

# BLUE MOUNTAIN CHRISTIAN UNIVERSITY

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## POLICIES AND PROCEDURES

**AREA:** Student Affairs

**NUMBER:** Policy 4.13

**SUBJECT:** Student Conduct and Judiciary

Blue Mountain Christian University seeks three sources of authority in light of the University mission for the behavioral expectations it places on students:

- A. Scripture (what does the Bible have to say about behavioral expectations?);
- B. The Baptist Faith and Message and Christian heritage (the life-style issues, roots, and values of evangelical Christians who find their authority in God's Word and have stressed the need for a personal, redemptive faith in Jesus Christ.); and
- C. Legal authority (local, state, and Federal laws).

These three sources provide the basis for the behavioral standards of the Christian University. As is the case with all communities, reasonable expectations (rules and regulations) are identified which contribute to the common good of the community. Being a contributing member of a community requires that selfish individualism must give way to what is best for a caring, just, and orderly community. As a community, members of the University community are committed to the Christian values on which the University was founded. Personal misconduct either on or off campus by anyone connected with Blue Mountain Christian University detracts from the Christian witness Blue Mountain Christian University strives to present to the world and hinders full accomplishment of the Mission of Blue Mountain Christian University.

Blue Mountain Christian University students are responsible for knowing the information, policies and procedures outlined in this document. Blue Mountain Christian University reserves the right to make changes to this policy as necessary.

### I. Definitions

- A. University: University, Institution, or BMCU means Blue Mountain Christian University.
- B. Student: The term student includes all persons taking courses at the University, both full-time and part-time, pursuing either an undergraduate or a graduate degree. Persons who are not officially enrolled for a particular term but have a continuing relationship with the University are considered students.
- C. Faculty Member: The term faculty member means any person assigned by the University to conduct classroom activities.

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- D. University Official: The term University Official includes any person performing assigned administrative or professional responsibilities.
- E. Member of the University Community: The term member of the University community includes any person who is a student, faculty member, University official, or any other person employed by the University. A person's status in a particular situation relative to the rules and regulations of the University shall be determined by the Dean of Students.
- F. University Premises: The term University premises or Campus includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University including adjacent streets and sidewalks.
- G. Organization: The term organization means any number of persons who have complied with the formal requirements for University recognition.
- H. Dean of Students means the person authorized to determine whether a student has violated Blue Mountain Christian University Policy 4.13: *Student Conduct and Judiciary* and to impose sanctions upon students who have violated policy.
- I. Student Appeals Committee means the appeal body made up of faculty and staff to hear student appeals.
- J. Policy is defined as the written regulations of Blue Mountain Christian University as found in, but not limited to, Policy 4.13: *Student Conduct and Judiciary*, Blue Mountain Christian University Undergraduate Student Handbook, the Handbook for Graduate Studies, written Residence Life Material, the Graduate Catalog, the Undergraduate Catalog, and any additional materials otherwise published or disseminated as policy.
- K. Academic Honesty which includes but it is not limited to prohibitive acts such as "plagiarism" and "cheating" is addressed in Policy 2.19: *Academic Honesty and Integrity*.
  - 1. Cheating: Cheating on examinations shall include (but not be limited to): (a) taking answers from another student's paper or allowing answers to be taken from one's own paper during an examination or quiz; (b) the use of notes or any other aid not specifically allowed or approved by the instructor; (c) unauthorized access to an un-administered examination or quiz; (d) collaboration on take-home examinations unless specifically approved by the instructor.

Cheating on course assignments shall include (but not be limited to): (a) receiving editorial assistance beyond that expressly allowed by the instructor; (b) collaborating with another person in the preparation of any assignment offered for

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credit when such collaboration is prohibited by the instructor; (c) submitting the same work for credit in more than one course, regardless of whether or not such submission occurs within the same term. An exception may be granted if the student receives written permission in advance from his/her instructor(s).

2. Plagiarism: No student shall submit as his or her own work any term paper, research paper or other academic assignment of original work that in any part is not in fact his/her own work. Knowingly using the ideas of another person and offering them as one's own original ideas is prohibited by this policy to the same extent as knowingly using the words of another writer and offering them as one's own original writing.

Numerous opportunities exist for inappropriate copying and use of copyrighted material from cyberspace including materials that extend into other media including audio, video, graphics files, etc. Therefore, the University expects the use of these materials in a way that is consistent with academic integrity in documenting sources and in obtaining permission to use such materials.

