. Imprisonment not to exceed 30 days and/or fine of at least $65.00, not to exceed $625.00.

**Sioux City Municipal Code § 8.48.060:** Use of public property or public place for purposes of drug trafficking. Imprisonment not to exceed 30 days and/or fine of at least $65.00, not to exceed $625.00.

**Note:** Statutory references are current as of October 20, 2015, but are subject to change.

**DRUG/ALCOHOL COUNSELING, TREATMENT AND REHABILITATION PROGRAMS**

Briar Cliff University recognizes drug and alcohol dependency as an illness and a major health problem. Students and employees who need help in dealing with such problems are encouraged to contact the health/counseling office in Heelan-057, or other on-campus/off-campus resources listed below. Consultation will be provided in a non-judgmental and confidential manner. Students or employees who can best be assisted by off-campus counseling/treatment facilities will be referred to one of the off-campus agencies listed.

Employees and their families covered by the university’s health plan may receive either inpatient or outpatient treatment as part of their health care benefits. For more information, contact the Director of Human Resources, Noonan G-16 (for insurance information) or the health office, Heelan-057.

Students need to check their individual insurance policies, either through their parents or their individually purchased policies.

**On-Campus Resources**

- Assistant Dean of Student Development, 712-279-1715
- Director of Health Services, 712-279-5436
- Director of Counseling Services, 712-279-5433
- Vice President for Student Development, 712-279-5494
- Director of Campus Ministry, 712-279-5227
- Director of Human Resources, 712-279-1633
**Off-Campus Resources**

Alcoholics Anonymous  
2001 Leech Ave  
Sioux City, IA  51106  
(712) 252-1333  
Provides information and times for AA meetings and locations of AA groups. Member contact with persons needing help with drinking problems. Emergency help for after-hours can be obtained.

Associates for Psychological and Therapy Services  
1551 Indian Hills Drive  
Sioux City, IA  51104  
(712) 252-1473

Catholic Charities  
1601 Military Road  
Sioux City, IA  51104  
(712) 252-4547

Jackson Recovery Center  
800 5th Street, Suite 200  
Sioux City, IA  51101  
(712)234-2300  
1-800-472-9018

Narcotics Anonymous Helpline  
(712) 279-0733

Siouxland Community Health Center  
1021 Nebraska Street  
Sioux City, IA  51104  
(712) 252-2477

Siouxland CARES  
101 Pierce Street  
Sioux City, IA  51101  
(712) 255-3188

Siouxland Mental Health Center  
625 Court Street  
Sioux City, IA  51101  
(712) 252-3871
NON-DISCRIMINATION & AFFIRMATIVE ACTION

Briar Cliff University is committed to providing an environment where all students feel valued and respected and are free from discrimination and harassment. Briar Cliff University complies with its legal obligations to prohibit discrimination in its admissions, educational programs and activities, including employment in such programs or activities, on the basis of age, race, creed, color, sex (including family or marital status and pregnancy), sexual orientation, national origin, ethnicity, religion, disability, or any other classification protected by law. As a religious institution, Briar Cliff University may consider certain classifications when such qualifications are related to a religious purpose of the University. Briar Cliff University will consider accommodation requests from qualified students with disabilities with the goal of providing reasonable accommodations.

Any student with concerns regarding discrimination or harassment under this policy should report those concerns so that the University can take appropriate action. For sexual harassment complaints, students should refer to the University’s Policy on Sexual Violence and Sexual Harassment.

Any questions or reports related to this policy should be directed to either of the following:

Louise Paskey, Vice President for Student Development: Phone: (712) 279-5494 Email: louise.paskey@briarcliff.edu

Beau Sudtelgte, Director of Human Resources: Phone: (712) 279-1633 Email: beau.sudtelgte@briarcliff.edu

POLICY ON SEXUAL VIOLENCE AND SEXUAL HARASSMENT

1. Introduction

In accordance with Title IX of the Education Amendments of 1972 and state civil rights law, Briar Cliff University does not discriminate on the basis of sex in its education programs and activities. Discrimination on the basis of sex can include sexual harassment or sexual violence. Briar Cliff University pledges to maintain an environment that promotes the development of healthy relationships and respect for individuals.

The University prohibits sexual violence and sexual harassment in any form, (including sexual assault, sexual misconduct, dating and domestic violence and stalking). Sexual violence and sexual harassment are often misunderstood and under-reported. It is important that individuals understand these issues so they can avoid committing or being victims of such behavior.

If sexual violence or harassment occurs, it should be reported so the University can take prompt and appropriate action to investigate. The University has a duty to attempt to end sexual violence and harassment, prevent its recurrence, and address its effects.
The University has appointed a Title IX Coordinator, Louise Paskey, Vice President for Student Development, who can be reached at (712) 279-5494; Student Development Office, Stark Student Center, louise.paskey@briarcliff.edu.

Any questions about an individual’s rights under Title IX, (the federal law that prohibits discrimination on the basis of sex in education programs and activities) can be directed to Louise Paskey, Title IX Coordinator, or the Office of Civil Rights for the Department of Education.

2. Definitions

Coercion: unreasonable pressure for sexual activity.

- NOTE: Coercing someone into sexual activity is comparable to physically forcing someone into a sexual activity.
- Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another.
- When someone makes clear that he/she does not want to engage in sex or a sexual activity, that he/she wants to stop, or that he/she does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Complainant: the individual who has experienced an alleged instance of sexual misconduct.

Consent: the mutual, deliberate and voluntary agreement to engage in sexual activity. Consent is a clear YES to the sexual act. Consent is an ongoing process and must be obtained for each level of sexual contact. Even if a victim does not resist or if the victim knows the offender, the law does not presume consent.

- NOTE: In order to give effective consent, one must be of legal age; in most circumstances, 16 is the legal age for consent in Iowa.
- Under Iowa law, the following persons are considered unable to give consent:
  - A child;
  - A victim who is procured by threats of violence;
  - A victim who is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness
  - A victim who lacks the mental capacity to know right from wrong concerning sexual matters or is suffering from any type of mental or physical incapacity or disability that precludes consent;
  - A victim who is incapacitated (further defined below)
- Consent cannot be gained by force, coercion, by ignoring or acting without regard to the objections of another, or by taking advantage of the incapacitation of another, where the respondent knows or should have reasonably known of such incapacitation.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Silence, in and of itself, cannot be interpreted as consent.
  - Previous relationships or prior consent cannot imply consent to future sexual acts.

Dating Violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
• The existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
• For the purpose of this definition,
  o Dating violence includes sexual or physical abuse or the threat of such abuse;

  **Domestic Violence:** a felony or misdemeanor crime of violence between:
  • family or household members who resided together at the time of the assault;
  • separated spouses or persons divorced from each other and not residing together at the time of the assault;
  • persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time;
  • persons who have been family or household members residing together within the past year and are not residing together at the time of the assault;
  • persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether persons are or have been in an intimate relationship, the following factors may be considered;
    o The duration of the relationship;
    o The frequency of interaction;
    o Whether the relationship has been terminated;
    o The nature of the relationship, characterized by either party's expectation of sexual or romantic involvement.

  **Force:** the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcome resistance or produce consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

  • **NOTE:** There is no requirement that a person resists a sexual advance or request, but resistance is a clear demonstration of non-consent.
  • The use of force is not “worse” than the subjective experience of violation of someone who has experienced sexual contact or intercourse without consent.
  • The use of physical force constitutes a stand-alone, non-sexual misconduct offense as well, and it is the University’s expectation that those who use physical force (e.g. assault, restricting movement or activity, battery, etc.) would face not just the sexual misconduct charge but also charges under the University Regulations for the additional assaultive behavior.

  **Incapacitation:** a state in which someone cannot make rational, reasonable decisions because she/he lacks the capacity to give knowing consent (i.e., to understand the “who, what, when, where, why, or how” of his/her sexual interaction).

  • **NOTE:** Sexual activity with someone who one should know to be—or based on the circumstances should reasonably have known to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness, or blackout) is prohibited. The question of incapacitation is determined on a case-by-case basis that will include an analysis of whether the respondent knew, or a sober, reasonable person in the position of the respondent should have known, that the complainant was incapacitated.
• This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or the ingestion of substances or drugs that result in incapacitation.
• When alcohol or other drugs are being used, a person will be considered to be incapacitated and unable to give effective consent if he/she cannot fully understand the details of a sexual interaction (i.e., who, what, when, where, why, or how) because he/she lacks the capacity to reasonably understand the situation.
• Consumption of alcohol or drugs alone is insufficient to establish incapacitation.
• Possession, use, and/or distribution of any substances such as Rohypnol, Ketamine, GHB, Burundanga is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at http://www.911rape.org.

**Respondent:** an individual who has been accused of sexual misconduct.

**Retaliatory Harassment:** intentional action taken by an individual or allied third party that harms an individual and is done as reprisal for filing a complaint or for participating in an investigation or complaint proceeding.

**Sexual Abuse:** any sex act between persons performed under any of the following circumstances: a) the act is done by force or against the will of the other. If the consent or acquiescence of the other is procured by threats of violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep, or is otherwise in a state of unconsciousness, the act is done against the will of the other; b) the other person is suffering from a mental defect or incapacity which precludes consent, or lacks the mental capacity to know the right and wrong of conduct in sexual matters; c) the other person is a child. (Iowa Code Section 709.1).

**Sexual Assault:** any offense that meets the federal or state definitions of that term, including rape, sodomy, sexual assault with an object, fondling, incest, or statutory rape. Iowa law broadly defines “sex act” to include intercourse, oral or anal sex, or any contact between the genitals, hands, or fingers of one person and the genitals or anus of another. Violent sexual conduct may also be prosecuted as an assault (an act intended to cause pain, injury, or offensive physical contact, or place another in fear of pain or injury); for example, using any object to sexually penetrate another.

**Sexual Harassment:** unwelcome gender-based statements, gestures, or physical contacts which are so frequent or severe that it creates a hostile or offensive work environment, or interferes with a student’s ability to participate in or benefit from the university’s educational program or activities. Sexual harassment may be against a person of the opposite or same gender.

**Examples of sexual harassment:**
• Demanding or soliciting sexual favors accompanied by implied or overt threats;
• Creating an offensive interpersonal environment;
• Comments or jokes referencing sex or sexual orientation;
• Unnecessary touching or leering at another’s body; and,
• Sexist remarks about clothing, body, or sexual activities.

**Sexual Violence:** includes sexual assault, sexual harassment, sexual exploitation, and sexual intimidation and can be committed by men or women. It can occur between people
of the same or different sex. It may include any touching or fondling of the victim’s genitals, breasts, thighs or buttocks directly or through the clothing without the victim’s consent. In addition to being forbidden by this policy, such conduct may be a violation of state criminal law and of other University policies.

