The Department of Safety and Security is located on the third floor of Wren Student Union. It maintains a full staff of highly trained security officers who are charged with the responsibility and the authority to enforce the Mars Hill University Traffic Code, the Mars Hill University Code of Student Conduct (where applicable), and to assist all law enforcement agencies with the enforcement of local, state and federal laws. The mission of the MHU Department of Safety and Security is to enhance the quality of life at MHU by providing a safe and secure environment for students, faculty, staff and visitors that is consistent with the values and educational goals of the university, enhances the pursuit of learning and personal growth and builds community partnerships based on mutual respect, cooperation and trust. It is the vision of the Department of Safety and Security to take an all hazards approach to outpace all threats and proactively manage risk to the students, faculty, staff and visitors to Mars Hill University. This will be accomplished by providing professional and timely safety and security services that values and respects individual concerns while protecting the rights of the community we serve. The department of safety and Security has adopted the core values of respect, integrity, selfless service and excellence.

REPORTING CRIMINAL ACTIVITY, SAFETY AND SECURITY INCIDENTS AND ACCIDENTS

It is the responsibility of the student to notify The Department of Safety and Security of any known or suspected criminal activity, safety and security related incidents or accidents immediately. The Department of Safety and Security will determine what level of response is required and will coordinate the response by area fire, EMS or police as needed. Most calls for service can be handled by the department without assistance from an outside agency. All calls for service will be handled promptly and with the highest level of professionalism. Federal law mandates the Department of Safety and Security maintain accurate and detailed records of crime occurring on campus. If you are a victim of crime or witness a crime, you should report it to the Department of Safety and Security immediately. Accidents should also be reported promptly. Most reporting agencies will not file a report for insurance purposes if there has been more than a 24 hour lapse from the time the incident or accident occurred until the time it was reported.

TRANSPORTATION SERVICES TO AND FROM CAMPUS

Transportation to the campus by plane or bus is best routed through Asheville. Commercial airline service is available at Asheville Airport, and Greyhound/Trailways bus services operate into Asheville. The University does not transport students from the airport or the bus terminal. Arrangements for transportation to or from the airport and bus station should be made by way of taxi or other means. If a student has a medical appointment, arrangements can be made through the Madison County Transportation Authority for a minimal fee to transport the student to these appointments. This MCTA requires a one week notice. Students who need this type of assistance should call the Department of Safety and Security to obtain the appropriate numbers and contact information for these services.

MHU TRAFFIC CODE

Approved and adapted for Mars Hill University by the Traffic Committee effective June 1, 2014.

This publication supersedes all previous publications dealing with traffic rules and regulations. Any suggestions or comments concerning this publication should be sent to: The Director of Safety and Security, Mars Hill University or Chairperson of the Traffic Committee, Mars Hill University.

A. GENERAL STATEMENT OF POLICY

The operation of a motor vehicle on the Mars Hill University campus is a privilege granted by the University. Automobiles MAY NOT be used as a means of intra-campus transportation. Parking privileges will be determined by the distinct traits apparent and displayed upon the decals issued by the Department of Safety and Security. The University reserves the right, for due cause, to suspend and/or revoke the campus driving privilege of any member of the University community. The Department of Safety and Security as well as the traffic committee will determine due cause, suspension, and revocation.
1. The Department of Safety and Security Officers are employed to protect the safety and welfare of all of campus. They are responsible for enforcing the traffic regulations and ordinances impartially whether the violator is an administrator, faculty member, or student. It is demanded that they do so with dignity and politeness, and it is expected that they will also be accorded the same respect.

2. The fact that a person parks in violation of any regulation or law and does not receive a citation does not mean that the regulation or law is no longer in effect. The responsibility of parking a vehicle legally rests with the vehicle operator.

3. All persons in the University community---students, faculty, administrators and staff---are expected not only to observe the traffic regulations but also to pay fines for violations of them. Failure to do so may result in the vehicle being impounded and towed at the owner’s expense and/or revocation of campus driving privileges and/or immobilization by use of the Denver Boot.

4. All traffic rules and regulations contained herein may be **strictly enforced twenty-four hours a day, seven days a week, three hundred and sixty-five days a year** for all members of the University community---administrators, faculty, students, conference groups and visitors.

**B. DEFINITIONS:**

1. For the purpose of these regulations, a motor vehicle includes automobile, truck, motorcycle, motor scooter, motor bike, and any other motor-powered vehicle.

2. The term student includes all persons taking full or part-time undergraduate work (including those taking night courses) auditors, and those participating in institutes of an extended period.

3. The term visitor includes any person, other than administrators, faculty and staff members, and students, parking or driving a non-registered vehicle on campus.