Plagiarism is a threat to academic integrity because of the expansion of the Internet. Any time a student downloads content from electronic documents, there is a risk of plagiarism. Because of the importance of academic integrity, Blue Mountain Christian University has subscribed to an internet-based plagiarism detection service. Instructors are encouraged to submit papers to the scrutiny of the plagiarism detection service in order to assist them in guaranteeing academic integrity.

3. Other Academic Misconduct: Other academic misconduct shall include (but not be limited to):
  - a. Unauthorized access to and/or the alteration of school records, including but not limited to, transcripts, grade books, class rolls, and grade reports. This prohibition extends to all such records of the University, including those which are stored and maintained electronically;
  - b. Submitting any assignment for credit which is based in part or in total on data which is either fabricated or manufactured;
  - c. Misrepresenting one's self for the purpose of taking an examination for another student or allowing such misrepresentation to occur;
  - d. The forgery, alteration, and/or misuse of University documents, including student identification cards with intent to defraud, deceive, or mislead; and

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- e. Providing false or misleading information to avoid penalties for unexcused excessive absences in any class or to obtain permission to drop a course without penalty after the established drop date.
- 4. Statement on Artificial Intelligence (AI) and Academic Integrity: Although Blue Mountain Christian University recognizes the legitimate value of AI applications in professional and academic endeavors, the University also recognizes that inappropriate use can pose a danger to course engagement and student learning. In addition, some courses emphasize the acquisition of skills which would be hampered by the use of AI. Therefore, instructors must determine how AI may or may not be utilized in individual courses, as well as what kinds of use would be deemed violations of academic integrity. In courses in which a formal statement regarding AI is not specified, students must assume that AI use in any form is prohibited and is, consequently, a violation of the BMCU Academic Integrity Policy.
- L. Computing Facilities: The term computing facilities includes, but is not limited to, computing labs and other computers on campus that are accessed by or accessible to students. Personal computer use on campus which uses University access to the Internet or University phone lines may also be included in this definition as applied to prohibitive conduct.
- M. Complainant refers to the individual or individuals who bring forth a complaint against another student. A complainant could be any member of the Blue Mountain Christian University community.
- N. Respondent refers to the student or students accused of a violation of the Blue Mountain Christian University Student Conduct and Judiciary Policy.
- O. Information includes, but is not limited to, any and all pertinent records, exhibits and written statements relating to an incident and/or violations of the Blue Mountain Christian University Student Conduct and Judiciary Policy.
- P. Consent: Effective consent is informed, freely and actively given, in mutually understandable words or actions, by each participant which indicates a willingness to participate in mutually agreed upon sexual activity.

In the absence of mutually understandable words or actions (a meeting of the minds on what is to be done, where, with whom, and in what way), it is the responsibility of the initiator, that is, the person who wants to engage in the specific sexual activity, to make sure that they have consent from their partner. Relying solely upon non-verbal communication can lead to miscommunication. It is important not to make assumptions. If confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, the initiator should stop and verbally clarify the other

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individual's willingness to continue.

Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a mutually understandable agreement between them to do the same act, in the same way, at the same time, with each other.

Consent which is obtained through the use of fraud or force, whether that force is physical force, threats, intimidation, or coercion, is ineffective consent. Intimidation or coercion is determined by reference to the reasonable perception of a person found in the same or similar circumstances.

Consent may not be inferred from silence, passivity or lack of active resistance alone. Consent may never be given minors, mentally disabled persons, or physically incapacitated persons.

Silence, previous sexual relationships, and/or current relationship with the respondent (or anyone else) may not, themselves, be taken to imply consent. Consent cannot be implied by attire, or inferred from the buying of dinner, the giving of or exchange of any gifts, or the spending of money on a date.

Consent to one type of sexual act may not, in itself, be taken to imply consent to another type of sexual act. Consent has an expiration date. Consent lasts for a reasonable time, depending on the circumstances. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly; upon clear communication, all sexual activity must cease.

- Q. Incapacitation: Incapacitation means being in a state where a person lacks the mental or physical capacity to appreciate the fact that the situation is sexual, or cannot appreciate (rationally and reasonably) the nature and extent of that situation or its potential consequences.