**Stalking:** a course of conduct directed at a specific person that would cause a reasonable person to feel fear or suffer substantial emotional distress. Examples of prohibited stalking can include but are not limited to (a) non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, and other social networking communications, letters, gifts, or any other communications that are undesired and/or place another person in fear; (b) Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by the victim.

### 3. Policy Statement

Members of the Briar Cliff University community, guests, and visitors have the right to be free from sexual violence and sexual harassment. Briar Cliff University believes in a zero-tolerance policy for gender-based misconduct, including sexual harassment, sexual violence, domestic or dating violence, and stalking and the University is committed to fostering a community that promotes the prompt reporting of sexual misconduct and timely and fair resolution of sexual misconduct complaints. As a result, Briar Cliff University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, related educational (Online educational training for students and employees, Resident Assistant, PAL and Academic Peer Mentor training, Sexual Violence Awareness Week, New Student Orientation Programs) programs, and procedures for addressing sexual assault, sexual harassment, domestic violence, dating violence, and stalking, whether an incident occurs on or off campus and when it is reported to a University official.

- Our ongoing prevention and awareness programs as described in this policy include training on safe and positive options for bystander intervention; information on risk reduction; and information on the institution’s policies and procedures after a sex offense occurs.
- The University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.
- The University will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Briar Cliff University reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.
Briar Cliff University believes that in order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. This policy has been developed to reaffirm these principles, to educate our community on issues pertaining to sexual violence, and to provide a procedure for investigating and addressing violations of this policy.

4. Scope

This policy applies to all members of the University community and its guests. Its scope is inclusive of, but is not limited to, any individuals regularly or temporarily employed, studying, living, visiting, or with an official capacity at Briar Cliff University (i.e.: volunteers and contractors).

This policy applies to any allegation against a Briar Cliff University community member (staff, administrator, faculty or student) that affects the Briar Cliff University campus environment and which is construed as sexual harassment, sexual misconduct and/or sexual violence regardless of geographical location of the alleged incident.

5. Reporting Sexual Violence

5.1. Reporting to Law Enforcement

The University encourages victims of all crimes, including sexual violence (which includes date/acquaintance rape) to report such actions to the local police department. The Campus Security Office (Heelan Hall, Rm. G-30) 712-898-1888, will assist students in making such reports if they so choose. Judicial no-contact orders or restraining orders may be available through the legal system.

5.2. In the Event of Sexual Assault

Go to a safe place. Call 911, 1-800-982-SAFE (7233) or the Rape Crisis Center (712-258-7233).

• Tell the first person you see what happened. This account could corroborate your testimony if you decide to report or prosecute.
• Seek medical attention at an emergency room at Unity Point St. Luke’s for access to a Sexual Assault Nurse Examiner (SANE) 712-279-3500 or Mercy Medical Center 712.279.2010. Request tests for pregnancy and sexually transmitted diseases.
• Do not shower, bathe, or douche. Preserve physical evidence, such as clothing. Resist the urge to change clothes or clean up the area until medical and legal evidence is collected.
• Request a urine test as quickly as possible to detect the presence of sedating substances.

5.3. Preservation of Evidence

Evidence should be preserved, even in cases involving non-violent conduct. Such evidence may include documentation, emails, photos and the like.

5.4. Confidential Reporting/Support

There are people on campus that victims or witnesses can talk to confidentially. You can call or approach any of the following professional staff confidentially and tell them what
happened. They will listen and explain options, including, where deemed appropriate, the option of reporting a crime on a confidential basis for purposes of the University’s annual crime report. Talking to a “Confidential Support Contact” listed below does not constitute reporting the incident to the University.

Confidential Support Contacts:

- Director of Counseling Services: Jenny Tobin
- Director of Health Services: Jo Morgan
- Director of Campus Ministry: Sister Janet May

5.5. Responsible Employees

Any University faculty, administrator, and staff - including Resident Assistants (RAs), Peer Assistant Leaders (PALs), and Academic Peer Mentors who takes such a report or who is aware of sex-based harassment, including sexual assault and relationship violence, is required to report the information to one of the reporting Contacts specifically listed below. (This does not apply to those employees identified as Confidential Support Contacts).

5.5.1. Reporting to University Officials

Affected individuals or witnesses should immediately report any incidents of Sexual Violence or Harassment to an appropriate University staff member. Any of the following persons may be contacted:

- Title IX Coordinator/Vice President for Student Development: Louise Paskey, 712.279.5494
- Deputy Title IX Coordinator/Director of Human Resources: Beau Sudtelgte, 712.279.1633
- Deputy Title IX Coordinator/Assistant Dean of Students: Dave Arens, 712.279.1715
- Director of Campus Security: 712.898.1888

Upon receipt of such a report, the University contact will assist the victim in getting to a safe place and may seek the assistance of Campus Security. Additionally, the University contact will encourage the victim to seek prompt medical attention for treatment of injuries and preservation of evidence, discuss the reasons why prompt medical treatment is important, and arrange for transportation to the hospital if the victim agrees to such medical treatment. The University contact will notify the Title IX Coordinator and other responsible University officials of the report taking into consideration the victim’s desire for confidentiality. The Title IX Coordinator will inform Campus Security of the alleged crime and unless the individual requests confidentiality, will provide the name of the reporting party. The victim will have the option to file a criminal report. Campus Security will offer to provide assistance if the student elects to contact the police. Campus Security may contact law enforcement independently where circumstances warrant, such as where there may be a danger to the campus or the community. Declining to speak with Campus Security or the police at the time of the initial report does not preclude the student from filing a criminal report at a later date. The University contact or Title IX Coordinator will offer and coordinate counseling and other support services for the student. The student shall also receive written information regarding their rights under this policy to file a
complaint and initiate the University’s complaint process. Even if a formal complaint is not filed or the individual requests confidentiality, the University must promptly investigate the report and take appropriate steps under the circumstances.

6. **Interim Measures**

Upon receipt of a report, the Title IX Coordinator will seek a meeting with the complainant to discuss internal and external support services, and other interim measures such as options regarding changes in academic or work schedules, living arrangements, transportation, or a campus no-contact order or interim suspension of the perpetrator. These options, if requested and reasonably available, will be made available regardless of whether the individual proceeds with a formal complaint under University policy or a criminal report to the police. Failure to adhere to any of the interim measures taken during an investigation is a violation of policy and may lead to independent disciplinary action(s).

7. **Investigation**

Upon receipt of a report, the University will initiate a prompt and equitable investigation and will work with both parties (the complainant and respondent) to assign a designated support person throughout the investigation process. Either party may refuse the assistance of a support person, but the offer will be made.

The filing of a complaint under this policy is independent of any external criminal investigation or court proceeding, and the University will not necessarily wait for the conclusion of any such investigation or proceeding to commence its own investigation and to take immediate steps to ensure the safety and well-being of members of the University community.

**Role of Title IX Coordinator**

The Title IX Coordinator will remain a neutral administrator in the investigation and any disciplinary process involving sexual misconduct allegations. The Title IX Coordinator will work with all involved parties, and will be responsible for directing compliance with this Policy. The Title IX Coordinator will not ultimately determine if a policy violation occurred. The Title IX Coordinator will:

• Maintain Title IX investigative/hearing records.
• Guide the process and involve only people with a legitimate need to know.
• Assess the University’s responsibility to issue timely warnings in accordance with the Clery Act for reported incidents that may pose a threat to members of the University community.

**University Investigation is Independent of Law Enforcement Investigation**

In cases of reported sexual violence or misconduct, the University will continue its internal investigation regardless of whether or not the complainant files a criminal complaint and/or wants the school to take action. If the University knows about a possible sexual harassment or sexual violence incident, it will promptly investigate the allegations to determine what occurred and to decide if further action is necessary.
Requests for Confidentiality/Impact on University’s Investigation

In instances where a complainant requests confidentiality, it may limit the University’s ability to respond. Depending upon the circumstances, the University may not be able to ensure confidentiality because of its obligation to provide a safe and non-discriminatory environment for all students. Factors that may impact the request include the seriousness of the alleged conduct, whether there have been other complaints about the same perpetrator, and the alleged perpetrator’s rights to receive information maintained in education records relevant to the accusation.

8. University Complaint Procedure

The University has two approaches for resolving complaints of alleged violations of this policy: informal resolution and the formal complaint process. The informal resolution process will NOT be used for any sexual violence complaint. Informal resolution efforts and the formal complaint processes are not mutually exclusive, and neither is a prerequisite for the other. Moreover, the informal resolution process may be ended at any time in order to initiate a formal complaint.

8.1 Informal Resolution: Seeking Mediation (Not applicable for sexual violence complaints)

8.1.1 Informal resolution procedures are intended to allow the complainant and the respondent to provide detailed information about the alleged incident(s) of discrimination or harassment and reach a mutually agreeable resolution. The mediation process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties.

8.1.2 With consent of both the complainant and the respondent, the Office of Human Resources (if the complaint involves only faculty, staff, or administration) or the Student Development Office (if a student is involved) will appoint a mediator. The mediator is not an advocate for either the complainant or the respondent. The role of the mediator is to aid in the resolution of problems in a non-adversarial manner.

8.1.3 The informal resolution process ends when a resolution has been reached or when the complainant or the respondent has terminated the process. At any time during the mediation process, the complainant and the respondent are free to withdraw from the process.

8.1.4 The mediator shall notify the Human Resources Director or the Vice President for Student Development of the result of the mediation process. If the dispute is not resolved through mediation, the Human Resources Director or the Vice President for Student Development shall immediately inform all affected parties and discuss with the complainant other alternatives for achieving resolution. The complainant may file a formal complaint at that time or withdraw the informal complaint. The informal resolution process, if unsuccessful, will not prejudice the rights of the parties involved.
8.2 **Formal Complaint Process**

A formal complaint process may be initiated in person or in writing. For all faculty, staff, and administration complainants this process is handled by meeting with the Deputy Title IX Coordinator/Human Resources Director or Title IX Coordinator. For all student complainants this process is handled by meeting with the Title IX Coordinator or a Deputy Coordinator/Assistant Dean of Students.

8.2.1 A formal complaint must identify and include the following information, if known:

- Name of the accused individual (respondent), his or her position or status, and contact information, if known;
- Clear and concise description of the alleged incident(s), what, when and where it occurred with supporting documentation and evidence, if any;
- Description of all informal efforts, if any, to resolve the issue(s) with the person involved (except in the case of sexual violence allegations). This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;
- Names of witnesses or individuals who may have direct and relevant information about the specific allegation (with accompanying addresses, email addresses, and telephone numbers).
- Complainant’s signature and the date signed;

8.3 **Preliminary Review of Complaint and Notice of Receipt**

8.3.1 Upon receipt of a complaint, the Title IX Coordinator/Designee will review the complaint for appropriateness. Title IX Coordinator/Designee will provide the complainant with written notice of receipt of the complaint within 5 working days, and will provide the complainant with written information of the University’s complaint procedures.

