

**GARDNER-WEBB UNIVERSITY**  
**GAYLE BOLT PRICE**  
**SCHOOL OF GRADUATE STUDIES**  
**STUDENT HANDBOOK**  
**2017-2018**



PO Box 7286  
Boiling Springs, NC 28017  
Phone: 704-406-2229  
Fax: 704-406-3859



**GARDNER-WEBB**  
UNIVERSITY

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## **MISSION OF THE GAYLE BOLT PRICE SCHOOL OF GRADUATE STUDIES**

The mission of the School of Graduate Studies is to provide opportunities for high quality advanced study to individuals holding bachelor's degrees from regionally accredited institutions, within a context that embraces faith and intellectual freedom, balances conviction with compassion, and inspires in students love of learning, service, and leadership. The curricula—which for the most part are designed to meet the needs of full-time professionals working in their fields—emphasize independent, critical thinking effective communication and the importance of the scholar and professional as theorist and practitioner.

## **INTRODUCTION**

The Graduate Student Handbook of the Gayle Bolt Price School of Graduate Studies is designed to serve as a supplement to the School of Graduate Studies section of the Gardner-Webb University Academic Catalog. Along with the Student Handbook of each particular graduate program, these publications provide academic and student-life regulations and policies as well as helpful information. It is the student's responsibility to know and understand these regulations and policies and to understand how they affect progress toward graduation. Faculty advisors, program directors, and the staff in the Graduate Studies Office can be of assistance; but ultimately it is the student's responsibility to follow correct policies and procedures. Students should consult the current online version of this Handbook for the latest information.

## **NEW GRADUATE STUDENT ORIENTATION**

Individual graduate programs provide program-specific orientations for their new students at each enrollment cycle. Depending on the program's primary mode of delivery, these orientations are conducted in the various locations in which courses are offered and/or by webinar. In addition, a general New Graduate Student Orientation Webinar to which all new students are invited is hosted by the Graduate Studies Office before the beginning of the fall and spring semesters.

Each new student receives a New Student Orientation Letter that provides the name, email address, and phone number of the director/coordinator of the program the student is entering, as well as additional information and instructions about navigating the graduate school experience at Gardner-Webb. Information on accessibility through the Noel Center for Disability Resources is communicated to students in the New Student Orientation, New Student Orientation Letter, Continuing Student Letter, and in course syllabi.

## **COMMUNICATION**

Email to students' Gardner-Webb University email address is the official means of communication from the University. All students should check their Gardner-Webb email regularly or set it to migrate to their most frequently monitored email Inbox. If you need assistance, contact Technology Services at 704-406-4647.

## **ACADEMIC ADVISING AND REGISTRATION**

Graduate Student Advising is provided by a faculty advisor in the student's field of study (usually the program director/coordinator) who is assigned to each student on acceptance into the program. Deans/Chairs of Schools/Departments function as secondary advisors to every student, and additional assistance is provided on an as-needed basis by the staff members of the Graduate Studies office (704-406-2229).

First-semester students are registered by the Graduate Studies office, Graduate Admissions, or the academic program office, depending on the program. Each semester, students who are responsible for their own registration for courses (in contrast to students who are enrolled automatically in the next course in sequence) receive an Advisement and Registration Letter with advising and registration information for the next semester, including their advisor's contact information and times available for advising. Faculty advisors are available in person, by email, phone, Skype, Zoom, FaceTime, etc. Each semester, all graduate students receive a Continuing Student Letter which alerts them to upcoming dates of importance (e.g., drop/add and withdrawal deadlines) and reminds them of the basic information communicated in their New Student Orientation Letter. During pre-registration, students should consult with their academic advisors on course selection and other degree requirements.

## **STUDENT IDs**

The Graduate Studies Office mails a Gardner-Webb student ID to new graduate students after Roll Verification is complete. New students who have not received an ID after six weeks should call 704-406-2229.

## **BOOKS**

The Campus Shop provides all books needed by students for their courses of study. Students are encouraged to order textbooks online (or pick them up at the Campus Shop) for all classes. Go to the Campus Shop's home page at [www.gardner-webb.edu/shop](http://www.gardner-webb.edu/shop). Select the links to "Textbooks" and "Order Online" and then follow the prompts provided to place an order. If students have problems or questions with purchasing books, contact the Campus Shop at (704) 406-4273 or email at [bookstore@gardner-webb.edu](mailto:bookstore@gardner-webb.edu).

Book buy-back is conducted near the Campus Shop at the end of each semester. The Buyback schedule is posted on the Campus Shop website under the "Book Buyback" link.

## **BILLING**

Bills are available and payable online each semester. Soon after a student registers for the next semester's courses, the Student Accounts Office sends a postcard with information on the online payment process, which is accessed in WebbConnect under the "Student Account" and "View My Bill" under QuickLaunch Navigation. The Deferred Payment Plan in which one-third of tuition is due at the start, one third the next month, and one third the following month is also accessed there. Note that missing the second or third payment will result in a late fee plus monthly interest.

## **HONOR CODE AND ACADEMIC INTEGRITY**

Gardner-Webb University students are pledged to uphold honesty, integrity, and truthfulness in all realms of university life: "Students are not to lie, cheat or steal nor tolerate those who do." As students willingly accept the benefits of membership in the Gardner-Webb academic community, which was founded on the ideals of Christianity, they acquire obligations to observe and uphold honesty, integrity, and truthfulness.

Gardner-Webb University expects its graduate students and faculty to display academic integrity. As in any community, this institution must be governed by regulations, which function best when they are fully understood, accepted and cherished by every member of the academic community. (For the full Academic Integrity policy, see the School of Graduate Studies section of the Catalog.)

## **PROGRAM PROBATION, SUSPENSION, AND DISMISSAL**

In addition to the grade requirements and an acceptable cumulative grade point average (3.0 or better) detailed in the graduate section of the University Catalog, good standing in the School of Graduate Studies is dependent on a student's meeting standards of professionalism stipulated in his or her program's Student Handbook. Failure to meet these standards may result in probation, suspension, or dismissal from the program. A student who is removed from a program by suspension or dismissal in the course of a semester is not entitled to a tuition refund.

## **REMOVAL FROM CLASS**

Students are expected to conduct themselves in a manner that does not distract from or disrupt the educational pursuits of others. Should an instructor determine that a student's conduct is distracting or disruptive to the educational environment in the classroom, the instructor may request the disruptive student to leave the class immediately. Such students may not return to the classroom until they have met with the instructor and offered assurances that they can conduct themselves in an appropriate manner. The instructor reserves the right to inform the Dean of the School of Graduate Studies as soon as possible. If the student is dismissed from the class permanently because of disruptive behavior or other violations of the Code of Graduate Student Conduct, the student's final grade will follow the grading period for a "W" or a "WP/WF," depending on the date of dismissal.

In the event a student refuses to remove him/herself upon request, the instructor should contact University Police immediately, or in the case of an offsite facility, local law Enforcement.

## **PRIVACY POLICY AND ACCESS TO EDUCATIONAL RECORDS**

Gardner-Webb University complies with the Family Educational Rights and Privacy Act of 1974 (FERPA). This Act is designed to protect the privacy of educational records, to establish the right of students to inspect and review their educational records, and to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students also have the right to file complaints with the FERPA office concerning alleged failures by the institution to comply with the Act.

Institutional policy explains in detail the procedures to be used by the institution for compliance with the provisions of the Act. Copies of the policy can be found in Registrar Services. That office also maintains a Directory of Records, which lists all student educational records maintained by the institution. Information known as Directory Information will be published unless the student specifically requests that Registrar Services withhold this information. Directory Information is defined as the following: student name, local and permanent addresses, telephone numbers, date of birth, major(s), dates of attendance, previous educational institutions attended, and degree and awards received. Questions concerning the Family Educational Rights and Privacy Act may be referred to the Office of the Registrar.