One who is physically incapacitated as a result of alcohol or other drug consumption (voluntarily or involuntarily), or who is unconscious, unaware, or otherwise physically helpless, is incapable of giving consent. One may not engage in sexual activity with another who one knows, or should reasonably have known is incapacitated as a result of alcohol or drugs. The use of alcohol or drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of the use of alcohol or drugs on another's ability to give consent. Being intoxicated or high does not diminish one's responsibility to obtain consent and is never an excuse for sexual misconduct.

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### II. Conduct Standards

Blue Mountain Christian University considers the behavior described in the following section as inappropriate behavior of the Blue Mountain Christian University community and in opposition to the core values of the University. These expectations and rules apply to all students, whether undergraduate or graduate. Blue Mountain Christian University encourages community members to report to Blue Mountain Christian University officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in V.2 of this policy.

Generally, University jurisdiction and discipline shall be limited to conduct which occurs on University premises or which adversely affects the University community and/or the pursuit of its objectives. However, the University has a vital interest in the character of its students and organizations and may regard off-campus behavior as a reflection of a student's character and fitness to be a member of the student body or the collective membership's fitness to be recognized as a student organization. Accordingly, the University reserves the right to address student or organizational behavior through the judicial process whether it is exhibited on or off campus.

- A. Abuse: Physical abuse, sexual abuse, verbal abuse (including profane and/or obscene language and inappropriate phone calls), threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person. [Cross reference with Policy 6.01: *Sexual Harassment, Fraternization, and Workplace Harassment*]
- B. Alcohol Violations: Use, possession, or distribution of alcoholic beverages; intoxication; or possession of alcoholic beverage containers on campus or while engaged in any University-related function, including functions sponsored by University organizations, and/or any irresponsible behavior involving the use of alcoholic beverages whether on or off campus. Examples of alcohol violations include, but are not limited to:
  - 1. Showing physical or mental impairment following or resulting from alcohol use;
  - 2. Evidence of consumption;
  - 3. Irresponsible behavior involving the use of alcoholic beverages;
  - 4. Possessing empty alcohol containers for decorative purposes;
  - 5. Participating in or being present during the occurrence of any drinking game; using or possessing common sources of alcohol including, but not limited to kegs, party balls, punch bowls, wine boxes, etc.[Cross reference with Policy 6.02: *Drug-free and Tobacco-free Environment*]
- C. Attire: Dressing in a manner which is not consistent with generally accepted standards. [Cross Reference with Policy 1.16: *Marriage, Gender, and Sexuality*]

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- D. Campus Demonstrations: Participation in a campus demonstration which disrupts the normal operations of the University and infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
- E. University Judicial System Abuse: Abuse of the University judicial system, including but not limited to the following:
  - 1. Failure to obey the summons of a judicial body or University official;
  - 2. Falsification, distortion, or misrepresentation of information before a judicial body;
  - 3. Disruption or interference with the orderly conduct of a judicial proceeding;
  - 4. Initiating a judicial proceeding knowingly without cause;
  - 5. Attempting to discourage an individual's proper participation in or use of the judicial system;
  - 6. Attempting to influence the impartiality of a member of a judicial body prior to and/or during the course of the judicial proceeding;
  - 7. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding;
  - 8. Failure to comply with the sanction(s) imposed under the judicial process;
  - 9. Influencing or attempting to influence another person to commit an abuse of the judicial system.
- F. Computer Time Theft or Abuse: Theft or other abuse of computer time, including but not limited to the following:
  - 1. Unauthorized entry into a file, to use, read, or change the contents, or for any unauthorized purpose;
  - 2. Unauthorized transfer of a file;
  - 3. Unauthorized use of another individual's identification or password;
  - 4. Use of computing facilities or University internet access to interfere with the work of another student, faculty member, or University official;

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5. Use of computing facilities to view, read, or send obscene or pornographic material;
6. Use of computing facilities to send abusive messages, threats, or pranks;
7. Use of computing facilities to interfere with normal operation of the University computing system;
8. Use of computing facilities for copyright infringement, scams or pyramid schemes, gaming, mass e-mailing, commercial gain or private profit;
9. Use of computing facilities to misrepresent the University seal or logo.