4. The term “public vehicular area” includes any drive, driveway, road, roadway, street, or alley upon the grounds and premises of any public of private hospital, college, university, school, orphanage, church, or any of the institutions maintained and supported by the state of North Carolina, or any of its subdivisions or upon the grounds and premises of any service station, drive-in theater, supermarket, store, restaurant or office building or any other business, residential, or municipal establishment providing parking space for customers, patrons, or the public or any drive, driveway, road, roadway, street, alley or parking lot upon any property owned by the United States and subject to the jurisdiction of the state of North Carolina (the inclusion of property owned by the United States in this definition shall not limit assimilation of the North Carolina law where applicable under the provision of (Title 18, United States Code, Section 13). The term “public vehicular area” shall also include any street opened for dedication to the public by the filing of a map, plat or written instrument in the office of the Register of Deeds; provided however, a public authority: (1) has not accepted the dedication of the street, and (2) a public authority has not assumed control over the street.

(N.C.G.S. 20-4.01) (32)

**C. SPECIAL PERMITS FOR VISITORS AND HANDICAPPED PERSONS**

Special parking permits for visitors will be issued by the Department of Safety and Security at the request of academic or administration officers, or at the request of an individual at the Department of Safety and Security, during posted office hours. **Visitors of students are the responsibility of that students and therefore any traffic violations are the students responsibility to either appeal or pay for the violation. Visitor passes are issued at the Department of Safety office on the third floor of Wren.**

Special parking permits for handicapped individuals, or those who are injured, will be issued by the Department of Safety and Security. In order to qualify for a handicapped decal on the university campus, the individual should see a doctor, and then have the appropriate information sent to the Infirmary. The Infirmary will then make the judgment on the length of duration of the handicapped decal and will notify the Department of Safety and Security. The handicapped decal will be effective as long as the indicated on it. State handicapped placards must be register with the Department of Safety and Security. Any person receiving a handicapped decal should use the following procedures when parking:

- Utilize any blue painted parking spaces designated for handicapped parking.
- Utilize any green painted parking spaces designated for faculty/staff parking.
- Utilize any white painted parking spaces.
- Utilize any visitor designated area.
• Never park in a Fire lane or No Parking zone.

D. MOTOR VEHICLE REGISTRATION

1. All students, faculty, administration and staff motor vehicles operated on campus will be registered regardless of the length of time they are operated on campus. See later section for time limit for registration.

2. If, due to an emergency, a student is unable to drive his/her registered vehicle and must use an unregistered vehicle, the Department of Safety and Security office should be notified immediately.

3. If, for any reason, a decal must be replaced, the Department of Safety and Security must be notified and a new decal obtained as soon as possible. The decal being replaced should be brought in when the new one is bought. Replacement cost is $10.00.

4. Relatives of faculty/staff employees, who are enrolled at MHU, must purchase student decals to park on campus. Under no circumstances are students to have faculty/staff hang tags.

5. Registration Procedure:

I. Application for vehicle registration should be made by one of the following methods:
   • Mail in the vehicle registration form sent in the summer for any decals requested.
   • Stop by the Department of Safety and Security during the hours that will be available during registration days. These hours will be posted.
   • Fill out the online registration form that will be sent out in a student distribution e-mail. Follow instructions closely.

II. In order to facilitate the registration, students must have the following items ready to present upon request:
   • Current University ID card
   • Valid Driver’s License
   • Valid vehicle registration card from the state of registration
   • A check or money order made payable to MHU

III. You will be issued a decal to be displayed on the bottom left corner of your back window.

IV. Registration is not complete until the decal is properly displayed on the vehicle and all expired parking stickers have been removed.

V. There is a $120.00 flat fee for in-residence and commuter students parking on campus. Commuters must register their vehicles on campus. A matrix detailing designated parking areas and corresponding maps will be made available to residential life staff members and posted in each residence hall as well as outside the Department of Safety and Security for your reference. Vehicles violating parking protocols are subject to being fined according to Section F of this traffic code.

VI. Students having more than one vehicle on campus simultaneously must pay $60.00 for each additional vehicle.

E. GENERAL RULES

In addition to the motor vehicle laws of the State of North Carolina, the following rules and regulation are applicable:

1. Mars Hill University assumes NO responsibility for any damage or loss to motor vehicles driven or parked on campus. However it is required that all thefts or damages are reported to the Department of Safety and Security immediately.

2. The registrant of the motor vehicle is held responsible for the safe and prudent operation and proper parking of his/her vehicle regardless of who may be the operator.

3. All motor vehicle accidents occurring on campus are to be reported to the Department of Safety and Security immediately.