8.3.2 Formal complaint requires that the respondent be advised of the allegations and the source of the complaint by the Title IX Coordinator/Designee. Title IX Coordinator/Designee, as appropriate, will provide the respondent with a copy of the formal complaint (by hand delivery or certified mail) within 5 working days of receipt of the complaint, and will advise the respondent of the University complaint policy and procedures.

8.3.3 Title IX Coordinator/Designee, as appropriate, shall discuss with the complainant whether or not the alleged incidents of discrimination, harassment, gender-based misconduct and/or sexual misconduct if proven, would constitute a violation of the University’s policy, and whether or not it is appropriate to convene a Hearing Panel.

8.3.4 The Hearing Panel membership shall consist of three trained faculty/administrator’s representatives appointed by Title IX Coordinator, one of whom will be appointed as Chair.

8.3.5 The Title IX Coordinator will appoint a designee to serve as a University Representative to attend the Hearing as a non-voting member. The University Representative will facilitate the preparation of the hearing and presentation by the Investigator(s) of the case to the Hearing Panel.

8.4 **Hearing Procedures**

8.4.1 The complainant and respondent are entitled to the same rights including, to appear in person, hear all information presented, present any relevant information, have a support
person present, call witnesses, or make a statement to the Hearing Panel. In appropriate cases, the complainant and respondent will be in separate hearing rooms.

8.4.2 A witness must be a person who has firsthand knowledge of the event or actions in question.

8.4.3 The complainant/respondent must submit in writing the names of any witnesses that he/she wishes to give testimony. The list of witnesses must be submitted to Deputy Title IX Coordinator at least 24 hours prior to the scheduled hearing.

8.4.4 Prior to the hearing, both the complainant and the respondent will be given notice of the date, time and place of the hearing; the names of the Hearing Panel members (and opportunity to raise any conflict of interest concerns); their right to have a support person of their choice attend the hearing; their right to present witness testimony and other evidence; and their right to submit written statements to the Hearing Panel detailing the charges or any defense.

8.4.5 A support person can be anyone the respondent and/or the complainant wishes to fulfill that role, with the exception of any individual participating in the hearing or called upon to serve as a witness for either party. The role of the support person will be to consult with the individual he/she is there to support at reasonable intervals during the course of the conference. The support person generally may not address the Hearing Panel or other persons at the hearing. She/he may only address the chair of the Hearing Panel and only with explicit approval in an exceptional circumstance by the chair of the Hearing Panel. The parties may choose an attorney for their support person at their own expense; however, an attorney will be subject to the same rules as other support persons.

8.4.6 If the respondent/complainant elects not to appear at the hearing, the hearing shall be conducted in his/her absence.

8.4.7 If the respondent/complainant refuses to answer any questions or make a statement, the Hearing Panel will proceed to make its decision on the basis of information available to it at the time of the hearing.

8.4.8 All hearings shall be conducted in a confidential setting. All statements, information, or comments given during the hearing will be kept confidential by the complainant, the respondent, the Hearing Panel, the University personnel, and witnesses and advisors before, during and after deliberation. The University will comply with any legal obligations that require the disclosure of information.

8.4.9 The Panel will formulate specific procedures to deal with the orderly presentation of information and witnesses as well as any other matters as appropriate to the conduct of the hearing.

8.4.10 The proceedings shall be preserved by means of written and audio records.

9. Possible University Sanctions

The University’s primary concern is safety for members of our community. Students are encouraged to report suspected violations of this policy to promote the health and welfare of our community. In general, a student reporting an incident or complaint under this policy will be given amnesty for potential code violations (e.g. alcohol or drug use) that are related to the reported incident.

The University’s decision to impose sanctions will depend on the nature and severity of the incident and whether or not it can be determined by a preponderance of the evidence that a policy violation has occurred. If it appears that a policy violation has occurred, the range of responses includes, but is not limited to:
• Intervention by supervisor or appropriate authority
• Individual meeting with option of support person in attendance
• Facilitated conversation or mediation (not available for sexual assault cases)
• Educational or University sponsored activities
• No contact order between complainant and respondent.
• Change in academic or work schedules or arrangements
• Change in living situation on an interim or permanent basis.
• Disciplinary action, including but not limited to:
  o Suspension
  o Dismissal, termination or expulsion.
  o Discipline short of dismissal, termination or expulsion such as verbal or written warnings or probation.
• Public Service.
• Referral to law enforcement when there is danger or threat to community and/or when requested by complainant.

10. Standard of Proof/Evidence of Prior Sexual History

According to Title IX requirements, Briar Cliff University will apply a preponderance of the evidence standard. A preponderance of evidence is described as enough evidence to make it more likely than not that the accused has violated this Policy. In general, information about a person’s prior sexual behavior or history will not be considered to determine whether a violation has occurred. However, information regarding a prior intimate or sexual relationship between the parties involved in the hearing may be considered relevant depending upon the issues presented.

11. Time Frame

Upon receiving a report, Briar Cliff University will respond promptly and equitably. Both parties will be given periodic status updates during the process and both the complainant and the respondent will be given notice of the outcome and an opportunity to file an appeal, if applicable. Absent unusual circumstances, sexual misconduct investigations as well as hearings will be completed within 60 calendar days following receipt of the complaint.

12. Notice of Outcome

The parties will be concurrently notified, in writing, about the outcome of the investigation/hearing. In a hearing involving sexual violence allegations both parties will be notified of the final determination and of any sanctions imposed on the perpetrator. In all other types of hearings, the complainant will only be notified as to whether the alleged conduct was found to have occurred, and any individual remedies offered or provided to the complainant or any sanctions imposed on the respondent that directly relate to the complainant as well as any other steps the University has or will take, for example, to eliminate a hostile environment.

13. Appeals

Either party may elect to appeal the decision and/or sanction rendered by the Hearing Panel. Both parties will be informed of any appeal, the status of the appeal and the outcome. Appeals may be filed only on grounds of previously unavailable new evidence or
procedural error that has a material impact on the outcome, or where there is substantial
evidence that the sanction imposed is disproportionate to the findings of facts established
during the hearing process. Disagreement with the finding or sanctions is not, by itself,
grounds for appeal. An appeal of a disciplinary outcome must be made, in writing, to the
Title IX Coordinator within five business days after the decision has been made. Failure to
file a timely appeal to the Title IX Coordinator/Designee constitutes waiver to file an
appeal.

If the appeal is based on approved ground(s) for appeal and has been timely filed, the Title
IX Coordinator will name an Appeal Panel to review the written appeal. The Appeal Panel
will be composed of three trained designees that were not involved in the original decision.

After receiving an appeal and reviewing the hearing record and any allowable new
evidence, the Appeal Panel may elect to: affirm the finding and sanction, affirm the finding
and change the sanction, or reverse the finding. The decision of the Appeal Panel is final
and will be communicated in writing to both parties as well as appropriate University
officials.

14. Complaint Falsification

The University recognizes the right of all parties involved in a complaint to a fair
framework for encouraging resolution of complaints. Falsification, malicious accusations,
distortion, or misrepresentation of information during the course of a complaint process
may be grounds for disciplinary action.

15. No Retaliation

Any attempt by an employee or student to penalize, threaten, coerce, intimidate,
discriminate, or retaliate in any way against a person who makes a report of, or who is
otherwise involved in, a report or proceeding under this policy is completely prohibited and
will not be tolerated. If you believe that you have been a victim of retaliation during an
investigation, please contact the Title IX Coordinator.

16. Public Recordkeeping

The University will take steps to maintain confidentiality of persons reporting incidents of
sexual misconduct and relationship violence in records that are required to be available for
public inspection by using alternative means of identification and not including personally
identifiable information in the annual campus security report, campus crime log, and
emergency warning notices under the Clery Act.

17. Resources

For additional on and off campus resources visit:

II. EMERGENCY PROCEDURES:

PURPOSE
This quick reference guide has been developed for all members of Briar Cliff University Community to use in the case of an emergency. The goal of this guide is to prepare community before emergencies occur and to help ensure the safety of Students, Employees, and Campus Visitors.

**Communications**
For serious emergencies call **911** first then contact security at 712-898-1888. Security will notify 911, and all pertinent parties. If a crime has been committed secure the area and preserve evidence if possible. Get all personnel away from danger, and if needed, to appropriate shelter.

**Remember:** Time is critical in responding to any emergency--- and safety of people always comes first, before protection of property.

**Unlawful Activity Medical Incidents or Injury**

**Unlawful Activity**
- Call 911 and Security at 712-898-1888
- Remain calm
- Note the event you saw, descriptions and names of people involved in the incident if possible.
- Refer all media or external inquires to Public Relations 712-212-4210.

**Medical Incidents**
- Call 911 then Security 712-898-1888
- Make sure universal precautions are used for protection
- Do not move a non-ambulatory victim until qualified medical or first-aid personnel arrive.
- Fill out Incident Report with Security as soon as possible.
- Refer all media or external inquires to Public Relations 712-212-4210.

**THREATENING & Irate Persons**

**Person with Weapon**
- Immediately call (911) then Security at 712-898-1888, give specific information (Bldg., Room # etc.)
- When Police arrive, obey all commands.
- Do not respond to anyone, including someone identifying themselves as law enforcement, without visual verification.

**Weapon holder outside the buildings:** Run away from the threat if you can, as fast as you can.

**Weapon holder inside the buildings:** You should immediately lock or close doors and block them.

**REMAIN CALM:** Close blinds, turn off lights, stay away from windows, stay low and out of sight, Stay quiet!

**Violent and Irate Persons**
Briar Cliff University Faculty and Staff are not expected to physically deal with violent workers, students or visitors. If you are dealing with a violent or irate person, ask that person to leave the campus, if they fail to leave, have someone immediately call Security at 712-898-1888. It is a good idea for everyone in a common work area to pay attention to fellow employees in the event they encounter problems and need assistance in calling security.