### **MEDICAL WITHDRAWAL**

Any registered student who experiences medical trauma or a chronic illness that may prevent completing the semester may apply for a medical withdrawal from the University. A medical withdrawal request must be filed with the Registrar Services prior to the start of final exams and must include documentation submitted from a physician or psychologist trained in the diagnosis of the medical condition. A qualifying medical condition, as determined by the physician or psychologist, must prevent the student from participating in all classes remaining during the current semester. A medical withdrawal is a complete withdrawal from the University. The supporting documentation from a physician or psychologist accompanying the medical withdrawal request must be submitted on official letterhead from the physician or psychologist and must be addressed to the Gardner-Webb University Registrar. The medical documentation must also include the physician's or psychologist's name, title, professional credentials, license, and certification number, and should address the following.

1. Description of the condition that has made the student unable to continue in school
2. Date the examination, assessment, or evaluation was performed
3. In the event that the medical withdrawal is the result of an injury or accident, the date the injury or accident occurred
4. In the event the medical withdrawal is due to chronic illness, the date the illness made it necessary to stop attending classes

A student will be notified of the approval decision following a review of the medical documentation. If the request is approved, the student will receive a final grade of "W" for each class (except in instances of Academic Dishonesty). Any adjustment in tuition will be made on a prorated basis. Upon medical withdrawal from the University, a student must apply for readmission to the University to continue studies. As with any other readmission, stipulations may apply. The student must provide documentation from the same physician or psychologist, when possible, stating the student is able to continue academic studies at the University. This documentation should follow the same format as above.

### **COMMUNICABLE DISEASES**

Persons infected with a communicable disease will not be excluded from initial enrollment or employment or restricted in their access to University facilities or services unless a medically based judgment by the primary care physician in consultation with the University's designated health consultant establishes that exclusion or restriction is

necessary to the welfare of the infected individual or the welfare of other members of the University community. Additionally, persons who know, or have reasonable basis for believing, that they are infected by a communicable disease are encouraged to share that information, on a confidential basis, with the health consultant, so that the University may make reasonable accommodations that will respond to their health and educational needs.

Persons who know, or have reasonable basis for believing, they are infected with a communicable disease are encouraged to seek expert advice about their health circumstances and are obligated, ethically and legally, to conduct themselves responsibly in accordance with such knowledge for the protection of other members of the University community.

### **INCLEMENT WEATHER AND EMERGENCY CLOSINGS**

Classes may still meet during inclement weather. If the weather is so bad that the University officially cancels class, this information will be accessible at 1-877-GWU-SNOW (498-7669) and on the GWU website. **This includes information on off-campus sites.** A weather decision on evening classes is generally not made until after 3 p.m.

Students attending class at an off-site location are encouraged to sign up for the inclement weather or emergency notification system at the school, district, or community college where their class is meeting. In addition, if a class meeting is in question, look for an email from the course professor.

### **EMERGENCY CONTACT INFORMATION**

In case of an emergency, dial 911. On Main Campus, also call the University Police at extension 4444 or (704) 406-4444. University Police and the Offsite Facilities Coordinator in the Graduate Studies Office (704) 406-4465 maintain a list of contacts for offsite facilities in the event that local assistance is needed.

### **UNIVERSITY POLICE**

Contact University Police at (704) 406-4444 from off-campus or at extension 4444 on campus.

The University Police Department is a multi-functional service agency dedicated to the protection of the University community through local, state, and federal laws. Crime prevention and campus safety are shared responsibilities that require the cooperation and involvement of students and employees alongside the seven full-time officers who have been certified by the N.C. Attorney General's Office. Officers patrol the entire campus on foot and in marked/unmarked University Police vehicles. The University Police Department is located in the Poston Center and operates on a 365 day, 24-hour basis. Services on Main Campus include traffic control, a 24-hour Emergency number, vehicle entry service for lock-outs, vehicle jump-starts, and a safety escort service on campus.

"This community is only as safe as those living in it choose to make it. Personal safety is something we all need to take very seriously." - Police Chief Barry Johnson

## **PARKING**

All vehicles parked on Main Campus during normal business hours must have a current parking registration displayed properly. The permit must be displayed in the lower back left window of the vehicle. Main Campus parking permits are available online through WebbConnect by following the link [Housing-Meals-Vehicle to Register a Vehicle](#).

Monday through Friday from 6 a.m. until 6 p.m. all students must park in a space marked with white lines. All Faculty and Staff must park in spaces marked with red lines. Monday through Friday between 6 p.m. and 6 a.m. drivers may park in any legally marked space regardless of their status. Saturday and Sunday drivers may park in any legally marked space regardless of their status.

Students whose classes meet at an off-site facility must comply with the parking regulations of that site.

## **OFFICE OF CHRISTIAN LIFE AND SERVICE**

Gardner-Webb University is committed to the spiritual growth of each of its students. The staff of the Office of Christian Life and Service provides Christian ministry to the Gardner-Webb family. Students in need of pastoral care may call (704) 406-4277 Monday through Friday from 8:00 a.m. to 5:00 p.m.

## **COUNSELING CENTER**

The University Counseling Center is staffed by a team of professionals trained in education and counseling who want to assist students in coping with difficulties and make the most of their opportunities for success.

The University Counseling Center adheres to the code of ethics of the American Counseling Association and operates within a Christian perspective. All Services provided are confidential and no information will be given to others without the consent of the individual.

The University Counseling Center provides services to students, faculty and staff in a concerned, caring, and confidential setting. Services are provided to assist students in defining and accomplishing personal and academic goals. The services include

- High quality individual and group counseling to individuals who may be experiencing psychological or behavioral difficulties;
- Programming focused on the development needs of college students to maximize the potential of students to benefit from the academic environment and experience; and
- Consultation to the institution to make the environment as beneficial to the intellectual, emotional and physical development of students as possible.

Appointments may be made by contacting the Counseling Center at 704-406-4563.

Referrals to local community agencies may be made if needed.



## **CAREER DEVELOPMENT**

The Career Development Office is dedicated to serving Gardner-Webb students and alumni with an emphasis on two fundamental roles--aiding in career exploration and self-discovery and providing resources to aid in the job search process. All Gardner-Webb students and alumni are eligible for the services including use of FOCUS, a computerized guidance system, résumé writing assistance, and job listing services. The Career Development Office also sponsors educational workshops, career planning events, and several career fairs throughout the year.

## **INTERNATIONAL STUDENT OFFICE**

The purpose of the International Student Office (704-406-4276) is to provide assistance to international students.

## **NOEL CENTER FOR DISABILITY RESOURCES**

The Noel Center for Disability Resources provides accommodations and services to qualifying students with disabilities. Upon acceptance to the University, the student should register for services by filling out the Request for Services form on the Center's homepage. Professional documentation of the disability and its functional limitations should be sent to the Noel Center for Disability Services no later than three weeks prior to the beginning of services. Once eligibility has been determined, the student is assigned a disability specialist who will collaboratively work with the student to determine the appropriate accommodations and services. This person will work with the student throughout his or her time at Gardner-Webb. Some of the accommodations/services that may be provided if the student has supportive documentation include, but are not limited to note-takers, extended-time testing, materials in alternative format, lab assistants, interpreters, orientation and mobility training and use of adaptive technology. The student may also receive help in developing effective study skills and organizational and test-taking strategies.

## **CAMPUS SHOP**

The Gardner-Webb University Campus Shop, located on the ground floor of Tucker Student Center, sells a variety of collegiate apparel and accessories to school supplies, textbooks, and course materials, along with gifts and novelties, and a large assortment of collegiate memorabilia. Purchases may be made with cash, checks, Visa, MasterCard, Discover, and Gift Cards.

Class rings and graduation announcements are available online at [www.shop.jostens.com](http://www.shop.jostens.com). All dates, times, and places that Jostens will be on campus will be posted on the main Campus Shop webpage. Class ring brochures are available upon request at the Campus Shop (704) 406-4273.