[Cross reference Policy 2.22, *Acceptable Use of Technology*]

- G. Conduct Unbecoming of a Blue Mountain Christian University Student: Conduct which reflects poorly on Blue Mountain Christian University or which is not in the best interest of the University and its Christian Mission.
- H. Dishonesty:
  1. Cheating, plagiarism, or other forms of academic dishonesty;
  2. Furnishing false information to any University official, faculty member, or office;
  3. Forgery, alteration, or misuse of any University document, record, or instrument of identification;
  4. Tampering with the election of any University-recognized student organization.
- I. Disorderly Conduct: Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored, or participated in, by the University. Participation in campus demonstrations which disrupts the normal operations of Blue Mountain Christian University and leading or inciting others to disrupt schedules.
- J. Disruption or Obstruction: Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other University activities, including its public-service functions on or off campus, or other authorized non-University activities, when the act occurs on University premises.
- K. Dress Code:

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1. In keeping with the ideals of Blue Mountain Christian University, each student is expected to dress neatly and appropriately at all times;
  2. Shoes should be worn at all times in academic areas, offices, and dining facilities;
  3. Regardless of the intent, display of the following is inappropriate on campus:
    - a. Undergarments
    - b. Excessively tight and/or form fitting clothing
    - c. Clothing displaying alcohol, drugs, tobacco products, inappropriate language, or related graphics, descriptions or logos inconsistent with the Christian Mission of Blue Mountain Christian University.
- L. Drugs Violations:
1. Use, possession, distribution, sale, manufacture, or evidence of consumption of narcotics, controlled substances or illegal drugs on or off Blue Mountain Christian University property, or at Blue Mountain Christian University sponsored events or programs in accordance with federal state, and local laws.
  2. Examples of violations include, but are not limited to:
    - a. Misuse of over-the counter drugs;
    - b. Misuse or sharing of prescription drugs;
    - c. Possessing, using, being under the influence of, distributing, or manufacturing any form of illegal drug;
    - d. Possessing paraphernalia (i.e. rolling papers, pipes, bongs, grinders, etc.) for intended or implied use of any form of illegal drug;
    - e. Possessing paraphernalia that contains or appears to contain illegal drug residue;
    - f. Purchasing or passing illegal drugs from one person to another;
    - g. Using mail services to purchase, pass, or distribute illegal drugs. [Cross reference with Policy 3.20: *Drug-free and Tobacco-free Environment*]

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M. Failure to Comply: Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

N. Gambling:

1. Engaging in any game or chance or bets whether on campus or at a Blue Mountain Christian University function which the participants commit money, or anything of value, in order to participate in play.
2. Lotteries and raffles are included.

O. Hazing:

1. Hazing, defined as an act which threatens the mental or physical health or safety of a student or causes embarrassment or humiliation 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, a student=s willingness to participate in such activity notwithstanding.
2. Behavior that results in: mental and/or physical discomfort, embarrassment, harassment, ridicule.

P. Inappropriate Language: Violations include, but are not limited to: lewd, obscene or vulgar language or expression that is contrary to the Christian values and principles of Blue Mountain Christian University.

Q. Misuse of University Facilities:

1. Unauthorized entry to or use of Blue Mountain Christian University premises;
2. Unauthorized possession, duplication or use of keys, or identification cards, to any Blue Mountain Christian University premises.

R. Property Violations:

1. Attempted or actual theft of property of the University or property of other individuals on the Blue Mountain Christian University premises, or other personal or public property;
2. Possession of stolen property;

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3. Damage or tampering with property of Blue Mountain Christian University or the property of individuals on the Blue Mountain Christian University premises.
- S. Sexual Impropriety:
1. Public Display of Affection: Engaging in a public display of affection which is not in keeping with good taste and high moral standards;
  2. Consensual Sexual Activity: Consensual sexual activity includes, but is not limited to participation in or appearance of engaging in premarital sex, extramarital sex, or homosexual activities, or other sexual expression that conflicts with the Christian identity or faith mission of Blue Mountain Christian University. Whether consensual or nonconsensual, Blue Mountain Christian University does not tolerate sexual activity on campus.
  3. Pornography: Possession, distribution, use or manufacture of pornographic materials including pornographic paraphernalia. [Cross reference Policy 2.22, *Acceptable Use of Technology*]
- T. Sexual Misconduct:
1. Sexual Harassment: Sexual Harassment is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from Blue Mountain Christian University's educational programs and/or activities, and is based on power differentials, the creation of a hostile environment, or retaliation. Examples include, but are not limited to:
    - a. An attempt to coerce an unwilling person into a sexual relationship;
    - b. To repeatedly subject a person to egregious, unwelcome sexual attention;
    - c. To punish a refusal to comply with a sexual based request;
    - d. To condition a benefit on submitting to sexual advances;
    - e. Sexual violence;
    - f. Intimate partner violence;
    - g. Gender-based bullying; and
    - h. Stalking