**Suspicious Mail or Similar Threat**

**Suspicious Mail**
- If suspicious mail or packages are discovered, the package should be evaluated by security prior to notifying local law enforcement.
- Personnel suspicious of a letter or parcel should take the following measures:
  a. Be wary of unexpected packages and check the return address
  b. Look for handwritten addresses, misspelled words, leaking contents, odors, or ticking
  c. Ensure that all persons who have touched the mail piece wash their hands
  d. List all persons who were in the vicinity when the piece arrived to the authorities
  e. Shower with soap as soon as practical

**Do not** handle, shake or bump the item
**Do not** open, smell, touch or taste

**Bomb Threat**
- All bomb threats should be taken seriously. REMAIN CALM.
- Do NOT put the caller on hold. Do NOT transfer the call. Do NOT interrupt the caller, Do NOT hang up the phone, Do NOT touch any suspicious objects or packages, Do NOT use wireless technology, (Cell phones, or radios)
- After the threat, notify Security at 712-898-1888 from another phone,
- If instructed to evacuate, move a minimum of 500 yards away from the building.
- Instructors and supervisors should account for the students, employees, and visitors in their areas.
- Refer all media and external inquiries to Public Relations 712-212-4210.

**Fire, Tornado Physical Plant Outages**

**Fire**
- All students and employees will participate in fire drills and become familiar with the locations of exits, pull stations and fire extinguishers.
- To report smoke or fire call security at 712-898-1888.
- When a fire alarm sounds everyone must leave the building.
- The Fire Department, Security, or Physical Plant personnel will determine when it is safe to re-enter the building.
- Move a minimum of 100 feet away from the building.
- Instructors and supervisors should account for their students, employees and visitors in their area.
- Refer all external inquires to Public Relations 712-212-4210.

**Tornado**
• All students and employees will participate in tornado drills and become familiar with the closest shelter to their workstations or classrooms.
• A tornado warning means a tornado has been sighted near Sioux City.
• All persons should remain in the designated shelter area until, an all-clear signal has been received.
• Keep away from open doors, windows, and large open areas.
• Students, employees, and visitors are encouraged to stay on campus.
• Instructors and supervisors should account for the students, employees, and visitors in their areas.
• Do not move a non-ambulatory victim until qualified medical or first aid personnel arrive.
• Refer all media and public inquires to Public Relations 712-212-4210.

Physical Plant Outages and Emergencies
• Call Security at 712-898-1888
• Students and employees are advised not to endanger their lives.
• If instructed to evacuate move a minimum of 500 yards away from the buildings.
  Instructors and supervisors should account for the students, employees and visitors in their areas.

In the event of a gas leak, get out of the affected area immediately.
Do Not light matches, run electrical equipment or touch light switches. Do Not use wireless technology

CAMPUS SECURITY:

Briar Cliff University makes the safety and security of all its campus members and guests an institutional priority. Even though the campus is not closed to others, it remains private property for use by the University community and invited guests. The Briar Cliff University security staff protects campus and its students, faculty, and staff. When appropriate, the University issues warnings to the campus community of potential emergencies.

AUTHORITY OF CAMPUS SECURITY OFFICE
The Briar Cliff campus is monitored 24 hours a day. Campus Security staff strive to provide a safe campus by locking buildings, monitoring suspicious activity, enforcing parking regulations, and reporting emergencies to local authorities. Security staff may detain individuals for questioning. They have direct communication with local police and may call for assistance when needed.

REASONABLE SECURITY
The concept of “reasonable security” recognizes that there must be a balance between an accessible academic setting and a completely secure campus. We, as community members, must also do our part to maintain a safe and secure yet friendly campus environment. Campus Security is a resource for all of campus in helping maintain that environment.

LOCKING CAMPUS FACILITIES
To protect campus facilities, a specified locking schedule is followed. Students entering or leaving campus facilities after lock-up hours must secure the doors. Students may not prop open or alter a door so that it cannot lock. Students doing so will be subject to disciplinary action. Students should not admit unknown persons into locked buildings. Broken locks or propped doors should be reported immediately to Campus Security.
REPORTING CRIMES AND OTHER EMERGENCIES
Students should report suspected criminal activity and other emergencies to the Campus Security Office or the Residence Life staff. Whether you are a victim or an observer; any crime, suspicious activity or campus emergency should be reported immediately and the following procedures should be followed:

Crime Statistics
Briar Cliff Security reports all on-campus crimes as defined by Uniform Crime Reporting System. Briar Cliff is in full compliance with this federal mandate, and our Safety and Security report is available by clicking following link: http://www.briarcliff.edu/student-life/campus-services/security

Information regarding campus safety and security is provided in compliance with the Student Right-To-Know and Campus Security Act of 1991.

III. FINANCIAL AID

B. Financial Aid

Briar Cliff provides financial assistance to students based on available resources and ensures equal access to all students. Aid is provided in the form of scholarships, grants, work, and loans. Students seeking financial assistance must file the Free Application for Federal Student Aid (FAFSA). Briar Cliff’s Title IV Code (001846) must be listed in the appropriate section. Once the FAFSA is completed and a Student Aid Report is received, other documentation may be required before an official Award Letter is processed. The Award Letter outlines the specific financial aid that is offered to the student. Refer to the Financial Aid Guide online for more information on the various aid programs. Financial Aid is packaged in the following order:

- Federal grants, state and private grants
- Institutional scholarships and grants
- Federal work study
- Federal student loans
- Other resources

TYPES OF FINANCIAL AID
Scholarships and grants: Federal, state and institutional grants are awarded based on the qualifications defined in each grant program. Federal grants based on financial need include the Pell Grant and the Supplemental Education Opportunity Grant. State grants based on financial need include the Iowa Tuition Grant and the Iowa Grant. Briar Cliff awards institutional scholarships based on academic achievement, talent, merit, and financial need. Some university scholarships and grants could be reduced or eliminated if a student moves out of the campus residence halls.

You must be a full time day student in the undergraduate program to be eligible for institutional aid. Full time at Briar Cliff University is considered to be 12-18 credit hours per semester. Institutional aid is not awarded to part-time students.

Federal student loans include the Federal Direct and the Federal Perkins Loans. For a Federal Direct Loan, a Master Promissory Note and an Entrance Interview must be
completed online for first-time borrowers. Perkins Loans require additional paperwork and instructions will be made available to the student. Federal Loan proceeds are credited directly to the student’s account.

FINANCIAL AID SATISFACTORY ACADEMIC PROGRESS (SAP)
The Higher Education Act of 1965, as amended, requires that each student maintains satisfactory progress in the course of study the student is pursuing in order to receive Title IV Federal Financial Aid. At Briar Cliff, these standards are also applied to state and institutional programs. Students attending full-time have a maximum of five academic years to complete a program of study at Briar Cliff. Students will only receive state funding for four academic years. If the student’s major requires additional completion time, a fifth year of institutional funding may be allowed by appealing to the Financial Aid Office.

Academic progress will be measured both qualitatively and quantitatively. A minimum grade point average and a minimum number of credit hours completed in the academic year are requirements (see chart below).

End of Semester
Grade Point Average (GPA) Requirements
<table>
<thead>
<tr>
<th>Semester</th>
<th>GPA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Semester 1</td>
<td>1.50</td>
</tr>
<tr>
<td>Semester 2</td>
<td>1.75</td>
</tr>
<tr>
<td>Semester 3</td>
<td>1.90</td>
</tr>
<tr>
<td>Semester 4</td>
<td>2.00</td>
</tr>
</tbody>
</table>

If a student does not meet the grade point average requirement for SAP, they will receive a Warning notification for one semester. Students unable to achieve the required grade point average after a second consecutive semester will be placed on Financial Aid Suspension. Students can also be placed on Financial Aid Suspension after two semesters for not completing 70% of hours attempted.

Students placed on Financial Aid Suspension have the right to appeal the suspension. The suspension form is mailed to the student to complete. The appeal will require the reasons for the suspension and the Academic Plan which must be signed by the student’s Academic Advisor. The student will have a time frame to have the document completed and submitted to the Financial Aid Office so a decision can be made. Students who are granted approval will be placed on Financial Aid Probation. After the probationary semester the student will either be in good standing or will not be able to receive any federal, state or institutional funds until they are in good standing again. Eligibility can also be terminated when the credit hours required for a specific degree/program are earned or the student has attempted greater than 150% of the credit hours required for a specific degree program.

For students who fail to make satisfactory academic progress, refer to the Financial Aid Guide online for more information regarding the warning, suspension and termination levels of financial aid.

Transfer Students
The assumption is made that transfer students have maintained satisfactory academic progress at the time of admission. Transfer credits and GPA that are accepted at Briar Cliff are counted toward the total attempted credits/cumulative GPA in determining satisfactory academic progress compliance.
Repeated Coursework
When students repeat a course, the most recent grade received is used in the calculation of the cumulative grade point average unless the student performs worse. In that case, the better of the two grades is counted toward cumulative grade point average. Federal financial aid funds can be used to repeat a course only one time.

Non-credit Coursework
Non-credit coursework is not counted in the minimum credit requirement. In the event that a student fails to successfully complete courses at the minimum level, the student will be placed on Financial Aid Probation. A student in this category may receive financial aid for one additional semester. If the student does not meet the minimum levels by the end of the probationary semester, the student is considered to be making unsatisfactory progress and is placed on Financial Aid Suspension. Financial Aid Suspension means the termination of all financial aid except some private loans. The Financial Aid Office evaluates the progress of each student according to these standards on an annual basis. If a student is placed on Financial Aid Suspension, the student will have the opportunity to appeal the suspension. A student will receive notification of suspension and an Appeals Document. The appeals committee will review the student’s request and notify the student of its decision in writing.

Changes in Academic Load
During the first week of each semester, called “Validation Week,” students will have an opportunity to change their registration or room/board plan with no financial penalty. After Validation Week, there will be no adjustment to tuition or financial aid if the student drops a class or changes to a different room/board plan.

Students who completely withdraw from the University may be allowed a refund on tuition, fees, room/board (if applicable). Federal and state regulations require that all or a portion of the refund be returned to the appropriate government aid programs. Refunds on behalf of the federal aid recipients must be returned in the following order: Federal Direct Unsubsidized Loans, Federal Direct Subsidized Loans, Federal Perkins Loan, Federal Grad PLUS, Federal Direct PLUS, Federal Pell Grant, and Federal SEOG, TEACH Grant, other Title IV aid.

FINANCIAL AID POLICY REGARDING WITHDRAWAL

Return of Title IV (Federal) Aid
If a student withdraws from Briar Cliff University during a semester or summer session, a calculation of “earned” vs. “unearned” federal aid must be determined. This federal policy assumes students earn their aid based on how much time has elapsed in the semester. If students receive federal financial aid, that aid may be reduced as a result of withdrawal.