## **STUDENT REPRESENTATION ON GRADUATE COUNCIL**

The Graduate Council is a faculty committee of the University charged with oversight of graduate programs, as defined in the Faculty Constitution and in the Bylaws of the Graduate Faculty of the Gayle Bolt Price School of Graduate Studies. Each year a graduate

student is elected by the Council to represent graduate students on the Council. This representative serves a one-year term and has voting privileges on the Council.

## **SEXUAL MISCONDUCT AND GENERAL HARASSMENT POLICY**

### **Notice of Nondiscrimination**

Various federal regulations, including the regulations implementing Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, require that each recipient of federal financial assistance, such as Gardner-Webb University, publish this Notice of Nondiscrimination. Gardner-Webb University does not discriminate on the basis of race, color, national origin, sex, disability, or age in employment for any of its programs and activities. The person designated to oversee policies, procedures and complaints related to possible discrimination on the basis of sex (including sexual harassment and sexual misconduct) is referred to throughout this document as the Title IX Coordinator. The Title IX Coordinator for Gardner-Webb University is

Dr. Cary Poole  
Tucker Student Center, Room 303  
704-406-2155  
[cpoole3@gardner-webb.edu](mailto:cpoole3@gardner-webb.edu)

Gardner-Webb University believes the journey to acquire knowledge can only flourish in an environment free from sexual misconduct or gender-based discrimination. Sexual Misconduct includes, but is not limited to sexual assault, sexual harassment, domestic violence, dating/acquaintance violence and stalking. All forms of sexual misconduct are viewed as acts of aggression and repression and are not conducive to a positive educational environment and therefore prohibited on campus.

All students and employees of the University are subject to the institution's Sexual Misconduct and Harassment policy. The policy is posted on the University's website at <http://www.gardner-webb.edu/Assets/gardnerwebb/Information/sexual-misconduct-policy.pdf>

### **Gardner-Webb University List of Title IX (Sexual Harassment and Sexual Assault) Campus, Local, State, and National Resources**

#### **Title IX Coordinator**

Dr. Cary Poole, Assistant Vice President for Title IX Compliance  
Tucker Student Center, Room 303  
704-406-2155  
[cpoole3@gardner-webb.edu](mailto:cpoole3@gardner-webb.edu)

#### **Title IX Deputy Coordinator—for complaints related to faculty or academic personnel within their respective areas**

Dr. Doug Bryan, Associate Provost for Student Success  
Tucker Student Center  
704-406-4398

dbryan@gardner-webb.edu

**Title IX Deputy Coordinator—for complaints related to athletics**

Ms. Pam Scruggs, Associate Athletics Director and Senior Women's Administrator  
Lutz-Yelton Convocation Center  
704-406-4341  
pscruggs@gardner-webb.edu

**Title IX Deputy Coordinator—for complaints related to non-faculty employees**

Frances Sizemore, Associate Director of Human Resources  
Webb Hall  
704-406-3502  
fsizemore@gardner-webb.edu

**Title IX Deputy Coordinator—for complaints related to traditional undergraduate students**

Ms. Sarah Currie, Vice President of Student Development and Dean of Students  
Tucker Student Center  
704-406-2081  
scurrie@gardner-webb.edu

**Title IX Deputy Coordinator—for complaints related to traditional undergraduate admissions personnel or procedures**

Ms. Annie Freeman, Assistant VP for Undergraduate Admissions  
Dover Campus Center  
704-406-4491  
akfreeman@gardner-webb.edu

**Title IX Deputy Coordinator— for complaints related to degree completion and graduate students**

Ms. Elizabeth Pack, Director of the Degree Completion Program  
Graduate House  
704-406-2173  
epack@gardner-webb.edu

## **UNIVERSITY RESOURCES**

### **SART (Sexual Assault Response Team)**

Please contact University Police at 704-406-4444 who will contact a 24/7 counselor on call

### **Campus Counseling Center**

Cindy Wallace, 704-406-4103 or cwallace@gardner-webb.edu

### **University Police**

Chief Barry Johnson, 704-406-4440 or bjohnson@gardner-webb.edu

### **Vice President for Student Development and Dean of Students**

Sarah Currie, 704-406-4373 or scurrie@gardner-webb.edu

### **Residence Education**

John Johnson, 704-406-4303 or jrjohnson@gardner-webb.edu

## **CLEVELAND COUNTY RESOURCES**

### **Cleveland County Abuse Prevention Council**

24-hour crisis line 704-481-0043

### **Boiling Springs, NC Police Department**

<http://www.boilingspringsnc.net>

704-434-9691

### **Shelby, NC Police Department**

[http://www.cityofshelby.com/govt/dept\\_police/index.php](http://www.cityofshelby.com/govt/dept_police/index.php)

Non-emergency 704-484-6845

Emergency 9-1-1

### **Cleveland County Sheriff's Office**

[http://www.clevelandcounty.com/sheriffs\\_office](http://www.clevelandcounty.com/sheriffs_office)

704-484-4888

### **Cleveland County District Attorney's Office—Victims' Rights**

[http://www.ncdistrictattorney.org/27B/victims\\_rights.htm](http://www.ncdistrictattorney.org/27B/victims_rights.htm)

704-476-7810

## **State and National Resources**

### **North Carolina Sexual Assault Response Team**

<http://www.nccasa.org>

### **North Carolina Department of Public Safety**

<https://www.ncdps.gov>

### **RAINN-Rape and Incest National Network**

The nation's largest anti-sexual violence organization and was named one of "America's 100 Best Charities" by Worth magazine. RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE and in partnership with more than 1,100 local sexual assault service providers across the country and operates the [DoD Safe Helpline](#) for the Department of Defense.

[www.rainn.org](http://www.rainn.org)

1-800-656-4673

### **SAVAN- Statewide Automated Victim Assistance and Notification**

SAVAN is a free, anonymous, computer-based telephone program that provides victims of crime with two important services: information and notification. The SAVAN program is designed to provide you with a quick easy access to offender information and to alert you when an offender's custody status changes.

[www.ncsavan.org](http://www.ncsavan.org)

### **National Sexual Assault Hotline**

1-800-656-HOPE (4673)

### **National Domestic Violence Hotline**

1-800-799-7233

### **STUDENT GUIDELINES, EXPECTATIONS, AND RIGHTS**

Gardner-Webb University is a community of students, faculty, and staff who are dedicated to learning and personal development in a Christian environment. As in any community, certain standards of conduct are necessary to protect the safety, rights, health and general well-being of all members of the community. The University strives to promote concern for the good of the entire group as opposed to selfish individualism. Each person, whether student, faculty or staff, voluntarily joins the University community and thus is expected to abide by rules and regulations that have been adopted to insure reasonable standards of conduct. The Code of Student Conduct describes conduct which the University does not tolerate. By enrolling in the University, each student agrees to abide by University rules, regulations and expectations. The Board of Trustees has approved minimum penalties for certain of the prohibited behaviors. The University assures fundamental fairness to any student accused of involvement in prohibited behavior.

Gardner-Webb University supports and is fully committed to the concept of a drug-, tobacco- and alcohol-free campus community. In order to comply with the Drug-Free Schools and Communities Act Amendments of 1989, Gardner-Webb publishes the following and makes it available to each student.

1. The unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited by students on Gardner-Webb University's property or as any part of the University's activities. As a condition of enrollment, Gardner-Webb University students will abide by these terms. The following is a partial list of controlled substances.