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2. Sexual Assault (Non-consensual Sexual Contact): Sexual assault is any intentional sexual touching, however slight; with any object, by a male or female upon a male or a female that is without consent and/or by force. Consent must be informed and freely and actively given. Silence in and of itself is not an indication of consent. Whether consensual or non-consensual, Blue Mountain Christian University does not tolerate sexual activity on campus.
3. Non-Consensual Sexual Intercourse (Rape): Non-consensual sexual intercourse is any sexual intercourse however slight, with any object, by a male or a female upon a male or female that is without consent and/or by force. A person must be capable of controlling their physical actions and making a rational, reasonable decision in order to consent. Whether consensual or non-consensual, Blue Mountain Christian University does not tolerate sexual activity on campus.
4. Sexual Exploitation: Sexual exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute another violation of Section T *Sexual Misconduct* in this policy. Examples of sexual exploitation include, but are not limited to
  - a. Invasion of sexual privacy;
  - b. Prostituting another student;
  - c. Non-consensual video or audio taping of sexual activity;
  - d. Going beyond the boundaries of consent;
  - e. Engaging in voyeurism (the sexual interest in or practice of spying on individuals engaged in intimate behaviors, such as, but not limited to, undressing, sexual activity, or other actions usually considered to be private in nature);
  - f. Knowingly transmitting an STD, STI, or HIV to another student;
5. Stalking: Stalking occurs when a person willfully, on more than one occasion, follows or is in the presence of another person without legal purpose and with the intent to cause death or bodily injury, or with the intent to cause emotional distress by placing that person in reasonable fear of death or bodily injury. Examples of stalking include, but are not limited to:
  - a. Threatening mail, phone calls, emails, or social media;

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- b. Persistent physical approaches;
- c. Following a person or coincidentally showing up at places the person frequents;
- d. Waiting outside a person's residence, classroom, or place of employment;
- e. Destruction of a person's personal property;
- f. Breaking into a person's car or residence;
- g. Consistently questioning others for information about a person of interest.

[See also Policy 6.01: *Sexual Harassment, Fraternization and Workplace Harassment*; see also Policy 6.06: *Title IX Sexual Harassment and Grievance Process*]

- U. Smoking and Tobacco Use: Blue Mountain Christian University is a drug-free, tobacco-free campus. Use of tobacco and smoking products, which includes all electronic cigarettes and vapor products, inside a residence hall, other campus buildings, or on the University campus is prohibited. [Cross reference with Policy 3.20: *Drug-free and Tobacco-free Environment* and Policy 6.02: *Drug-free and Tobacco-free Environment*]
- V. Tampering: Jeopardizing the public safety of others by tampering with safety equipment or safety features on campus such as, but not limited to, alarms, cameras, entry systems, fire extinguishers, and smoke detectors. Specifically included is the propping open of residence hall doors or other secured doors on campus.
- W. Theft or Damage: Attempted or actual theft of and/or damage to or tampering with property of the University or property of other individuals on University premises, or other personal or public property.
- X. Unauthorized Visitation: All University-owned housing is designed as single sex accommodations according to biological sex. The lobbies/parlors of the residence halls are open during posted hours. All areas of the residence halls, other than the lobbies/parlors, are restricted to women only in female residence halls and houses (including Blue Motion Loft) and to men only in the male residence halls and houses (including Topper Lodge). Members of the opposite sex may not visit those restricted areas unless accompanied by Blue Mountain Christian University personnel. Visitation begins at 11:00 a.m. and ends at midnight. Male visitors inside female University-owned housing units or female visitors inside male University-owned housing units are strictly prohibited unless accompanied by Blue Mountain Christian University personnel. Visitation may occur on the front porch of houses from 11:00 a.m. –

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midnight. [Cross reference with Policy 1.16: *Marriage, Gender, and Sexuality* and Policy 4.14: *Residence Life and Campus Housing Requirements* #13 Visitation Policy page 6].

### Y. Vehicular/Pedestrian Traffic Violation:

1. Failure to register a motor vehicle operated on the campus and failure to abide by the stated rules of the University regulating use of such vehicles.
2. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions.

### Z. Violation of Local, State, or Federal Law: Violation of federal, state, or local law on University premises or at University-sponsored or supervised activities.

