

## **DEFINITIONS OF PROHIBITED CONDUCT**

### **Alcohol Policy**

The State of North Carolina prohibits the use of alcohol by persons under the age of 21. It is also illegal, in our state, for a person of legal alcohol drinking age to purchase for or provide alcohol to anyone who is underage. Methodist University fully supports and upholds the state law. **The possession or consumption of any alcoholic beverage is prohibited on the Methodist University campus regardless of one's age.** Possession is defined as having any alcoholic beverage or its commercially produced container, or materials used to create consumption of alcohol such as beer bongs, funnels and tubing, etc., on the student's person, in the student's room, in the student's automobile, or among properties owned or being used by the student. Given reasonable cause, residence hall rooms, common living areas, and automobiles may be searched for alcohol. All residents and/or visitors who are found in the presence of alcohol possession or consumption are subject to the same sanctions as the individual(s) who actually brought the alcohol and/or alcohol containers into the environment or were possessing or consuming it regardless of how long they were present on the scene.

### **Alcohol and Disruptive/Destructive Acts of Behavior**

Maintaining a high quality of life in our community is very important to us. For this reason, we will apply even greater consequence for acts that are disruptive or destructive to our campus that include the possession of alcohol. Such acts include, but are not limited to, supplying alcohol to minors, acts of vandalism, destruction of personal or University property, disruptive noise, public drunkenness, regurgitation in shared living areas and public areas, verbal attacks, harassment, and acts of violence.

### **Arson and Fire Safety**

It is a violation of the Code of Conduct to tamper with fire alarm systems, fire extinguishers, or other fire protection equipment or to intentionally light a fire in a University building. Local and State Fire Codes to include Local/State penalties and fines will also be enforced by the City of Fayetteville and the State of North Carolina Fire Marshal Office.

### **Assault and Battery**

Assault, battery, physical abuse, or verbal harassment of any person on the campus is prohibited. Assault is defined as a verbal threat to do harm to another. Student who are defiant or belligerent toward a University staff member, including students acting in a supervisory capacity, may also be found responsible for assault. Also for purposes of this policy, battery is defined as a physical attack upon another and/or an attempt to do harm to another. Unwanted physical contact by one person on another person may also constitute battery in certain situations.

### **Bias-Related Intimidation or Harassment**

Demeaning or degrading comments gestures, verbiage, symbols, etc. regarding race, religion, creed, gender, age, ethnicity, national origin, physical disability, or sexual orientation are prohibited.

## **Breaking and Entering**

Breaking and entering is unlawful entry to a building or a room. Unlawful entry into a locked or an unlocked exterior door is prohibited and will not be tolerated. Breaking and entering is an offense punishable under criminal law and under campus rules and regulations.

## **Bullying**

Any on-going behavior directed at or about a student that is degrading, humiliating, malicious or defamatory. Behaviors may occur in person, in print, via electronic means or through social networking (cyber-bullying). Examples include, but are not limited to: ongoing pranks or ridicule directed against an individual, graffiti, posting insults against a student in a public setting or on any website.

## **Complicity**

It is expected that students remove themselves from any situation in which violations of the Code of Conduct are occurring or are anticipated. Furthermore, it is the expectation of the University that Methodist students will be good citizens and as leaders, speak out against University violations by their peers. This code prohibits condoning, supporting or encouraging a violation of University policy.

## **Contempt**

Contempt is defined as disobedience of a Code of Conduct order, to include using violent or profane language or threatening any individual associated with the Code of Conduct system. Students who bribe, intimidate, or threaten anyone associated with the Code of Conduct system before or after a meeting or a hearing will also be found in contempt.

## **Criminal Arrest, Charges or Conviction**

Students who are charged, arrested or convicted for violating local ordinances, North Carolina law or federal law may be subject to disciplinary action by the University up to expulsion from the University.

## **Defenestration**

Throwing objects from windows of any campus building is prohibited.

## **Disorderly Conduct**

Disorderly Conduct is behavior which Methodist University regards as speech or action which 1) is disrespectful, offensive, and/or threatening, 2) interferes with the learning activities of other students, 3) impedes the delivery of University services, and; or 4) has a negative impact in any learning environment or social environment which include all areas within the residence halls. Disorderly Conduct includes physically, verbally (profanity of any kind) or psychologically harassing, threatening, or acting abusively toward faculty, administrators, staff, resident assistants or any student acting in a supervisory capacity in the performance of their duties.