There are three steps that Briar Cliff must complete to comply with federal policy: determine the withdraw date, determine the amount of earned federal aid, and return unearned federal funds to the appropriate program(s). However, in order to ensure that the student is eligible to receive financial aid, Briar Cliff must first verify with instructor(s) that the student has attended or participated in academic activities related to his/her class (es) for the semester.
Students must officially withdraw by visiting the Student Retention Office. A Withdraw Form will need to be completed by key areas on campus and then returned to the Registrar’s Office. The withdraw date is the date the student begins the withdraw process. If students fail to withdraw officially, the withdraw date will become the midpoint of the semester, unless the University can document a later date. In certain circumstances if an earlier date of last academic activity is determined, this date may be used in the calculation of “earned” federal aid.

If students withdraw before completing 60% of the semester, their “earned” federal funds are in direct proportion to the length of time they were enrolled. The percentage of “earned” aid is determined by dividing the total number of calendar days enrolled by the total number of calendar days in the semester. If the student completes 60% of the term, he/she earns all federal financial aid for the semester.

The responsibility to repay unearned aid is shared by BCU and the student. The University’s share is the lesser of unearned aid or unearned institutional charges. The University’s share must be repaid to the federal aid programs before the student’s share is considered.

The order of the Return of Title IV funds is Federal Direct Unsubsidized Loan, Federal Direct Subsidized Loan, Federal Perkins Loan, Federal GRAD PLUS, Federal Direct Parent PLUS Loan, Federal Pell Grant, Federal Supplemental Education Opportunity Grant, Teacher Education Assistance for College and Higher Education Grant (TEACH), other Title IV programs. Institutional aid is adjusted based on the percentage of refund applicable at the time of withdrawal. State aid is adjusted based on the percentage of refund applicable at the time of withdrawal.

If a student is required to repay a portion of his/her loan through the student’s share calculation, he/she will not be expected to return those funds immediately, but rather when repayment begins according to the terms and conditions of the promissory note. If the student share includes grant funds, federal rules allow the grant portion be reduced by 50%. A satisfactory payment arrangement can be made with Briar Cliff University.

If a student stops attending classes in any given semester without official notification, he/she will be considered “unofficially” withdrawn. An example would be a student who receives only failing grades for a semester. The withdrawal date for a student who unofficially withdraws will be the midpoint of the period of enrollment or the last documented day of academically related activity, whichever is later. No refund will be granted for withdrawals that occur after 60% of the enrollment period has passed. If students without government aid unofficially withdraw, no adjustments will be made.

**Institutional and State Aid Refund Policy**

The Return of Title IV aid calculation, as cited above, only considers federal funds. If a student officially withdraws prior to completing 60% of the semester, institutional and State Aid will be refunded based on the percentage of the semester that has not been completed. After the 60% point of the semester, no refund will be granted nor will financial aid be reduced. The portion of the semester completed is based on calendar days from the first day of the semester through the last scheduled day of finals, including weekends and breaks of less than five days.
If a student withdraws during the first week of the semester and receives a 100% tuition refund on all courses, all funding must be returned to the appropriate aid programs. To officially withdraw, a student must complete a Withdrawal Form, which can be obtained in the Student Retention Office.

**IV. RESIDENTIAL LIFE AND AUXILIARY SERVICES**

**Residence Life Staff**
The Residential Life staff consists of live-in professional and student staff members. The staff works cooperatively to help students capitalize on the academic, cultural, spiritual and social opportunities that are inherent to residential living. The staff, along with residential students, strives to maintain academically-centered, safe, and comfortable living conditions within the residence halls.

Area Coordinators or and Resident Assistants live in each building to serve residential students. Staff members’ major roles include facilitating the development of the residential community, serving as a resource to students, providing support to students who have personal concerns, planning and participating in social and educational events with students, managing administrative tasks, and supporting a safe and comfortable living environment through community adherence to University policy and procedures.

**Residency Policy**
Briar Cliff University believes that living on campus is a vital part of the college experience. The best college experience is one where the curriculum and the co-curriculum are seamlessly integrated. Given that the educational benefits of a residential education are many and well-documented, Briar Cliff University enforces the following residency policy.

It is the policy of Briar Cliff University that all full-time undergraduate students live in campus housing and are enrolled in a meal plan until they have reached senior class standing (91 credit hours).

Exceptions to this housing policy will include students living with their parents or legal guardians within commuting distance (40 miles) of campus or individuals establishing independent status.

An independent student is one who: 1) is at least 23 years of age, 2) is married, 3) has children, 4) is a veteran, or 5) achieves independent status according to Federal financial aid guidelines. **If your exemption to housing policy is granted your University financial aid award will be reduced by 10%**.

**Housing Agreement**
Housing agreements are for the entire academic year and cannot be broken once initiated by University without the consent of the Assistant Dean of Students/Director of Campus Life. Residential students are responsible for all of the terms of the housing agreement. The Assistant Dean of Students/Director of Campus Life reserves the right to grant individual exemptions to the residency policy. [https://old.briarcliff.edu/campuslife/HousingContract.aspx](https://old.briarcliff.edu/campuslife/HousingContract.aspx)
Missing Resident Student Policy
If a member of Briar Cliff University has reason to believe that a student is missing, all possible efforts are made to locate the student to determine his or her state of health and well-being through collaboration of Campus Security, the Department of Student Development, and the missing student’s family and friends. If not located within 24 hours, appropriate family members, associates, or a university official will make an official missing person report with the law enforcement agency with jurisdiction. Anyone who believes a student to be missing should report their concern to Student Development or Campus Security. Depending on the circumstances presented to college officials, the parents of or the designated confidential contact of the missing student will be notified. In the event that parental notification is necessary, a university official will place the call. This policy is in compliance with Section 488 of the Higher Education Act of 2008.

Mailroom
Stark Student Center (East End), 712-279-5276
Hours: Monday through Friday from 9:00am to 3:00pm. All students residing on campus will receive a mailbox number and combination at the time of check in. Packages that will not fit in a student’s mailbox are held in the mailroom. (Notices that are received from UPS, PO and FedEx reflect the time the package arrives in town, not necessarily on campus.) A notification will be, e-mailed to the student to alert him/her when the package arrives on campus. Students residing off campus also may request a mailbox by coming to the mailroom during normal business hours. Of course, the mailroom has a drop box for outgoing mail near the student mailboxes for after hour drops.

Mailing address assigned to students:

Student’s First/Last Name
Briar Cliff University
3303 Rebecca Street
Sioux City, IA 51104

Dining Services
Stark Student Center, Cafeteria, 712-279-1727
BC Dining Services offers breakfast, lunch, and dinner, Monday through Friday with brunch and dinner served on Saturday and Sunday. Meals are not served between semesters, over holiday periods, or during the summer. Hours of operation are posted at the beginning of each school year. Also available for your convenience are the Fire Pit Grill and Java City Coffee Shop where declining balance funds can be used. More information about dining services, meal plans, locations, hours of service, and nutritional information can be found online at bcufood.com.

Residential Meal Plans
All resident students living on campus are required to be on a meal plan. Meal plans may be changed only during the first ten days of each semester. Meal plan change forms are available online at BCYou. Students living on campus choose from one of five semester meal plans which include: 105 meals + $260 (for juniors and seniors only), 135 meals +
$470, 180 meals + $360, 225 meals + $275, or the 300 meals + $240 per semester. The meals and declining balance dollars do not transfer from one semester to the next. Please consult the Director of Dining Services at 712-279-1727, with help or questions regarding choosing the right plan.

**Commuter Meal Plans**
Students who live off campus but want to enjoy the convenience of on-campus dining may purchase a Commuter Meal Plan. Three plans are available including 10, 25, and 50 meals/semester with declining balance dollars also available. These plans do transfer from one semester to the next. For more information on Commuter Meal Plans, please visit our BC Dining website at bcufood.com. To purchase a Commuter Meal Plan, contact the Director of Dining Services at 712-279-1727.

**Meal Plan Cancellations**
If a student cancels a meal plan before the end of a semester, meal charges will be assessed based on the total number of full and partial weeks completed through the sixth week of each semester. If a student cancels a meal plan after the sixth week, students will be assessed 100% of the meal plan charges for the semester.

**Contract Terms**
All students living in campus housing must purchase a meal plan. This policy is waived only for serious medical issues directly related to diet, providing that dining services cannot meet those dietary requirements. This condition must be verified by a physician. Contact the Director of Campus Life and the Director of Food service at 712-279-1727.

For detailed information regarding residence hall policy and procedures, please refer to the housing contract, or contact the Director of Campus Life at 712-279-1715.

**Maintenance and Custodial Services**

_Maintenance Building (712) 279-5376_

Briar Cliff University has a contract with National for maintenance and custodial services on campus.

V. **OTHER UNIVERSITY POLICIES**

**ACADEMIC**
Violations of the academic policies and procedures outlined in the Student Handbook and Course Catalog may be considered violations of University regulations and as such, are subject to University judicial processes and sanctions.

**ALCOHOL**
Briar Cliff permits responsible use and legal possession of alcohol on campus by students of legal age and in the designated areas. Further detail for this regulation is provided in the Statement on Alcohol and Drugs outlined in this handbook.

**COPYRIGHT**
Briar Cliff University expects students to comply with Copyright Law, PL 94-553. Information regarding this law is available via the BCU’s website. Persons disregarding copyright laws violate BCU policy and do so at their own risk.
DISORDERLY CONDUCT
Disruptions of the University community, residence halls and University activities and events; including presence during a violation of the student handbook is prohibited. If students are present during a violation of the student handbook, even if they may not have initiated or actively participated in the violation, they may be charged with the specific violation or face disciplinary action.

DISRUPTIONS OR PROTEST
Activities that disrupt the normal operations of the University, threaten or endanger the safety of community members, interfere with the rights of others or violate civil law are not acceptable. In order to ensure peaceful protest, students should inquire with the Student Development Office located in the Stark Student Center.

DRESS CODE
Students should be properly attired on campus. This applies to public areas, classrooms, dining hall, library, student center, and University grounds. Shoes and shirts are always required in the dining hall. Clothing offensive too cultural, ethnic, or social groups are not acceptable. University policies on discrimination apply to clothing.

DRUGS
In compliance with the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act, the University seeks to provide a drug-free learning environment and workplace.

ELECTRONIC HARASSMENT
Any harassment, threats, or intimidation through electronic media, including, but not limited to, cell phone, text message, social media, email, or any other form may be automatically referred to the Sioux City police for investigation and/or action.

EXPLOSIVES
Possession or use of explosives, ammunition, firecrackers, or pyrotechnics of any nature on campus is prohibited.

FAILURE TO COMPLY
Failure to comply with a request or official sanction issued by an authorized University staff, faculty or administrator. This includes but is not limited to request for meetings and completion of sanctions issued by members of the Student Development, Security, and Residential Life staff.