### AA. Violation of Policies: Violation of published University policies, rules, or regulations.

BB. Weapons: Possession or use of firearms, explosives (including fireworks), dangerous chemicals, substances, instruments, or other weapons which can be used to inflict bodily harm or discomfort to any individual, or damage upon a building or grounds of the University, or University-owned or controlled property, or at University-sponsored or supervised functions. This does not apply to law enforcement or campus security personnel required by their office to carry such weapons or devices. [Cross reference with Policy 4.12: *Crime Awareness, Campus Security, and Civil Actions* and Policy 5.23: *Campus Safety*.]

## III. Student Rights and Responsibilities

Students possess the privileges, responsibilities, and rights of several citizenships, including those of state, federal, and municipal governments. Membership in the University community of citizens presents privileges beyond those available to all citizens at the partial expense of the Mississippi Baptist Convention. With these additional privileges come additional responsibilities.

A student enrolling at the University is expected to conduct himself or herself in a manner conducive to the highest sort of mental and moral development in keeping with the ideals and traditions of the University. Each student should be aware of her/his own behavior and the positive or negative effects that behavior can have on the University community. If a student knows his/her behavior is outside the limits established by the University and sincerely wishes to get assistance in order to change that behavior, the student may take the initiative to discuss this with the Dean of Students without the threat of disciplinary action before a charge is brought against that student. This kind of problem is defined as a personal problem and the University will seek to work with the student toward the goal of restoration. Exceptions to this approach may be where behavior is repetitive, self-destructive, hazardous to others and/or self, or involves a significant legal issue.

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As an institution pledged to the Christian principle of concern for others, the University states a definite position on certain matters. Students who elect to attend the University, realizing its position on such matters, are expected to respect and abide by that position. Students who demonstrate an unwillingness or inability to conduct themselves in accord with University standards and any other rules and regulations of the University not specifically listed here, either on or off the campus, shall be subject to disciplinary action.

The faculty, administration, and Student Body Association cooperate in the student judicial process. Student participation in the judicial process is by allowance and not as a delegation of ultimate authority or responsibility. This will aid the students of the University to hold each other accountable according to and by the rules, regulations, standards, and ideals of this institution, allowing them an opportunity to exercise self-discipline to the fullest extent possible.

Blue Mountain Christian University affirms the following students' rights and privileges for *all* student in student conduct proceedings:

1. To be informed of Student Conduct and Judiciary Policy and its corresponding procedures;
2. To petition an appeal arising from an incident which violates Blue Mountain Christian University policy or the Student Conduct and Judiciary Policy.
3. To receive written notice of any alleged violations of Blue Mountain Christian University policy and/or infractions related to the Student Conduct and Judiciary Policy;
4. To have the benefit of opportunity to be heard by and/or provide information to the Dean of Students, or The Title IX Coordinator (Chairperson of the Institutional Title IX Evaluation and Grievance Committee), in cases of sexual misconduct [see also Policy 6.06: *Title IX Sexual Harassment and Grievance Process*].
5. To have one advisor (not an attorney) accompany the student when presenting information to the Dean of Students, or the Title IX Coordinator (Chairperson of the Institutional Title IX Evaluation and Grievance Committee, in cases of sexual misconduct).
6. To review any pertinent documentation of the alleged incident;
7. To request to speak in privacy to the Dean of Students, or the Title IX Coordinator, in cases of sexual misconduct, during a hearing or appeal process.

#### IV. Student Conduct Procedures

##### Charges

Reports of misconduct shall be directed to the Dean of Students or The Title IX Coordinator (in cases of sexual misconduct). If possible, the reports should include the

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following (especially in cases of sexual misconduct):

1. Full name, local address, and phone numbers of the complainant(s), respondent(s), witnesses, and phone numbers of all individuals involved whenever possible;
2. The specific Standard of Conduct, policy, and/or rule allegedly violated (this may be determined by the Dean of Students or a designee);
3. The date, time, location, and persons involved in the incident under investigation;
4. A narrative of the incident describing what occurred;
5. Copies of pertinent witness statements, police, and/or housing reports along with a list of any other physical information (photographs, written documents, items, etc.).

Depending on Policy affected by the alleged infraction, the Dean of Students, or a designee, or the Title IX Coordinator, or a designee, may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the investigator. Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the Dean of Students, or a designee, or the Title IX Coordinator (in cases of sexual misconduct), or a designee, may later serve in the same matter to hear the conduct proceedings [see also Policy 6.06: *Sexual Misconduct*].