## **Drug Policy**

Methodist University prohibits the use, possession, and/or the distribution /sale of illegal drugs.

The following are prohibited:

## Illicit Drugs

- a. Possessing or using illegal substances, as defined by federal, state, and local statutes.
- b. Possessing or using controlled substances as defined by federal, state, and local statutes. (Controlled substances may be taken pursuant to a properly issued prescription, provided the controlled substance is taken as and in the amount prescribed.)
- c. Distributing, selling, or possessing with the intent to distribute illegal or controlled substances, as defined by federal, state, and local statutes.
- d. Possessing or using drug paraphernalia (including but not limited to pipes, bong, etc.).
- e. Being under the influence of illegal or controlled substances as demonstrated by actions and/or other evidence such as the smell of marijuana on the student's clothing and/or person.
- f. Growing and/or manufacturing any illegal substance.

Given reasonable cause, drug testing may be required of students suspected of a drug related offense. **The type of drug testing will be determined by the Dean or Sr. Associate Dean of Students. Positive drug tests will result in \$150.00 being assessed to the students account to cover the cost of the test.** Reasonable Cause in Drug Use Situations is defined as the odor of marijuana on the student's clothing and/or person, in a campus residence, personal vehicle or any other confined space that belongs to or is assigned to the student and/or in a confined space where the student is located when the odor is detected. Refusal to participate in such testing may be used as grounds for probation, suspension or other discipline of a suspected violator regardless of how long they were present in the room or common living area. Student(s) who possess expired prescription drugs and/or unreasonable, large quantities of prescription drugs will be asked to provide independent, medical verification that the quantity and the prescription is valid. If students are unable to obtain medical verification, he or she will be subject to the sanctions outlined in this policy.

## Odor of Marijuana

If the odor of marijuana is present (room, vehicle, etc.) without physical evidence, the student will be found responsible for "being in the presence of marijuana odor." Additionally, students who are in the presence of marijuana odor will be offered the option of taking a drug test to clear charges with a negative drug test result. If a student is found in the presence of the odor of marijuana for a second or any additional incidents, drug testing will be required.

If students are in the presence of physical evidence, then those who are guests may be tested if they deny responsibility. The residents of the room and/or the owner of the vehicle may be found responsible for possession without being tested.

## Failure to Comply with the Direction of a University Official

Failure to comply with the direction of a University official is defined as the disobedience of or disregard for a reasonable request by a University official. A University official is defined as faculty, staff, or students acting in a supervisory capacity in the performance of their duties.

## Fans' Code of Conduct

Methodist University encourages and promotes good sportsmanship. Fans of organized sports and intramurals

are encouraged to support the participants and officials in a positive manner. Profanity, racial or ethnic comments, intimidating actions, or physical violence directed at officials, visiting teams, student-athletes, coaches, or team representatives will not be tolerated.

### **Falsifying Information**

Providing statements, actions or representation that is false, misrepresents the truth, and/or is intended to deceive another is prohibited. This code is not intended to apply to academic related offenses.

### **Fire Safety**

Methodist University has installed fire alarm systems in each residence hall. Fire extinguishers are available on each floor, and smoke alarms have been installed in every residence hall living area (including individual rooms). It is a serious violation of University standards and state laws for students to tamper with fire protection equipment. It is a federal offense to pull a fire alarm if there is not a fire.

### **Gambling**

Gambling is defined as the playing of games of chance or betting for money. Gambling is illegal in the state of North Carolina.

### **Hazing**

As used in this policy, hazing is defined as any act committed against a student by another student, acting individually or in concert with others, or aiding or abetting such acts in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization, team, or group affiliated with Methodist University where such acts, either intentionally or unintentionally, has the effect of physically injuring, humiliating, harassing, intimidating, demeaning, or endangering the physical or the emotional health of any student. A violation of the hazing code can occur **on or off campus**. Methodist University will treat any act of hazing involving Methodist University students either on or off campus in precisely the same manner. Under North Carolina state laws, hazing is defined more narrowly as follows: "to subject another student to physical injury as part of an intimidation, or as a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group." N.C. Gen. Stat. 14-35. Such acts are criminal (Class 2 Misdemeanor) under this statute. In addition to disciplinary action for acts of hazing as defined more broadly by the University, a student who violates the state law definition of hazing is subject to prosecution by local or state authorities.