FIREARMS & WEAPONS
Possession or use of firearms, ammunition, metal-tipped darts, bows and arrows, BB guns and other projectile weapons including air-soft guns, including knives not specifically designed for kitchen use, are not permitted on University property. Possession of any weapon or item directed to be a weapon is subject to severe disciplinary action, including suspension or expulsion.

FIRE ALARMS
When the fire alarm sounds, all occupants must evacuate. Complete evacuation of buildings is a matter of law. Tampering with fire equipment or alarms is a serious safety issue, and subject to severe disciplinary action including loss of campus housing, suspension, or prosecution under Iowa law. All residents of building may be held responsible judicially and financially for misuse of fire equipment.

**FIRE PERMIT**
Sponsoring groups may request a fire permit through the Sioux City Fire Department. Permit requests require minimum 30-days' notice prior to the event. If a permit is granted, the fire department will send a copy of the permit to the sponsoring organization. Copies need to be left with the director of Facility Services, and the Office of Student Development. Even though Briar Cliff University has a valid fire permit, the police, fire department, and campus security have the discretion to revoke the permit at the event.

Use or storage of flammable fluids in campus buildings without proper authorization is prohibited.

**FIRE REGULATIONS AND PROCEDURES**
Students guilty of arson or similar acts or endangering the safety of others will be subject to severe disciplinary sanctions, including expulsion. The University may also take civil action.

**GUESTS**
Guests must follow BCU’s rules and regulations as outlined in the Student Handbook and Academic Catalog while on campus or at BCU events. BCU Students are held responsible for the conduct of their guests and subject to disciplinary action accordingly.

**HARASSMENT**
Harassment of any campus community member or guest based on gender, religion, race, color, age, disability, national or ethnic origin, sexual orientation, gender identity, or marital status is prohibited. Any conduct that interferes with a University community member’s rights, responsibilities, and/or abilities to achieve his/her academic, personal and professional potential may be considered violations of the Harassment Policy and are subject to disciplinary action.

**HAZING**
Hazing is defined as any act which endangers the mental, physical, or emotional health or safety of a student for the purpose of initiation or as a condition for continued membership in a group. Hazing is unilaterally prohibited at Briar Cliff.

**HOUSING CONTRACT**
Students found in violation of the University Housing Contract are subject to all judicial processes, sanctions, and penalties as outlined in the Student Handbook. [https://old.briarcliff.edu/campuslife/HousingContract.aspx](https://old.briarcliff.edu/campuslife/HousingContract.aspx)

**IDENTIFICATION CARDS**
Briar Cliff students should carry their current student ID cards at all times. The card is used to gain admission to campus activities and facilities. ID cards are required for meal service and to vote in student elections. Alteration of a BCU ID card is prohibited. Lending the card to someone or failing to present it when requested by authorized University personnel violates University regulations. The cost for replacement of an ID card is $15.
INTERNATIONAL STUDENT CONDUCT POLICY STATEMENT
International students have a unique relationship with the University, and their individual visas and other status as a student can be impacted by a great number of variables. International students are expected to exhibit high standards of personal conduct. The University expects all international students to know and follow all campus policies, local laws, state laws, and federal laws and guidelines. Failure to do so on even one occasion either on or off the campus, may result in immediate action or discipline at the discretion of the Vice President for Student Development or his/her staff designee, including, but not limited to, revocation of visa, removal from campus, suspension, or expulsion from the University.

KEYS AND GUARD CARDS
Unauthorized possession, use, or duplication of keys or guard cards is prohibited. Lending of key and guard cards to another person is prohibited.

MILITARY DUTY
Briar Cliff pledges full support to members of our military and/or the spouse of a member (if the member has a dependent child) of the Iowa national guard or reserve forces of the United States and those members who are ordered to state military service or federal service or duty.

Academic:
If members of the military and/or the spouse of a member (if the member has a dependent child) are called to active duty within an academic semester, Briar Cliff will arrange for them to:

☐ Complete courses for which they are registered at an accelerated pace;
☐ Receive “delayed” grades so that these courses can be completed at the + - `conclusion of active duty; or
☐ Withdraw with a grade of “w” from one or more of the courses for which they are registered.

Student Fees:
Military members and/or spouses of a member (if the member has a dependent child) will receive a full refund of tuition and fee charges for the academic semester in which they completely withdraw from the institution due to a call to active duty. Room and board charges will be refunded based on the percentage of semester completed.

Campus Jobs:
Return of campus jobs will be guaranteed to students upon conclusion of their active duty.

Athletics:
Briar Cliff pledges its support to work with the NAIA to restore a full season of athletic eligibility to any student-athlete who was unable to complete an athletic season because of the call to active duty.
NOISE AND SOUND AMPLIFICATION PERMIT
Any group sponsoring an outdoor event with amplified sound must obtain a noise permit from Sioux City Police Department at a cost determined by issuing party to sponsoring group. Requests should be made minimum of two weeks in advance. Copies of the permit will be given to Campus Security 48 hours prior to the event. A copy must be available at the event.

PARKING
Cars parked on campus must display valid Briar Cliff University parking permit obtained from the Campus Security Office. Students and employees should only park in authorized parking spots. Students with four or more violations and students with unregistered vehicles are subject to disciplinary action. Frequent parking violators will be subject to the application of a Lock (boot) to the vehicle or to towing. A $50 charge for removing boot will be assessed. Vehicles may be towed off campus at the owner’s expense.

PARKING POLICIES

General Information
Briar Cliff University provides parking for students, employees and visitors of the university. Permits are required to park on campus, including in spaces designated for disabled persons. Please be aware that purchasing a permit does not guarantee an immediate parking space will be available. Please take this into consideration when planning to park on campus.

Application for a BCU parking permit constitutes the applicant’s agreement to comply with all University parking regulations. The permit remains the property of BCU, and may not be copied, re-sold or transferred to an unregistered vehicle by the registered holder.

Briar Cliff University accepts no responsibility for loss or damage to any vehicle or its contents, however caused, while parked in any university parking lot.

Obtaining a Permit
To obtain a permit please visit the Security Office at 030 Heelan Hall and fill out a registration card. No permit will be issued without a completed form on file. Permits will not be mailed. The total price for a student permit will be billed to student accounts.

PARKING REGULATIONS
Parking at Briar Cliff University is by permit only. All BCU students, and employees parked on campus must display a valid parking permit. Permits are required in all university lots.

Permits must be fully affixed to the lower left hand corner of the back window of the vehicle. The permit must be fully visible. Failure to properly display a valid permit will result in a citation.
Students and employees may not park in the visitor parking in Lot A for any reason. Violators will be cited.

Motorists parked (without proper authorization) in a space designated for disabled persons, fire lanes, or no parking area will be ticketed and may be booted and or towed at the motorist’s expense.

Vehicles parked in a restricted lot without a proper permit will be ticketed and may be booted and or towed at owner’s expense. (See Restricted Lots information)

**Restricted Lots**

Lot A (Front of Noonan) This Lot is reserved for employees and visitors

Lot B (Lower level Noonan) This lot is reserved for employees

Lot C (Back of Noonan) This lot is reserved for resident students only

Lot D (Lower Theatre) This lot is reserved for employees and maintenance

Lot E (Upper Pit) This is open to any BCU permitted vehicle

Lot F (Lower Pit) This is open to any BCU permitted vehicle

Lot G (Gravel lot) This lot is reserved for BCU vehicles and long term resident student vehicles for $30.00 fee *

Lot H (Heelan-Theatre) This lot is reserved for employees

Lot I (Newman-Flanagan Center (NFC) -Lower Baxter) The East side (left on the drive in) is reserved for students. The West side (right on the drive in) is reserved for employees and commuting students only up to the sign by NFC is reserved for employees and event parking only.

Lot J (Lower Toller) is reserved for long term resident student vehicles for $30.00 fee (if needed) and is open to any BCU permitted vehicle. *

Lot K (North side of The McCoy Arnold Center) is reserved for employees and commuting students

Lot L (Toller-Alverno) is reserved for resident students only

Lot M (East side of The McCoy-Arnold) is reserved for employees and commuting students

Lot N (Alverno) is reserved for resident students only

(South of Heelan) Directly in front of Heelan is a “NO PARKING ZONE.” Between Heelan and the Library is visitor parking only
South of Stark on Clare Drive is visitor parking only

South Drive (The Hill) is reserved for any BCU permitted vehicle and event parking.

*Long term resident permits will be available for 50% ($30.00) off regular permit fee ($60.00), but the vehicle cannot be anywhere else on campus, other than move in/out days.

All of these regulations are to be 24/7-year around

Separate permits will be issued to employees, resident students and commuter students. Student permits will be valid from August 1st to July 31st. Employee permits have no expiration date.

PARKING TICKETS AND APPEALS

Parking Tickets

Failure to comply with Briar Cliff University parking rules and regulations will result in parking tickets.

Fine Structure

Failure to display valid parking permit…………………………………………………………$60

Unauthorized parking in a handicapped space/no permit displayed………………. $200

No parking zone/ Unauthorized parking/ Yellow curb/ Hash marks……………… $25

Blocking a sidewalk/ Parking in a loading zone/ Parking on grass area……… $25

Unauthorized parking in reserved area/ Employee parking stall………………. $25

Unauthorized vehicle left in roadway/ Parking lot aisle/Obstructing traffic…. $25

Improper parking (more than one stall) ………………………………………… $25

Parking in a fire lane (Fire Department regulation) …………………………… $50

Immobilization/Boot fee…………………………………………………. $50

Parking fines will be billed to student accounts.

Appeals Process

Citations may be appealed, in writing or in person, to the Director of Security or Assistant Director of Security within 7 calendar days of the ticket date. Students and employees will be notified of the status of their appeal in person or through e-mail. Please note: Ignorance of regulations, late arrivals for appointments or inability to find convenient parking space will not be accepted as grounds for an appeal.

Visitor Parking

59
Visitors may park in Lot A, or on Clare Drive by Stark. Visitors may only park in Handicapped Parking stalls if they are displaying a valid Handicapped Parking permit.

An overnight visitor/guest and host will need to obtain a Guest Parking Permit from the Security Office after they have received permission from the Residence Life Coordinator for the guest to be on campus. The visitor/guest must park in the same lot as his/her host. All visitor/guest vehicles are subject to all parking regulations. Any tickets issued to a visitor/guest must be paid in the Business Office or they will be added to the host student’s account.

Non-resident students and employees may not park overnight on BCU campus without prior approval from the Security Office.

**Disabled Persons Parking**

Students and employees parking in a Handicapped Parking stall need to display both their state issued Handicapped Parking permit and BCU parking permit. The Handicapped Parking permit must be visible to the Security staff.