Narcotics (heroin, morphine, etc.)  
Cannabis (marijuana, hashish, etc.)  
Stimulants (cocaine, diet pills, etc.)  
Depressants (tranquilizers, etc.)  
Hallucinogens (PCP, LSD, designer drugs, etc.)  
Designer (MDA--known as ecstasy, ice, etc.)  
Tobacco  
Alcohol

2. Gardner-Webb will impose disciplinary sanctions on students who violate the terms of paragraph 1. If found responsible, the appropriate disciplinary action, up to and including expulsion from the University and/or satisfactory participation in a drug and alcohol abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency, will be taken. More specific penalties are outlined in the Code of Student Conduct. Violations may also be referred to the appropriate civil authorities for prosecution under local, state, and federal law.
3. Local, state, and federal laws prohibit the possession and distribution of illicit drugs, alcohol and weapons. The applicable legal sanctions for various offenses are listed in the North Carolina Criminal Law and Procedure book, a reference copy of which is maintained by the University Police.
4. Information describing the health risks associated with the illicit drugs and abuse of alcohol is made available to all students. Additional information and individual counseling is available through the University's Counseling Center. If necessary and at the student's expense, referral can be made to an outside agency.
5. Gardner-Webb University prohibits the possession of firearms or weapons on campus.

### **CODE OF GRADUATE STUDENT CONDUCT**

The Code of Graduate Student Conduct that follows describes activities and behavior that are not congruent with the Gardner-Webb University mission. The Board of Trustees has approved minimum penalties for some of the prohibited behaviors. It is hoped that students will view the prohibitions as reasonable, which can be avoided with reasonable or little effort. Furthermore, by voluntarily enrolling at Gardner-Webb University, it is understood that the student accepts and agrees to abide by university rules, regulations and expectations.

### **PROCEDURES**

The courts require fair and reasonable procedures regarding student discipline at private institutions of higher education. Thus, as a private institution, Gardner-Webb University adheres to fair procedures in terms of student conduct process. The relationship between students and private institutions is contractual and not constitutional. Due process is applicable to public institutions. Within the scope of fair procedures, the law requires the University to

1. Establish policies,
2. Have policies in writing,

3. Make policies accessible to students, and
4. Adhere to those policies.

***The University reserves the right to respond to information regarding policy or procedure violations regardless of the source of the information which may include but is not limited to official University reports, information from students/staff/faculty, police reports, internet sites (i.e., Facebook, Twitter, Instagram, blogs, etc.), or other electronic communications, including text messages.***

### **STUDENT CONDUCT MISSION STATEMENT AND GOALS**

Gardner-Webb University strives to create and maintain a Student Conduct system to ensure the community standards as set forth in the Code of Student Conduct. Student responsibility and integrity are at the heart of this educational, growth-based process.

#### *Goals*

1. To address student misconduct
2. To ensure student rights
3. To treat students in a fair and consistent manner
4. To maintain a safe and healthful environment
5. To reinforce professional expectations and behavior

The Code of Student Conduct addresses behavior that is unacceptable and prohibited within University community life. Some (not all) of these behaviors have been identified below.

### **GOOD SAMARITAN POLICY (DRUG AND ALCOHOL)**

There may be times when safety concerns arise from a student's excessive drinking or drug use, and in those situations, students should not hesitate to call for emergency assistance (911). Under the Good Samaritan Policy, neither the student in distress nor the student seeking assistance will ordinarily be subject to disciplinary action for possession, provision, or consumption of illegal drugs or alcohol.

This policy refers to isolated incidents only, and does not excuse or protect those who flagrantly or repeatedly violate University Policies, nor does it exclude disciplinary action arising from violations of other University Policy. However, Gardner-Webb University will consider the positive impact of reporting an incident as well as the health and safety needs of the involved student/s when determining the appropriate course of action.

This policy cannot protect students from action taken by law enforcement personnel, but it is consistent with a law enacted by North Carolina in April 2013 that provides limited criminal immunity from prosecution to a witness or victim of a drug or alcohol overdose who seeks medical assistance to save the life of an overdose victim. For more information about this law, please see

<http://www.ncga.state.nc.us/Sessions/2013/Bills/Senate/HTmL/S20v7.html>.

## **VIOLATIONS**

*Accessory/Accessory after the Fact* - Being a party to, witness to, or having knowledge of, any policy violation that is occurring or has occurred without reporting such violations immediately to the proper authorities.

*Aggravated Assault* - An assault in which there is an intent/attempt to inflict serious injury that may involve the use of a weapon.

*Aiding/Abetting* - Aiding, abetting or conspiring with another person to become involved in prohibited behavior.

*Alcohol/Drugs* - (a.) Possessing, consuming, being inebriated (drunk), creating a disturbance/concern due to alcohol consumption, driving while impaired, selling or distributing of alcoholic beverages or illegal drugs on campus; Students found in the presence of alcohol will be charged with accessory to an alcohol violation. (b.) Non-alcoholic beer is not permitted on campus.

*Assault* - An act or movement that conveys an intention to use force of violence or physical injury to another person.

*Being in the Presence of* - Being in a residential facility where any Code of Student Conduct violation is taking place—especially alcohol/drugs.

*Building Security* - Intentionally propping entrance and exit doors open or wedging items in the doors to keep them open. Deliberately damaging or causing destruction to entrance and exit doors that may lead to endangering the safety and security of students.

*Campus Parking Permit Misuse* - Each currently enrolled student who will be parking a vehicle on campus is required to purchase a campus parking permit from University Police. It needs to be visible in the appropriate location on the student's vehicle. Making copies, selling parking passes or acquiring them from illegal means is strictly forbidden.

*Classroom Conduct Policy* - Students are expected to conduct themselves in a manner in which does not distract from or disrupt the educational pursuits of others. Should a professor determine that a student's conduct is distractive or disruptive to the educational environment in the classroom, the professor may request the disruptive student to remove themselves immediately. The student may not return to the classroom until they have conference with the professor and assured him/her that they can conduct themselves in an appropriate manner. The professor should contact University Police or local law enforcement immediately. The professor is responsible for informing the program director, the Dean/Chair of the school/department, and the Dean of the School of Graduate Studies.

*Contempt* - Willful disregard or disobedience of directive issued out of student conduct process (i.e., sanctions or University regulations).

*Copyright Infringement* - The unauthorized reproduction and distribution of copyrighted media (music, video, etc). This includes sharing items on peer to peer networks like Ares, BitTorrent, Gnutella, LimeWire, and Morpheus, etc.

*Demonstrations* - The gathering of a group of students for the purpose of a demonstration that is not orderly or peaceful and which interferes with the academic process or normal operation of the University.

*Disorderly Conduct* - Any disorderly behavior.



*Disrespect* - Failure to cooperate in a civil manner with a University official in the performance of his/her duties.

*Failure to Comply* - Failure to respond to a person in authority or failure to respond to a directive from an employee of the University.

*Failure to respond to a call-in* - Without missing an academic class, students are to respond to call-in's by University officials in a timely manner. A call-in can be in the form of verbal and/or written communication.

*Fire/Arson* - Starting a fire or attempting to start a fire in a University building or on University property; arson; activities in which fire is used without prior approval.

*Fire/Safety* - (a.) Intentionally and without cause activating a university fire alarm system through a detection device or pull station; (b.) Tampering or disabling a University fire detection/alarm system; (c.) Failure to evacuate a building or area after an alarm, signal or directive from a University official; (d.) Safety Equipment - misusing fire prevention or safety equipment; (e.) False Reporting - intentional false reporting of a bomb, fire, or any other emergency (N.C. Statute: N.C. Fire 503.2.2, Code Vol. 5).

*Firearms and Weapons Policy* - To possess or carry – whether openly or concealed – any firearm or weapon on property owned, used, or operated by the University is a violation of North Carolina State Law and University Policy. This prohibition also includes any University sponsored curricular or extracurricular activities regardless of location. The only exceptions to this policy are for law enforcement and military personnel carrying out their official duties and for weapons used in the conduct of ceremonial or educational activities authorized by the President or designee. The definition of firearms and weapons includes, but is not limited to, the following: paintball guns, airsoft guns, BB guns, any form of pellet gun, water guns, toy guns, any form of a replica of a gun, any item that can discharge projectiles, knives, clubs, or other instruments intended for use in personal combat. If you are in doubt about any aspect of this policy, contact University Police for clarification. Lack of understanding does not justify violation of this policy.