### V. Judicial Process for Undergraduate Students

1. Student Life Judicial Process: Discipline is issued from the Office of Student Life. The Student Body Association Council and the Residence Hall Councils work to assist in holding students accountable for proper student conduct. The Student Body Association Council and the Residence Hall Councils may refer students to the Office of Student Services for disciplinary action. In cases of sexual misconduct, the Title IX Coordinator or the Institutional Title IX Evaluation and Grievance Committee may recommend sanctions but the Dean of Students is the person responsible for imposing sanctions.
2. Sanctions: The following sanctions may be imposed upon any student found to have violated this policy.
  - a. Warning: An official notice in writing to the student that the student has violated a University rule and/or regulation;
  - b. Restitution: Compensation for damage to Blue Mountain Christian University or any person's property;

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- c. Fines: Reasonable fines may be imposed;
- d. University Service Requirement: Completion of some specific supervised service to Blue Mountain Christian University;
- e. Loss of Privileges: The student will be denied specified privileges for a designated period of time;
- f. Confiscation of Prohibited Property: Prohibited items will be confiscated and will become property of Blue Mountain Christian University. These items may be returned to the owner at the discretion of the Dean of Students;
- g. Behavioral Requirement: This includes required counseling, academic counseling, substance abuse screening, writing a letter of apology. This also includes paying any fees that may be charged for said required activity;
- h. Educational Program: Requirement to attend, present and/or participate in a program related to the violation;
- i. Restriction of Visitation Privilege: The restriction may be imposed on a resident or a non-resident student;
- j. University housing Probation: Separation of the student from University housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified;
- k. Blue Mountain Christian University Housing Reassignment: Reassignment to other University-owned housing to be decided by the Dean of Students;
- l. University-owned housing Expulsion: Permanent separation of the student from University-owned housing;
- m. Conduct Probation: A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period. Regular probationary meetings may also be imposed;
- n. University Suspension: Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified;
- o. University Expulsion: Permanent separation of the student from the University.

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- p. The following sanctions may be imposed upon groups or organizations:
  - a. Those sanctions listed above a through p.
  - b. Deactivation: Loss of all privileges, including University recognition, for a specified period of time.

### VI. Typical Sanction Ranges

Sanctioning ranges established by Blue Mountain Christian University exist for students found responsible for violating certain sections of the *Blue Mountain Christian University Conduct Standards*. However, ranges exist to provide a guide and are not mandatory as each case is determined on a case-by-case basis, taking into account intervening variables, the determination of the Dean of Students or Student Appeals Committee of the student's realization and understanding of his or her actions, whether the student has been involved in past infractions of the *Blue Mountain Christian University Conduct Standards*, and the individual circumstances of the incident. Thus, ranges may be increased, decreased or changed as needed. Mediation is never considered as viable sanction for Sexual Misconduct cases. The following sanction ranges exist as follows for first-time offenses:

#### A. Alcohol Violation (*see Item 2, Section B above*):

1. Referral to an alcohol assessment for treatment (possible fee), or an alcohol education program;
2. Educational service hours;
3. Student Conduct probation for up to one year;
4. If the student is a resident of University-owned housing, University housing probation up to University housing expulsion;
5. If the student is under the age of 21, parental notification letter sent to parent/guardians;
6. Monetary Fine;
7. Loss of parking privileges for any offense related to driving under the influence.

#### B. Unauthorized Visitation (*see Item 2, Section X above*):

1. Monetary Fine;
2. Educational service hours;

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3. Loss of privileges (visitation);
  4. Student Conduct probation for up to one year;
  5. If the student is a resident of University-owned housing, University housing probation up to University housing expulsion.
- C. Incidents Involving Abuse (*see Item 2, Section A above*):
1. Mandatory counseling (fee);
  2. Community service hours;
  3. Student Conduct probation for up to one year up to expulsion from Blue Mountain Christian University, and;
  4. If the student is a resident of University-owned housing, University housing probation up to University housing expulsion.
- D. Incidents Involving Illegal Drugs (*see Item 2, Section L above*):
1. Referral to a substance abuse assessment and/or mandatory counseling/treatment (fee);
  2. Educational service hours;
  3. Monetary Fine;
  4. Student Conduct probation for two years up to expulsion from Blue Mountain Christian University;
  5. If the student is a resident of University-owned housing, University housing probation up to University housing expulsion;
  6. If the student is under the age of 21, parental notification letter sent to parent/guardians.
- E. Incidents Involving Sexual Misconduct (*see Item 2, Section T above*)  
[See also Policy 6.06: *Title IX Sexual Harassment and Grievance Process*]:
1. Sexual Assault: Suspension for one year up to expulsion from Blue Mountain Christian University;
  2. Non-consensual sexual intercourse: Expulsion from Blue Mountain Christian University;