**Temporary Permits**

If a student or employee (with a permit) is driving a different vehicle for a day, or short amount of days, they must obtain a temporary parking permit from the security staff.

Temporary parking permits must be displayed on the driver’s side of the dashboard, in full view of the security staff.

Temporary permit holders must follow all university parking rules.

**Parking Permit Fees**

Student permits are for the academic year. Employee permits are valid until replacing them is deemed necessary.

Resident Student………………………………………………………………………………… $60

Resident Long Term Parking (gravel lot only) ……………………………………… $30

Commuter Student………………………………………………………………………………… $60

Employee……………………………………… ………………………………………… N/C

**Replacement Permits**

Replacements for permanent parking permits can be obtained in the Security Office. You must bring in your old permit to obtain a free replacement permit. Please remember to remove your permit before selling or trading in your vehicle.

**PROPERTY DAMAGE**
Destruction or attempt to damage property belonging to the University, a member of the campus community, or a guest of the University is prohibited. Although the University provides reasonable protection for students’ property, the University is not responsible for the loss, theft, or damage to any property, including vehicles belonging to students or items in residence hall rooms. Briar Cliff University recommends all students carry homeowners or renter’s insurance to cover loss or damage to personal property.

All damages impacting University property will be reasonably investigated. If responsible parties are not identified, charges may be made to groups or segments of campus populations connected to the location of damages.

SECURITY
Impeding the security of the buildings, doors, or any area of campus is prohibited. This includes but is not limited to the propping open of locked doors, giving keys and guard cards to unauthorized individuals.

SKATEBOARDS
The following activities are prohibited: acrobatics (e.g., jumping on or over steps, benches, walls, rails, bike racks, etc.); excessive speed; blocking pedestrian paths, skateboarding near doorways, sidewalks, ramps, malls, hallways, etc.); and any activity which reasonably presents a risk of injury to persons or damage to property. All traffic including pedestrians has the right of way. Furthermore, any participant who is involved in an accident on University property may be held liable for causing physical injury or property damage. Students are encouraged to wear helmets.

SEARCHES
Students whose actions present probable cause to suspect that they violated a University regulation or a law may be required to submit to an inspection by University officials. Inspection may include a vehicle on campus, package, purse, briefcase, backpack, or container brought onto or being removed from campus. Desks, file cabinets, lockers, closets or other stationary containers may be inspected for probable cause. The inspection must be related to the suspected violation and completed with a witness and the individual present if possible.

SEGWAYS/HOVERBOARD/RECREATIONAL DRONE DEVICES
The use and/or possession of hands free-Segway (Swagway), Hover boards, self-balancing scooters, and recreational drones are banned on the Briar Cliff University campus. This includes all buildings, sidewalks and public areas. If you use or possess any of these devices on any Briar Cliff University property, the device will be confiscated by Campus Security and/or Residence Life and held until the device can be safely removed from University property. Subsequent violations will be subject to disciplinary action which may include monetary fines.

SERVICE AND ASSISTANCE ANIMALS POLICY:
Briar Cliff University is committed to compliance with state and federal laws regarding individuals with disabilities. With respect to a request for a service or assistance animal,
the University will consider whether the presence of such animal on campus is a reasonable accommodation.

Where the animal is being requested in University housing, students are requested to notify the Office of Residence Life 30 days in advance of the desired move-in date and will be required to follow the procedures below.

In all situations, to facilitate appropriate acceptance of service animals in classes and other campus areas, students with service animals are strongly encouraged to communicate with the Director of Student Support Services, particularly prior to bringing service animals into classes. Where the need for a service animal is not readily apparent, the University may require additional information similar to the process for evaluating assistance animals in campus housing.

Service animals must be harnessed, leashed, or tethered while in public areas on campus, unless these devices interfere with the service animal’s work or the individual’s disability prevents using these devices. Service animals in training must wear a vest identifying them as a “Service Animal in Training” when in public areas on campus.

Assistance/emotional support animals may be considered for access to University housing. Assistance animals, including service animals, may not reside in University housing without prior approval from the Office of Residence Life and Director of Student Support Services and subsequent registration with the Office of Residence Life. All assistance animals residing in University housing must be housebroken and controlled by the handler.

Handlers must take responsibility for obtaining any required animal licenses from the City of Sioux City within 30 days of bringing a service or assistance animal to campus, and abiding by all other Sioux City animal control ordinances. Handlers are also responsible for ensuring that animals are under their control and adhering to any University or City cleanup rules.

Definitions

**Assistance Animal**: *Assistance animals are not pets.* Assistance animals, including emotional support animals, are animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, or animals that provide emotional support that alleviates one or more identified symptoms or effects of a person’s disability. Assistance animals perform many disability-related functions, including but not limited to guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing minimal protection to rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. Some, but not all, animals that assist persons with disabilities are professionally trained. Other assistance animals are trained by the owners themselves and, in some cases, no special training is required. The question is whether or not the animal performs the assistance or provides the benefits needed as a reasonable accommodation by the person with the disability. An assistance or emotional support animal may or may not also qualify as a service animal.

**Service Animal**: Any dog, which is individually trained to do work or perform specific tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Although there are special provisions...
for miniature horses, other animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting an individual who is blind or has low vision with navigation and other tasks, alerting an individual who is deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to an individual with mobility disabilities, and helping an individual with psychiatric and/or neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Service Animals in Training: Individuals training a service animal are afforded the same rights to those individuals who require the assistance of a service animal. If you are training a service animal to aid and guide persons with disabilities, you must contact the Director of Student Support Services and comply with the requirements set forth in this Policy.

Individual with a Disability (ADA definition): An individual with a disability is a person who 1) has a physical or mental impairment that limits one or more major life activities or 2) has a record of such an impairment.

Handler: The individual with a disability who utilizes a service or assistance animal as an accommodation.

Accommodation: Any modification or adjustment in policies, practices, procedures, or work/school/housing environment to enable a qualified individual with a disability to enjoy equal opportunities and access to University rights, privileges, benefits and services.

University Housing Procedures for Service/Assistance Animals

Assistance animals, including service animals, may not reside in University housing without prior notification and registration. Documents required for review of requests for assistance animals in University housing must include the following:

a) The University may require sufficient documentation to support a reasonable accommodation request involving animals. Generally, this will include a letter from a treating health care provider confirming that the handler has a disability (the University does not require information about the nature or extent of the disability) and that the animal is necessary for the handler to access the University housing program. b) A written request from the prospective handler explaining

- If not readily apparent or already known to the University, the nature of the requested accommodation;
- the type of animal
- the date when the animal was acquired
- description of the animal (e.g. weight, breed, etc.), whether the animal is housebroken, and the animal’s name.
- if a service dog, and not readily apparent, the type of work or task the animal has been trained to perform.
Prospective handlers should be aware that it may take time for information to be received from health care professionals. Insufficient documentation may result in accommodation delays or denial.

Accommodation requests will be granted if reasonable. Reasonableness is determined on a case-by-case basis and may be denied if the animal is not housebroken or cannot be effectively controlled by the handler. The University will balance the needs of the handler with health and safety issues and the administrative and financial burdens involved.

NOTE: No documentation of the disability-related need for an assistance animal is required if the disability or disability-related need is readily apparent or already known to the University.

In the event that an assistance animal is approved to be in University housing, the Director of Residence Life (or designee) will meet with the student handler to review and sign the Guidelines and Agreement: Service and Assistance Animal Agreement. Once this has been completed, the handler must follow all sections of the Briar Cliff University Service and Assistance Animal Policy, including Handler Responsibilities. Permission to have a non-service assistance animal in University housing does not extend to other campus facilities or to common areas of the residence hall (e.g., lounges, class/meeting rooms, laundry rooms).

**Handler Responsibilities**

In this section, “animal” refers to a service or assistance animal, as described above. Handlers are responsible for any damage caused by their animals and must take appropriate precautions to prevent property damage or injury. The care, supervision and well-being of animals are the sole responsibility of their handlers at all times.

Handlers of animals on campus must:

1. Take responsibility for meeting legal requirements regarding vaccinations and licensing.

2. Ensure that animals are under control at all times. If an animal exhibits unacceptable behavior, the handler must take effective action to correct the situation.

3. In order to help faculty prepare for any facility or curriculum accommodations, it is recommended that handlers inform faculty of their use of service animals prior to the beginning of any block in which they will be using a service animal in class. Faculty are strongly encouraged to work with the Director of Student Support Services regarding communications with student if there are any concerns.

4. Ensure that animals are provided adequate care and treatment.

5. Adhere to cleanup rules: Handlers must follow local clean up ordinances when their animals defecate. Individuals with disabilities who physically cannot clean up after their own service or assistance animal may not be required to pick up and dispose of feces but are responsible for finding someone to do so for them.

6. Take responsibility for property damage or additional cleaning: Costs associated with any damage to campus facilities or properties resulting from the animal’s behavior are the sole responsibility of their handlers. Damage that occurs in a residence hall will be resolved according to the Residence Life damage policy.
**Removal/Relocation of Service/Assistance Animals**

Animals may be removed from any campus facility for the following reasons:

1. **Out-of-control Behavior:** A handler may be directed to remove an animal that is unruly or disruptive (e.g., barking excessively, running around, bringing attention to itself, jumping up on people, exhibiting aggressive behavior) if the handler is unable or unwilling to take effective action to control the animal. Repeated instances of such behavior may result in exclusion from University facilities until the handler can demonstrate that s/he can effectively control the animal.

2. **Not Housebroken:** Animals must be housebroken. Handlers must also ensure that their animals are kept clean and well-groomed. Animals that are excessively unclean (e.g., repeated soiling of facilities, flea-infested, foul-smelling and/or shedding excessively) may be excluded from University facilities. Although animals will sometimes become ill unexpectedly, the University recommends that animals that are sick should not be brought into University facilities.

If a service animal is properly excluded from the premises, the handler will be offered the opportunity to participate in the service, program or activity without the service animal.

Conflicts between animals and others’ severe allergies, phobias, etc., will be addressed on a case-by-case basis (e.g., relocation to another University housing facility or an alternate office location).

**Confidentiality and Authority**

Information regarding disability is considered highly confidential, is maintained in separate, secure files with limited access, and is only shared on a need-to-know basis. Authorizations for animals used for disability-related accommodations are made based on medical and/or mental health documentation and the situation at hand, and are not subject to challenge by someone other than the person utilizing the service or assistance animal.

**Policy Revisions and Review**

This policy is subject to revision and will be reviewed as needed.

**FORMS**

City of Sioux City Pet license information: https://www.sioux-city.org/pet-licensing

**SMOKING\TOBACCO**

In compliance with Iowa state law, Briar Cliff University is a smoke-free campus. In addition, the use of chewing tobacco, electronic cigarettes, and vapor cigarettes is also prohibited.