*Explosives and Fireworks Policy* - Possession and/or discharge of any form of an explosive device and/or fireworks on property owned, used, or operated by the University is a violation of University policy. This prohibition also includes any University sponsored curricular or extracurricular activities regardless of location.

*Gambling* – Any form of illegal gambling is prohibited. In addition to applicable state and federal laws, gambling is considered to be a violation of the Campus Code of Conduct. Sanctions will be determined on a case-by-case basis. Students seeking assistance for possible addiction to gambling are urged to contact the University Counseling Center. Assessment, referral, and individual therapy are available. University counseling services are offered at no additional expense; however, services rendered by off campus health care providers are at the expense of the student.

*Guest Policy* – The resident accepts responsibility for the behavior of his/her visitors and guests. You must inform your guests of the rules and regulations of the University and they must follow these rules while on campus.

*Hazing* - Playing abusive or ridiculous tricks on students, faculty or staff, to frighten, scold, beat, harass or subject one to personal indignity (N.C. Statute: 14:35).

*ID Card Misuse* - Each currently enrolled student is required to have a current student Identification card and it must be in his/her possession at all times while on University property. A student must present his/her ID when requested to do so by an authorized University official or any authorized civil official. Lending an ID card or ID card number or using another student's ID card number is strictly forbidden and is considered an act of falsification. The ID card is the property of the University and must be surrendered upon withdrawal from the University for any reason. Students should not leave IDs in a common or public area that is accessible for other students to use.

*Illicit Relations* - Relationships that are not congruent within the University Mission including, but not limited to, physical sexual intimacy. Gardner-Webb University as a private, Christian, Baptist-related University does not encourage nor promote nor condone sexual relations outside of marriage.

*Inappropriate Behavior* - Behaviors that are not congruent within the University Mission.

*Inappropriate Use of Technology/Cyber Bullying* - Technology used in any form to harm, harass, embarrass, ridicule, stalk, impersonate, disclose personal information, etc. of a student, faculty, staff member, and university facilities/grounds in a deliberate, repeated, or hostile manner. Examples include but are not limited to Facebook, Twitter, text message, blog, email, Instagram, and other websites.

*Intimidation (also called Cowing)* - Intentional behavior that "would cause a person of ordinary sensibilities" fear of injury or harm. It is not necessary to prove that behavior was so violent as to cause terror or that the victim was actually frightened.

*Littering* - Any form of littering.

*Lying/Fraud* - Furnishing false information with intention of deceiving.

*Motor Vehicle Regulations* - Offending motor vehicle rules and regulations.

*North Carolina Statutes* - Violation of state law(s).

*Obscene, Lewd, Indecent Media Exhibition* - The use, display, possession or exhibition of pornographic movies, video tapes, records, cassettes, posters, magazines, CD's, or other media. Includes use of computer access to pornographic sites.

*Paraphernalia/Prohibited Items* - Items that are deemed beyond that of a Residence Education violation which could result in the endangering of the safety of students, the stability of the University facilities, or the stability of the University community.

*Reckless Behavior* - Reckless behavior that threatens safety and security.

*Residence Hall/Campus Access* - Students are prohibited from lending their room keys or GWU student ID card to other students and/or guests.

*Sexual Assault* - Any forced sexual activity that is against a person's will. The force may come in the form of actual physical force or it may be mental and emotional pressure, coercion or manipulation.

*Sexual Harassment* - Any form of unwanted sexual behavior, such as physical contact, verbal comments or suggestions, requests for sexual favors and the like.

*Stealing/Theft* - Unauthorized taking of property or being in possession of stolen property.

*Tampering* - Any tampering, misuse, unauthorized access, or illegal use of telephone, telephone cable, computer, cable TV, or other systems/technology is prohibited. Also, inappropriate use of email/data processing and information systems technology is prohibited. Students are prohibited from entering equipment/custodial rooms or from accessing any electrical equipment panel for any reason.

*Trespassing* – Any wrongful entry upon campus property or off-site facilities.

*Unauthorized Entry* - Breaking and/or unauthorized entry into any campus facility or unauthorized area. This includes going into Lake Hollifield.

*Vandalism* - Damage to personal property and the damage to, destruction or defacement of property in general. Destruction of University property.

*Visitation Procedure* - Being in or having someone of the opposite sex in the residential facilities during unapproved visitation hours.

*Verbal Abuse or Harassment* - Insulting, taunting or threatening communication; defamation of character; indecent language, verbal assaults; derogatory, sexist or racist remarks; or any behavior that puts another member of the University community or guest in a state of fear or anxiety.

**PLEASE NOTE: *The University reserves the right to adjudicate student conduct matters by means of an administrative process rather than the standard conduct procedure during such times as when the University is not operating under normal conditions, (i.e., before classes start at the beginning of semesters, during vacation periods, during examination periods, during any summer session, and the time period between the last exam and graduation). Although the administrative characteristics of the conduct process will be altered, the accused student retains the right to appeal any disciplinary action taken administratively one level beyond the hearing officer. All code of conduct policies apply equally to apartment, suite and residence hall spaces.***

***All students found in the presence of a violation will be charged with a corresponding code of student conduct violation.***

***\*Policies apply to the Gardner-Webb community through the entire calendar year.***

### **MINIMUM SANCTIONS**

The Board of Trustees at Gardner-Webb has set minimum sanctions for involvement in some prohibited behaviors. Whenever a minimum sanction is not prescribed for a prohibited behavior, the hearing officer determines the sanction. The student should understand that minimum sanctions are not automatic and a hearing officer has the authority to adjust the sanction under extreme circumstances. A disciplinary warning may serve as a minimum sanction for all violations of the Code of Student Conduct.

#### *Fire Safety*

(Failure to evacuate, pulling a fire alarm, false reporting)

- 1st offense–disciplinary probation or warning, \$75 fine
- 2nd offense–restitution and suspension

(Disarming/tampering or covering up a university fire alarm system)

- 1st offense–removal from campus housing/disciplinary probation
- 2nd offense–suspension

#### *Building Security/Safety*

- 1st offense– \$75 and warning to probation

- 2nd offense—\$150 fine and disciplinary probation to suspension

*Alcohol Consumption and/or Possession Where Prohibited*

1st offense - Sanction will include:

- Pay up to a \$200 fine within 5 business days of notification\*
- Letter sent to Work Study Supervisor and/or Academic Advisor, Athletic Coach, VP of Athletics
- Online Alcohol/Drug Education Course
- Sanction may include: Disciplinary Warning; 12 Hours of Community Service\*\*

2nd offense - Sanction will include:

- Pay up to a \$300 fine within 5 business days of notification\*
- Letter sent to Work Study Supervisor and/or Academic Advisor, Athletic Coach, VP of Athletics
- Alcohol Assessment through the Counseling Center and any follow up at the Counselor's discretion
- Sanction may include: Disciplinary Probation for 1 year; 25 hours of Community Service\*\*; conference with the Director of Housing and Residence Education or his/her designee; Housing Contract in Jeopardy

3rd offense - Suspension from Housing

*Alcohol - Being in the Presence of Alcohol Where Prohibited*

1st offense - Sanction will include:

- Pay up to a \$200 fine within 5 business days of notification\*
- Letter sent to Work Study Supervisor and/or Academic Advisor, Athletic Coach, VP of Athletics
- Online Alcohol/Drug Education Course
- Sanction may include: Disciplinary Warning; 12 Hours of Community Service

2nd offense - Sanction will include:

- Pay up to a \$300 fine within 5 business days of notification\*
- Letter sent to Work Study Supervisor and/or Academic Advisor, Athletic Coach, VP of Athletics
- Alcohol Assessment through the Counseling Center and any follow up at the Counselor's discretion
- Sanction may include: Disciplinary Probation for 1 year; 25 hours of Community Service\*\*; Conference with the Director of Residence Education or his/her designee; housing contract Housing Contract in jeopardy Jeopardy.