### **Keys/Access Cards**

Unauthorized possession, duplication or use of a University key or access card is prohibited.

### **Littering**

No student shall dispose of trash, food, and refuse of any kind except in proper trash receptacles. No student shall in any way dispose of tobacco products except in receptacles properly designated for them on University property.

### **Off-campus Conduct**

Although the University is not legally responsible or financially liable for the behavior of students off campus, it does reserve the right to take disciplinary action against students when their off-campus behavior violates University expectations and policies or when the behavior affects the University community. This rule applies whether or not the University sponsors the off-campus activities.

### **Public Indecency**

Behaving in a lewd or indecent manner in public (e.g. public urination, indecent exposure) is prohibited and inconsistent with the values of the University.

### **Reckless Endangerment**

Intentionally or recklessly endangering, threatening, or causing physical harm to any person and/or their property is prohibited. Trespassing in areas that are posted, off-limits and/or restricted is a violation.

### **Responsibility for One's Actions**

Being a student at Methodist University is a privilege. All of our students must abide by the regulations published in the Methodist University Student Handbook. Those whose behavior puts themselves or others at risk or which unreasonably disrupts the University environment will not be allowed to continue the privilege of being a student at Methodist University.

Every student is responsible for his or her actions at all times. Being under the influence of alcohol or other drugs is no excuse for improper action and, in fact, makes the violation more serious. Students are also responsible for their actions during off-campus trips.

### **Sexual Discrimination, Sexual Harassment, Sexual Violence, and Title IX Policy and Adjudication Procedures**

**See** Title IX on the University Web site.

### **Theft**

Any person found responsible for theft or possessing on-campus property that he or she knows or should know is stolen will face sanctions from the University as well as possible criminal prosecution.

### **Tobacco Policy**

Smoking is strictly prohibited in all campus buildings, and there is no smoking allowed within fifty (50) feet of any campus building. This prohibition extends to all hallways, lobbies, stairwells, restrooms, offices, classrooms and residence halls and apartments. The use of smokeless tobacco, to include e-cigarettes and water vapor cigarettes, is also prohibited in all indoor locations. Hookahs are not allowed on campus.

### **Traffic Violations**

Students who habitually violate vehicle and traffic regulations shall face sanctions from the University. Violators of campus parking privileges who receive four or more citations in one semester will have their vehicles restricted from campus parking. The University reserves the right to lock the wheels of vehicles and tow vehicles at the owner's expense if restricted vehicles are found on campus. See Parking regulations on the University Web site.

### **Trespassing on University Property**

Persons who violate University policies, regulations, or rules or pose a threat or risk to the safety and security of the University community or University property may be trespassed from specific areas of the campus. In addition, persons present on University property without justification or legitimate reason may be advised to leave or face sanctions.

### **Vandalism**

Vandalism is defined as the destruction of another person's or the University's property. Any student who commits vandalism will owe full restitution and may face additional sanction as well as criminal prosecution.

### **Violation of Sanctions**

Any student who fails to fulfill the expectations or conditions of sanctions imposed by the Dean of Students, Student Community Court or the Administrative Hearing Board may face sanctions from the University.

### **Visitation Policy**

The residence halls are open for visitation from 9:00 a.m. to 1:00 a.m. Sunday through Thursday nights and 9:00 a.m. to 2:00 a.m. Friday and Saturday. Each residence hall has the right to set its own visitation times within these hours.

### **Weapons Policy**

A weapon is defined for the purposes of this policy as any item that can be used to intimidate, threaten or harm another person. A weapon may include, but is not limited to, firearms (to include firearm imitations), explosives of any size or type (to include fireworks), ammunition, air guns, explosive-like noisemakers, and knives of any type. Methodist University policy, state law, and federal law prohibit possession or use of any weapon on campus. The only exception to the possession of a knife is for students who live in apartment style residence hall rooms with kitchens. These students may possess commercially produced kitchen knives, but these knives must be maintained within the student's apartment at all times. If students are found in the possession of a kitchen knife outside of their residence hall apartment, they will be in violation of the University's weapon's policy. Possession is defined as having a weapon (see above) on the student's person, in the student's room, automobile, or any other property he or she owns or uses. The possession of weapon may lead to other criminal charges by law enforcement personnel.