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### 3. Sexual Exploitation, Stalking and Discrimination:

- a. Referral to mandatory counseling/treatment (fee);
- b. Educational service hours;
- c. Monetary Fine;
- d. Student Conduct probation for two years up to expulsion from Blue Mountain Christian University.

Other violations of the *Blue Mountain Christian University Conduct Standards* will be assessed on a case-by-case basis.

Interim Suspension: In certain circumstances, the Dean of Students, or a designee, may impose a Blue Mountain Christian University or Blue Mountain Christian University housing interim suspension prior to the hearing before a judicial body.

#### A. Interim suspension may be imposed only:

1. To ensure the safety and well-being of members of the University community or preservation of University property;
2. To ensure the student's own physical or emotional safety and well-being;
3. If the student poses a definite threat of disruption of or interference with normal Blue Mountain Christian University operations.

B. During the interim suspension, students shall be denied access to University-owned housing and/or the campus (including classes) and/or all other Blue Mountain Christian University activities or privileges for which the student might otherwise be eligible, as the Dean of Students, or a designee, may determine.

## VII. Disciplinary Appeals Process

Blue Mountain Christian University offers an appeal process to all students who feel the facts surrounding their discipline merit an appeal.

#### A. The student may appeal a decision based on one of the following:

1. The treatment during the disciplinary process was unjust;
2. All the facts in the situation were not considered;
3. The disciplinary action taken was too severe for the behavior involved.

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### B. Procedures for Appeals:

1. In the case of an infraction involving sexual misconduct, the case will be forwarded to the Institutional Title IX Evaluation and Grievance Committee.
2. The Dean of Students may directly hear cases and make a decision based on the Student Conduct and Judiciary Policy.
3. The student will be provided a written notification detailing the decision and, if applicable, sanctions imposed.
4. Disciplinary decisions from the Office of Student Services may be appealed to the Student Appeals Committee. The appeal must be made in writing 48 hours after receiving written notice of disciplinary action. The appeal must be delivered to the Office of Student Services. The Dean of Students will convene the Student Appeals Committee to hear the appeal. The student will be notified in writing of the decision of the Student Appeals Committee. The Student Appeals Committee will decide to uphold the disciplinary action or rule in favor of the student. The student will be notified in writing of the decision of the Student Appeals Committee. The decision of the Student Appeals Committee is final.

### VIII. Judicial Process/Student Rights for Graduate Students

Any necessary disciplinary action for graduate students will be issued by the Graduate Council. In cases of sexual misconduct, sanctions will be recommended by the Title IX Coordinator or the Institutional Title IX Evaluation and Grievance Committee. Students may appeal any disciplinary actions for the following reasons:

1. The treatment during the disciplinary process was unjust;
2. All the facts in the situation were not considered;
3. The disciplinary action taken was too severe for the behavior involved.

Disciplinary decisions of the Graduate Council must be appealed in writing within 48 hours after receiving the disciplinary action. The appeal must be addressed to the Student Appeals Committee whose decision will be final.

### IX. Interpretation and Revision

- A. Any question of interpretation regarding this policy should be referred to the Dean of

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Students or Title IX Coordinator (in cases of sexual misconduct), or a designee, for final determination [see also Policy 6.06: *Title IX Sexual Harassment and Grievance Process*].

- B. This policy shall be reviewed periodically under the direction of the Dean of Students and Title IX Coordinator.

SOURCE: Board of Trustees: May 01, 2020; July 05, 2017 (Executive Committee); September 06, 2016 (Executive Committee); Board of Trustees: October 02, 2015; February 28, 2014; February 22, 2013; October 5, 2012; October 07, 2011; February 26, 2010; October 02, 2009; October 03, 2008; November 27, 2006; October 06, 2006; June 19, 2006; February 25, 2005; February 20, 2004; February 21, 2003; October 04, 2002

EDITORIAL CHANGES: July 11, 2024; December 09, 2015; February 09, 2007; September 21, 2005