3rd offense - Suspension from Housing

*Alcohol - Distribution of Alcohol to a Minor*

1st offense - suspension from the University

*Drug Possession and/or Use*

1st offense - Sanction may include:

- \$300 fine within 5 business days of notification\*

- Letter sent to Work Study Supervisor and/or Academic Advisor, Athletic Coach, VP of Athletics
- Online Drug Education Course
- Disciplinary Probation

2nd offense - Suspension from the University\*\*\*

#### *Drug Distribution*

1st offense – Expulsion from the University

#### *Stealing*

1st offense - \$75 fine, restitution, disciplinary probation

2nd offense - suspension from the University\*\*\*

#### *Vandalism*

Minimum sanction \$75.00 fine, restitution and education

***\*The amount of the fine is at the discretion of the Hearing Officer. The fine will be automatically charged to the student's account.***

***\*\*The decision to give a student Community Service is at the discretion of the Hearing Officer.***

***\*\*\*Once a student is suspended, their disciplinary letter will state that if they desire to be readmitted into the University and are found in violation of a Code, then they will be expelled.***

### **DISCIPLINARY SANCTIONS**

A student who engages in prohibited behavior is subject to one, or a combination of the following: (Student Development reserves the right to mark transcripts for suspension/expulsion).

*Abeyance* - Fines held in abeyance are not to be paid unless another violation of University policy occurs.

*Case Open* - A case may remain open in the event that the hearing officer believes that additional evidence may develop or that such an outcome is in the best interest of the student(s).

*Community Service* - An appropriate and reasonable number of hours of specified service within the University or the community may be assigned at the discretion of the hearing officer.

*Contract in Jeopardy* – Official notice that continued violation of University policy will result in the termination of the University Housing Contract and immediate removal from campus housing.

*Disciplinary Warning* - Official written warning that continuation or repetition of inappropriate behavior may result in more severe sanctions.

*Educational Sanction* – A sanction that emphasizes the need to correct inappropriate behavior and encourage the student to learn from the experience may be in the form of

writing a paper, required counseling, alcohol and/or drug evaluation, tasks or series of tasks that are educational in nature and/or serve to benefit a group or community at large, or some other form.

*Expulsion* - Dismissal from the University without the privilege of applying for readmission.

*Fine* - Fines may be imposed at the discretion of the hearing officer. Failure to pay a fine by a deadline will subject oneself to additional sanctions. Fines are to be paid to the University Business office.

*Interim Suspension* - Whenever there is evidence to suspect that a student's behavior on or off campus is a clear and present threat to the health, safety and welfare of the faculty, staff, students, or guests, the student may be suspended on an interim basis until a campus hearing can be arranged. A student on an interim suspension may be restricted from the University in its entirety or from a particular program, activity, or building.

*Loss of Privilege* – Depending upon the nature of an offense, a student may forfeit the privilege of (1) parking on campus; (2) visitation in University housing; (3) cancellation of housing contract; (4) removal from a particular room, floor, or residential facility; (5) participation in certain co-curricular activities; (6) representing the University in an official capacity; (7) or as appropriate to the violation.

*Loss of University Housing Privileges* - Cancellation of the student's housing contract and the loss of the privilege of residing in University owned housing. This includes the loss of the privilege of being in or around any University housing facility without written permission from an appropriate University Official. A student who is removed from University housing, continues to be accountable for the current semester's room charges.

*Probation* - Disciplinary Probation is an official written warning for a specified period of time that informs a student that his/her continued enrollment is in jeopardy. Violation of a prohibited behavior while on Disciplinary Probation will subject oneself to immediate suspension from the University.

*Reprimand* – A written statement of disapproval prepared by a University Official and delivered to the student. A copy is to be placed in the student's disciplinary file.

*Restitution* - This sanction requires a student to reimburse or otherwise compensate another for damage or loss of property resulting from a student's misconduct.

*Suspension* - Immediate dismissal from the University for a specified period of time during which the student's presence on the University campus is prohibited without written permission from an appropriate University official.

*Student Conduct Outcome Letters* – In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) addressing University Officials considered in the category of "need to know," the University reserves the right to inform in writing the following people and or offices of the outcome of student conduct hearings/action.

- The accused student
- The accused student's appeal advisor
- The accused student's academic advisor
- The accused student's disciplinary file
- Office of Housing and Residence Education
- Director of Counseling Center
- University Police

- Registrar Services
- Vice President for Administration
- Vice President for Athletics
- Athletic Coaches
- Work Study Supervisors
- Director of Student Activities, Campus Recreation, and New Student Orientation
- Vice President and Dean of Student Development

*Withdrawals* – Withdrawals due to Suspension and/or Expulsion - Dismissal for a specific period of time is defined as suspension. Dismissal for an expulsion is permanent. The University reserves the right to suspend or expel any student or students when it believes that such action is in the best interest of the institution and/or the student(s). This action will take place only after careful consideration and consultation with all parties with information pertinent to the matter at hand. Disciplinary withdrawals will be processed by the University for any student who receives a disciplinary suspension or expulsion from the University. The disciplinary withdrawal will be processed and dated based on the date of the suspension or expulsion. Students leaving the University for disciplinary reasons will not be eligible for any reduction of financial charges and will be liable for the entire semester's charges.

### **SEARCHES AND SEIZURES**

It is the desire of the University to respect the student's right to privacy without arbitrary and capricious invasion; however, the University reserves the right to enter a student's residence hall room under the following conditions:

1. to verify occupancy;
2. for health and safety inspections; (this includes checking University owned appliances)
3. to check for cleanliness;
4. to make necessary repairs and/or inventories;
5. when there is reasonable cause to believe that activities are taking place which are detrimental to the University community or where the health, safety or welfare of a Gardner-Webb University student is in jeopardy;
6. when there is reasonable cause to believe that a violation of law or University guideline, policy, or rule is taking place.

It is not necessary that the student be present or contacted in advance when the room is entered for such reasons. Searches of and seizures from a student's room, vehicle, or person must be approved by an appropriate University official.

Searches by civil authorities are governed by state and federal statutes which differ from Gardner-Webb University guidelines.

Upon approval from an appropriate University official, items in violation of University policy will be confiscated and turned into the Housing and Residence Education Office. Alcohol will be properly disposed of. The student will have 5 business days to claim said property, if deemed so, and remove this property from campus immediately. If these items

are not collected during the allocated time frame, they will be considered abandoned and discarded accordingly.

### **OFF-CAMPUS CONDUCT**

A student whose behavior off campus negatively impacts the University and/or student body, may be held accountable through normal disciplinary proceedings.

### **INVOLVEMENT OF OUTSIDE LEGAL COUNSEL**

Once the involvement of outside legal counsel is enlisted, University policy prohibits further communication from University officials. Official communication from the University is then expressed only through and by the University's legal counsel.

### **STUDENT RIGHTS**

A student charged with participating in a violation of the Code of Student Conduct is granted the following in order to ensure fundamental fairness in the student conduct process.

*NOTE:* An Appeal Advisor may not be any person (faculty, staff or student) who is involved in any manner or form of the disciplinary situation in question, i.e., another student who has been charged in the same incident. Legal counsel and/or relatives are not permitted to attend these informal sessions.