**SOLICITATION**

Permission to solicit on campus must be obtained by the Student Development Office. Stricter guidelines may apply for residence halls. This includes distribution of printed materials.

**STATEMENTS ON AIDS**

*Statement on AIDS*
Current knowledge affirms that persons testing Human Immunodeficiency Virus (HIV) positive do not pose a health risk to others in an academic setting. The American College Health Association (ACHA) states that there is no risk created by casual contact with an infected person. Briar Cliff University supports the ACHA recommendation that institutions not adopt blanket policies concerning students with AIDS-related conditions, but rather respond to each case specifically. The Director of Health Services and Vice President for Student Development will:

1. Manage the process of individual cases;
2. Assist in organization of AIDS educational programs; and,
3. Recommend any necessary policy or procedure decisions.

**ADDITIONAL CONSIDERATIONS FOR PREVENTION OF AIDS**

1. Abstinence from intimate sexual contact and avoidance of shared needles are ways to avoid transmitting AIDS. The efficacy of condoms for preventing HIV is unproven, but the consistent use of them with spermicide containing nonoxynol-9 may reduce transmission.

2. Toothbrushes, razors, and other implements that may become contaminated with blood should not be shared.

**STUDENT ORGANIZATIONS GUIDELINES AND PROCEDURES**

**Responsibility for Coordination**

The Director of Student Activities is responsible for the general coordination of all student organizations and groups. This includes the process of obtaining and maintaining official recognition by Briar Cliff University. It is the policy of the University that all organizations (social, academic, honorary, service, interest group, or other) obtain official recognition in order to be eligible for privileges at Briar Cliff University, renewable annually.

**Official Recognition**

To gain official recognition as an organization or to start a new organization a group needs to fill out a Student Organization Form, which is available from the Director of Student Activities. Once completed, this form needs to be returned to the Director of Student Activities and a review of the application will be done by members of the Student Development staff. The new organization will then be asked to give a short presentation on the mission of their group to the Briar Cliff Student Government (BCSG). Following the recommendation from BCSG, members of the Student Development staff, including the Vice President of Student Development will rule on the official recognition of the new organization.

**Maintaining Official Recognition**

To maintain the status of an officially recognized organization, an organization must comply with the following regulations:

- Updated roster of officers and advisor, with signatures must be on file with the Director of Student Activities.
- A current constitution for the organization must be on file at all times.

**Loss of Recognition**
Loss of recognition due to the conduct of a recognized organization will be handled by Student Development and appropriate University officials.

**General Guidelines**
All organizations will comply with the Equal Opportunity Policy of Briar Cliff University. Additionally, organizations must be open to all BCU students.

**Advisors**

**Selection of Advisor**
Each student organization is required to have at least one advisor, who will be either appointed by Briar Cliff University or otherwise chosen by the members of the group itself. The appointment, usually for one year, and may be renewed and continued as long as it is the desire of the group and is acceptable to the advisor. The principal advisor must be a member of the faculty or administrative staff. Additional advisors may be faculty spouses, alumni or interested members of the Siouxland community.

**Role of Advisor**
An advisor should play major roles with the organization:
1. Leadership – participation without domination.
2. Counseling advice as a resource person.

Advisors should be thoroughly familiar with the University procedures and philosophy and with the formal structure of the organization. Advisors should encourage the group to develop purposes and activities that are feasible, worthwhile, and which contribute to the overall educational experience of all persons involved. Where there is disagreement within a group or divergence from the group’s self-defined purpose(s), advisors should help officers and members to identify and resolve the conflict(s). Advisors should attend all regular meetings if possible.

**Advisors’ Responsibility Statement**
- Every organization must have an advisor who is on the BCU faculty or professional staff. The advisor serves as an ally, a resource, and liaison between the University and the organization.
- Organizations should give advisors copies of their charters and by-laws. Advisors should have a clear understanding of the organizations’ goals and objectives.
- Advisors must be informed of organizations’ meetings and attend as often as possible. Advisors should receive minutes of meetings.
- Advisors should attend the organization’s social functions on and off campus. Advisors are the official spokespersons for BCU at the function.

**Constitution**

**Minimal requirements for Constitutions**
- Name of the organization
- A statement of goals, purposes, and activities
- The organization and its activities, including membership eligibility, will be in line with BCU’s Equal Opportunity Policy
- Procedure for succession of officers
- A statement that no elected or appointed officer and member will be allowed to participate if they no longer are officially enrolled full time at Briar Cliff University or are on social probation or have below a minimum 2.00 cumulative grade point average. Seniors in the
final semester are exempt from the full time requirement, if they need fewer hours to graduate.

- Impeachment proceedings given and explained
- An explanation of general membership requirements and qualifications for officers and members
- Provision for an advisor, selection procedures, and specified duties
- List of standing committees and committee procedure, if applicable
- Procedure for amending the constitution

**Sign Posting Policy**
The following guidelines comply with the fire code, prevent damage to walls and surfaces, and ensure that signs respect Briar Cliff University community as a Catholic Franciscan institution. Student organizations are expected to adhere to this policy.

- The individual or organization sponsoring the advertised event must be identified on the signs
- Signs may not be hung in stairwells or on stairwell doors (fire doors)
- Signs may not be hung on wood or glass
- Masking tape should be used at all times to keep surfaces clean and undamaged
- Signs may not be derogatory to individuals or groups
- Promoting alcohol or drug use is prohibited
- Signs should be carefully proofread for spelling and grammatical errors
- In Heelan Hall, signs may be hung on walls of the main corridors. Groups are limited to two signs per floor
- Signs in the residence halls (Alverno, Baxter, Noonan and Toller), Newman Flanagan Center, the Mueller Library, the Theatre, Chapel, North Hall, and the Stark Student Center must be authorized by the directors of those areas
- Signs posted in Heelan Hall advertising activities not sponsored by Briar Cliff must identify the sponsoring individual or organization. These signs must be approved by the Student Development Office.
- Sign hangers are responsible for maintaining their own signs and removing them after the event
- Signs falling down, outdated, or in poor condition will be removed
- Signs will be removed if they do not follow these guidelines
- Posters, pictures, and other signage on the outside of residence hall room doors or windows are subject to the sign policy guidelines
- Failure to adhere to these guidelines will result in judicial action towards student(s) or organization(s) responsible for, or sponsoring the signs

**RESPONSIBILITY STATEMENT FOR STUDENTS SERVING ON CAMPUS COMMITTEES**

Committee membership is a matter of trust and commitment, carrying fundamental responsibilities to:

- Attend all committee meetings
• Prepare for meetings by reviewing the agenda and discussing items with constituents to assure accurate representation of the prevailing student point of view
• Report to students, through BCSG, committee discussions affecting students
• Share the committee workload
  Work with the committee to make the best decisions for BCU
• Maintain appropriate confidentiality

ESTABLISHING A NEW ORGANIZATION
Student interested in establishing a new student organization should contact the Director of Student Activities for further guidelines.

STUDENT RECORDS

Student Records Policy and Notification of Rights under FERPA

The federal Family Educational Rights and Privacy Act (FERPA) provides eligible students certain rights with respect to their education records. (An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day Briar Cliff University receives a request for access. A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The University 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 school 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 is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

A student who wishes to request an amendment to a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the University decides not to amend the record as requested, the student will be notified in writing of the decision and the student’s 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 provide written consent before the University discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
FERPA permits the disclosure of PII from students’ education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, Briar Cliff will maintain a record of disclosures. Students have a right to inspect and review the record of disclosures. Briar Cliff University may disclose PII from a student’s education records without obtaining prior written consent of the student –

- To “school officials” with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the University who performs an institutional service or function for which the University would otherwise use its own employees and who is under the direct control of the University with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist 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 responsibilities for the University.

- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student’s enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))

- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U. S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university’s State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))

- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))

- To accrediting organizations to carry out their accrediting functions. (§§99.31(a)(7))

- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))

- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))

Information the school has designated as “directory information” under §99.37. (§99.31(a)(11)) The University has designated the following as directory information:

Briar Cliff University has designated the following types of information as Directory Information:

*Student’s name, parents’ name(s), date and place of birth, high school or previous educational institution attended, local and permanent address, university email address, identifiable video and photographs, including those used for marketing purposes, telephone listing, enrollment status and classification, student employment information, dates of attendance, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received.*

To review the Directory Information Notice and understand your rights regarding Release of Student Information, please visit [https://www.briarcliff.edu/legal-and-consumer/directory-release-rights/](https://www.briarcliff.edu/legal-and-consumer/directory-release-rights/)

To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(a)(13))

To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school’s rules or policies with respect to the allegation made against him or her. (§99.31(a)(14))

To parents of a student regarding the student’s violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University 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

Directory Information Notice
[Release of Student Information]
The Family Educational Rights and Privacy Act (FERPA), a Federal law, provides certain privacy protections for a student’s education records.

Most information in a student’s education record is considered confidential and is not released without the student’s prior written consent. However, there are some exceptions to that rule. The Student Records policy in the Student Handbook explains in further detail the types of disclosures that the University may make without a student’s consent. One such disclosure is of information referred to as “Directory Information.” Directory Information is information contained in a student’s education record which would not generally be considered harmful or an invasion of privacy if disclosed.

Briar Cliff University has designated the following types of information as Directory Information:

Student’s name, parents’ name(s), date and place of birth, high school or previous educational institution attended, local and permanent address, university email address, identifiable video and photographs, including those used for marketing purposes, telephone listing, enrollment status and classification, student employment information, dates of attendance, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received.

A student who does not want his or her directory information to be disclosed by the University must complete a “Request to Withhold Directory Information” form and submit it to the Registrar’s Office, Noonan Hall Room G2. The deadline for submitting this form within the first 3 weeks of each semester.

A student may direct the withholding of any or all of the types of information listed as Directory Information above.

The effect of submitting a “Request to Withhold Directory Information” form may be to:

- Prevent the release of attendance, withdrawal or graduation information even after the student leaves the University. To deactivate the hold, the student would need to submit a new written authorization.
- Prevent the release of directory information on official Briar Cliff University websites, or publications, such as honor rolls, graduation programs, playbills, roster information for athletic teams, and similar types of publications.
- Prevent the University from releasing student contact information.

Any questions concerning this policy or these procedures should be directed the Registrar’s Office.

**THEFT**
Unauthorized possession of University property or the property of others is prohibited

**VANDALISM**
Vandalizing or defacing of campus property or the property of others is prohibited. Threats or acts of violence against any member of the University community are prohibited. Fines, replacement costs, and repair costs for vandalism may be charged to individuals, groups, or portions of the campus community.