- A. Notice. The student has the right to be informed in writing that they have been documented for violating a student Code of Conduct Policy(s).
- B. Procedures. The student has the right to be informed orally or in writing of the student conduct procedures.
- C. Right to an Appeal Advisor. An accused student has the right to be represented by an Appeal Advisor of his/her choice during a disciplinary hearing. An Appeal Advisor must be a current member of the faculty or staff or a currently-enrolled student.
- D. Evidence. The student has the right to have dismissed from consideration evidence that resulted from confessions obtained by coercion or deceit and objects or documents obtained as a result of an illegal search.
- E. Right to call witnesses. The student has the right to present witnesses from the University to speak on his/her defense. *NOTE:* the number of character witnesses is limited to no more than three (3).
- F. Right to question accuser(s). The accused student has the right to question individuals bringing the specific charges.  
*NOTE:* Students reporting academic dishonesty are expected to be willing to be questioned by the accused student. Having knowledge of academic dishonesty and being unwilling to address such is considered to be a violation of the Honor Code.
- G. Hearing. The student has the right to respond to charges. If a student fails to appear for a scheduled hearing, the hearing may be held in his/her absence. If a student is found responsible in absentia the verdict is non-appealable.
- H. Written report. The student has a right to a letter reporting the result of the hearing.
- I. Appeals. The student has the right to appeal a decision by the hearing officer for any of the following reasons:
  1. irregularity in proceedings;



2. punishment inconsistent with the nature of offense;
3. additional evidence not available at the hearing.

When a student pleads “responsible” to a code of Student conduct violation, as stated in the Student Handbook, the student does not have the right to appeal the decision.

*Please note:* Appeals must be turned into the appropriate office within 24-hours of verbal and/or written notification of the sanction.

### **STUDENT CONDUCT PROCEDURES**

As a private institution, the University adheres to fundamental fairness or fair procedures in terms of the Student Conduct process.

After notification the student will determine whether he/she is responsible for the charge(s) and respond accordingly.

The Dean of the School of Graduate Studies or his or her designee is the graduate student Code of Conduct hearing officer and has the right to add charges based on information presented during the hearing.

#### *Hearing Procedures*

Student Conduct cases of alleged student misconduct will be “heard” by the Hearing Officer.

After a report is filed, the student is informed of the specifics of the report, his or her student rights, and then he/she will provide a response of responsible or not responsible to the charge at hand.

Upon completion of the administrative intake, a specific time and location for the hearing is provided orally or in writing to the student. Upon completion of the hearing, the Hearing Officer will formulate a decision. Afterward a letter will be sent from the Hearing Officer informing the student of the outcome. In addition, the letter will outline specific sanctions and the University appeals process, if necessary. If a student fails to appear for the hearing, the case will be heard in the student’s absence and decision/sanction rendered.

*Note:* Cases involving alleged victims will be administered to ensure privacy.

#### *Appeals*

A student may appeal a decision by the Hearing Officer. A student may not appeal a decision if the student pleads responsible and the minimum penalty is assessed or when a responsible verdict is reached in absentia. The student must submit a written appeal within 24 hours of verbal or written notification of the sanction if he or she wishes to appeal. An appeal can be made for any of the following reasons.

- 1) Irregularity in proceedings
- 2) Punishment inconsistent with the nature of the offense
- 3) Additional evidence not available at the hearing

Disciplinary action taken by the Hearing Officer is appealable to the Graduate Student Conduct Appeal Board. The Graduate Student Conduct Appeal Board consists of three graduate students, two graduate faculty members, and two staff members. The reason for the appeal is distributed to the Board. By a simple majority vote, the Board may vote not to hear an appeal and, thereby, uphold the original decision and sanction. In the event the Board votes to hear the appeal, the Board reserves the right to decrease or increase the sanction at its discretion. The decision of the Appeal Board is final.

## **EXPUNGEMENT**

Expungement is the opportunity to cleanse or erase one's student disciplinary record. The University's Student Conduct process holds students accountable for their actions and encourages students to accept the consequences of their actions; however, it is not the intent nor desire of the University to negatively impact a student's future in terms of employment or graduate school prospects. Therefore, the University provides an opportunity for expungement in some circumstances. The Dean of the School of Graduate Studies oversees the expungement process. All requests and inquiries regarding expungement of graduate student conduct records should be submitted to the Office of the Dean of the School of Graduate Studies. The Dean of the School of Graduate Studies will convene an Appeals Committee of the Graduate Council to consider the request. The decision of the Appeals Committee

### *Criteria for Expungement*

1. The campus disciplinary action must not be the result of a serious campus code violation (e.g., sexual assault, weapons, illegal drug distribution, etc.).
2. Student requesting expungement must have passed at least 70% of the credit hours in the program.
3. At least one full academic semester must have elapsed since the initial charge and sanction against the student.
4. There must be no other pending disciplinary action at the time of request.
5. There must be no outstanding financial obligations to the University (e.g., Student Accounts Office, Library, Financial Planning Office).

Criteria for denying expungement may include but are not limited to the following:

1. Initial campus disciplinary action was taken as a result of criminal related offense;
2. No appreciable amount of time has elapsed to indicate change in initial behavior or attitude of student;
3. Student not enrolled for consecutive semesters, thereby limiting observance of campus behavior and attitude.

### ***PLEASE NOTE:***

***The University reserves the right to adjudicate student judicial matters by means of an administrative process rather than the standard judicial procedure during such times as when the University is not operating under normal conditions, i.e., before classes start at the beginning of semesters, during vacation periods, during examination periods, during any summer session, and the time period between the last exam and***

*graduation. Although the administrative characteristics of the judicial process will be altered, the accused student retains the right to appeal any disciplinary action taken administratively one level beyond the Hearing Officer. All Code of Conduct policies apply equally to University campuses and off-site facilities. Students found in the presence of a violation may be charged with a corresponding code violation.*

## **GARDNER-WEBB UNIVERSITY INTELLECTUAL PROPERTY POLICY**

### **1. Purpose**

A. The purpose of the Intellectual Property Policy (“policy”) of Gardner-Webb University (“the University”) is to foster an environment that encourages the generation of new knowledge by faculty, staff, and students; to help facilitate transfer of useful inventions and writings to society; and to motivate the development and dissemination of intellectual property.

B. The policy is based upon the following principles relating to faculty, staff and students to the University.

1. Intellectual property is created by individuals, or by groups of individuals, who are entitled to choose the course of disclosure.
2. There exists a historical tradition allowing authors to retain ownership of intellectual property rights from textbooks and works of art.
3. The University is the support of the whole campus community, and is thereby entitled to share in financial rewards.

### **2. Definitions.** As used in this policy, the following definitions will apply:

A. Intellectual Property includes any patentable invention, any copyrightable subject matter, or trade secret. It also includes works of art, and inventions or creations that might normally be developed on a proprietary basis.

B. University means Gardner-Webb University.

C. Student means any full-time or part-time graduate or undergraduate student, regardless of whether the student receives financial aid from the University or from outside sources. It is the responsibility of students who are also employees of other outside entities to resolve any conflicts between this policy and provisions of agreements with their employers prior to beginning any undertaking at the University that will involve the development of intellectual property.

D. Faculty means members of the University's faculty as defined in the Faculty Handbook, plus instructors, special faculty appointments, and part-time faculty.

E. Staff means any employee of the University other than students and faculty as defined above. If a student is also a part-time University employee, the student is considered as staff with regard to intellectual property developed as a result of his employment, and as a student with regard to other intellectual property. A full-time non-faculty employee who is also taking one or more courses is considered to be staff. Visitors to the University who make substantial use of University resources are considered as staff with respect to any intellectual property arising from such use.

F. Creator means any person or persons who create an item of intellectual property.

G. Net proceeds to the University means all proceeds received by the University on intellectual property that it assigns, sells or licenses, minus any application, litigation,

interference, or marketing costs directly attributable to the intellectual property being licensed.

H. Net proceeds to the creator means all proceeds received by the creator from intellectual property owned by the creator that the creator sells, assigns or licenses, less the costs of application, legal protection, or litigation, interference, travel and other marketing costs directly attributable to the intellectual property being exploited. Such net proceeds do not include compensation legitimately received by the creator for consulting services or interest or other return on invested labor or capital.

I. Substantial use of University facilities means extensive un-reimbursed use of major University laboratory, studio or computational facilities, or human resources. The use of these facilities must be important to the creation of the intellectual property; merely incidental use of a facility does not constitute substantial use, nor does extensive use of a facility commonly available to all faculty or professional staff (such as libraries and offices), nor does extensive use of a specialized facility for routine tasks. Use will be considered "extensive" and facilities will be considered "major" if similar use of similar facilities would cost the creator more than \$1,000.00 if purchased or leased in the public market. Creators wishing to directly reimburse the University for the use of its facilities must make arrangements to do so before the level of facilities usage for a particular intellectual property becomes substantial. (This provision is not intended to override any other department or University policy concerning reimbursement for facilities usage.)

J. Online Courses. An online course refers to an academic course or a portion of an academic course that is delivered through electronic means, typically through a learning management system like Blackboard. In the context of intellectual property, the online course refers to all aspects of the course produced by the creator, as distinct from those portions of the course that are provided by the learning management system or are part of the electronic delivery of the course, which typically are made available to the institution and the creator through licensing. Components of the online course produced by the creator may include, but are not limited to, lectures, videos, graphics, bibliographies (or webliographies), learning outcomes and course outlines.

**3. Ownership Provisions and Procedures.** In order of precedence, and unless otherwise provided by law, ownership of intellectual property shall be as follows:

A. Externally Sponsored Work.

1. Intellectual property created as a result of work conducted under an agreement between an external sponsor and the University that specifies the ownership of such intellectual property shall be owned as specified in said agreement.
2. The Provost of the University will inform each person whose intellectual property rights are limited by an externally sponsored contract of the intellectual property provisions of that contract in advance of the beginning of the work.

B. Internally Sponsored Work

1. When the University provides funds or facilities for a particular project to the extent of substantial use, it may also choose to designate itself as sponsor of that work, subject to the provisions of Paragraph 4.F. The University may declare itself the owner of intellectual property resulting from the work. In such cases the

University must specify in advance the disposition of any intellectual property rights arising from the project.

2. The Provost of the University will inform each person whose intellectual property rights are limited by internally sponsored work of the intellectual property ownership rights specified by the University as to that work in advance of the beginning of the work.

C. Individual Agreements

1. Provisions: Intellectual property which is the subject of a specific agreement between the University and the creator(s) thereof shall be owned as provided in said agreement. Such agreements by the University and the faculty are encouraged.

2. Except where limited by external sponsorship agreements, creators and the University may negotiate individual agreements to govern ownership of intellectual property regardless of the applicability of any other provision of this policy.

D. Intellectual Property Created Within Scope of Employment

1. Intellectual property created by University employees who were employed specifically to produce a particular intellectual property shall be owned by the University if said intellectual property was created within the normal scope of their employment.

**4. Other Ownership Provisions.** Where no other provisions of this policy apply, ownership of intellectual property created at the University shall be determined as follows:

A. The creator retains all rights to the following types of intellectual property, without limitation: books (including textbooks), educational courseware and software, articles, non-fiction, novels, poems, musical works, dramatic works including any accompanying music, pantomimes and choreographic works, pictorial, graphic and sculptural works, motion pictures and other similar audio-visual works, and sound recordings, regardless of the level of use of University facilities. This provision does not include computer software (other than educational courseware) or databases.

B. Computer software, other than educational software, and databases are characterized by their capacity to perform tasks. Because of their utilitarian nature, ownership rights with respect thereto are governed by Paragraphs 4.D and 4.E below.

C. The creator owns all intellectual property created without substantial use of University facilities, including intellectual property rights in computer software and databases.

D. The creator owns all intellectual property contained within an online course produced by the creator, consistent with paragraph A-C above. The University retains shared ownership of course titles, course descriptions, course outlines, and learning outcomes and may reuse, revise or assign these objects without acquiring the permission of the creator.

E. The creator originally owns intellectual property created with substantial use of University facilities or with University funding, but no external or internal sponsorship, and retains said ownership of said property subject to the following:

1. The University shall receive 25% of the net proceeds to the creator above \$1,000.00; and

2. The University shall receive a perpetual, non-exclusive, non-transferable, royalty free license for non-commercial use of said intellectual property. In the case of software, this license includes access by specified University personnel to the source

listings, and the University shall require each person to whom a disclosure is made to execute in advance a binding confidentiality agreement in favor of and enforceable by the creator. If the intellectual property is created solely by a student or students, the creator is exempt from the obligation to pay to the University a fraction of his net proceeds, but not from the provision of this paragraph for a non-exclusive license to the University.

3. If the creator develops an intellectual property that is covered by this provision, the creator must make full and fair disclosure to the University of all such sources of compensation relating to that intellectual property.

F. The University originally owns intellectual property created with substantial use of University facilities and directly arising from work sponsored under an agreement between an external sponsor and the University, or from work for which the University has declared itself a sponsor, but for which neither the external sponsor nor the University have specified the ownership of resulting intellectual property, in which case the creator shall receive 50% of the net proceeds to the University.

G. No faculty or staff of the University shall take from a student personal assignment of intellectual property created by a student. The intellectual property rights of students are governed by this policy, and it is the duty of University faculty and staff to see that the intellectual property rights of students are protected in accordance with this policy.

## **5. General Provisions**

A. The creator of any intellectual property that is or might be owned by the University under this policy is required to make reasonably prompt written disclosure of the work to the University's Provost, and to execute any document deemed necessary to perfect legal rights in the University and enable the University to file patent applications and applications for copyright registration when appropriate. This disclosure to the provost should be made at the time when legal protection for the creation is contemplated, and it must be made before the intellectual property is sold, used for profit, or disclosed to the public. Whenever legal protection for intellectual property is anticipated, all persons engaged in such creative activity are encouraged to keep regular records.

B. The University's share of any proceeds under this policy will be used to reimburse the University for its expenses for commercial development of intellectual property. Any additional return to the University will be used to further the academic purposes of all the disciplines of the entire University.

## **6. Resolution of Disputes**

A. This policy constitutes an understanding which is binding on the University and on the faculty, staff, and students as a condition for participating in research programs at the University or for the use of University funds or facilities.

B. Any question of interpretation or claim arising out of or relating to this policy, or dispute as to ownership rights of intellectual property under this policy, will be settled by the following procedure:

1. The issue must first be submitted to the Institutional Review Board in the form of a letter setting forth the grievance or issue to be resolved. The Institutional Review

Board will review the matter and then advise the parties of its decision within 60 days of submission of the letter.

2. If any of the parties to the dispute are not satisfied with the committee's decision, the party may seek binding arbitration in Charlotte, North Carolina, and in accordance with the Rules of the American Arbitration Association then in effect. Judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. The arbitrator(s) will give some weight to the decision of the Institutional Review Board in reaching a decision. The losing party of the arbitration hearing will pay for all costs of the arbitration unless the arbitrator(s) specifies otherwise.

## **GRIEVANCES AND COMPLAINTS**

Any Student who believes that he or she has been treated unfairly by a member of the faculty, an employee of the University, or by a fellow student is encouraged to file a complaint. Complaints or grievances should be filed with the appropriate University official.

Complaints and grievances related to academic matters must be made in accordance with policies and procedures stated in the School of Graduate Studies section of the current Gardner-Webb University Academic Catalog.

Complaints and grievances related to non-academic employees of the University should be made to the supervisor of the employee or to the Vice President of that area.

Complaints and grievances related to residence life, counseling, safety and security, or campus ministry should be made to the Vice President of Student Development and Dean of Students.

Complaints and grievances related to graduate off-site facilities should be made to the Dean of the School of Graduate Studies.

Complaints and grievances related to admissions practices, recruitment, and financial aid should be made to the Vice President of Enrollment Management.

Complaints and grievances related to accounts payable and student accounts office functions should be made to the Vice President of Administration and Finance.

Complaints and grievances related to athletics should be made to the Vice President of Athletics.

Complaints and grievances related to public relations and publications should be made to the Vice President of Marketing.

Complaints and grievances related to donations to the University should be made to the Vice President of Advancement.