4. Flagrant violation of any rule or regulation concerning the operation and parking of a vehicle on campus may result in the owner being fined and/or the vehicle being booted or the vehicle being towed away. The owner or registrant will be liable for any fines and towing and/or storage charges.

5. The operator of a motor vehicle must be able to show, upon request of the Department of Safety and Security Officer, his valid driver’s license and University I.D. card, and proper vehicle registration.

6. The following streets on campus are classified as one-way:
   • The upper drive at Fox Hall
   • The driveway around Huffman Hall, Stroup Hall, and Edna Moore Hall
- Townhouse Drive from Dormitory Drive to Park Drive
- Dormitory Drive from Townhouse Drive up the hill to the far end of the Gibson Hall (Joe Anderson Drive) parking lot on to South Main Street
- Tickets will be issued for disregarding the one-way street signs. A fine of $75.00 will be issued for this violation.

7. All posted traffic and regulating signs not covered in these regulations will be observed.
8. Stopping in “No Parking” zones located near the residence halls for unloading purposes and to pick-up dates are acceptable only if a licensed driver with the keys to the vehicle remains with the vehicle at all times. Otherwise, vehicles will be ticketed or towed (to permit passage of other vehicles). Towing will be at the owner’s expense. The use of hazard lights does not make allowance for parking in a no parking zone nor in a fire lane. If a car is left unattended, it is in violation.
9. If a vehicle becomes inoperable on campus, the operator must notify The Department of Safety and Security of the vehicle’s location and must make reasonable effort to get the vehicle moved as soon as possible.
10. Any area within the boundaries of Mars Hill University, which is not marked with a specific parking space, will be considered a “No Parking” zone.
11. Parking lots are for parking only and are not to be used by motorized vehicles for racing or other noisy or disturbing activities.
12. Vehicles improperly parked are subject to additional enforcement action and fines every four (4) hours.
13. Restricted zone parking is in effect from 7:00 a.m. through 5:00 p.m., Monday through Friday. During weekends, faculty and staff parking is not in effect. There are certain designated lots that are restricted at all times. A listing of all lots and their restrictions is issued at registration and is also available at the Department of Safety and Security at any time.
14. Certain vehicles designated by the Director of Safety and Security as emergency and/or utility vehicles will be allowed to park anywhere necessary to conduct emergency or maintenance operation or business. This also includes certain privately owned vehicles, i.e., University nurses, Dir. Of Safety and Security, Director of Facilities, and any other vehicles approved by the Dir. Of Safety and Security.

F. VIOLATIONS, FINES AND PAYMENTS

<table>
<thead>
<tr>
<th>Violation</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obstructing or impeding flow of traffic (plus vehicle is subject to towing).</td>
<td>$25.00</td>
</tr>
<tr>
<td>Parking or driving on a sidewalk or safety zone except permanent or temporary driveway.</td>
<td>$50.00</td>
</tr>
<tr>
<td>Fire Lane: A motor vehicle in an area designated as a Fire Lane is subject to towing.</td>
<td>$150.00</td>
</tr>
<tr>
<td>Blocking (Vehicle is subject to towing).</td>
<td>$50.00</td>
</tr>
<tr>
<td>Parking in a designated handicapped parking space when vehicle parked in said space does not display the distinguishing tag or permit.</td>
<td>$100.00</td>
</tr>
<tr>
<td>Backed in parking.</td>
<td>$25.00</td>
</tr>
<tr>
<td>Improper zone.</td>
<td>$50.00</td>
</tr>
<tr>
<td>No parking zone.</td>
<td>$50.00</td>
</tr>
<tr>
<td>Driving or parking on the grass(plus fees)</td>
<td>$50.00</td>
</tr>
<tr>
<td>Parking in a service or delivery area.</td>
<td>$25.00</td>
</tr>
<tr>
<td>Parking left of center.</td>
<td>$25.00</td>
</tr>
<tr>
<td>Driving the wrong way on a one way.</td>
<td>$75.00</td>
</tr>
<tr>
<td>10 and 15 minute excess.</td>
<td>$25.00</td>
</tr>
<tr>
<td>Failure to observe or movement of barricades.</td>
<td>$75.00</td>
</tr>
<tr>
<td>Failure to properly display registration tag.</td>
<td>$25.00</td>
</tr>
<tr>
<td>No registration or improper registration.</td>
<td>$75.00</td>
</tr>
<tr>
<td>Supplying incorrect or false information on vehicle registration form.</td>
<td>$50.00</td>
</tr>
<tr>
<td>Removal of Denver Boot.</td>
<td>$150.00</td>
</tr>
<tr>
<td>Unnecessary or unusual noise.</td>
<td>$50.00</td>
</tr>
<tr>
<td>Refusing to show identification upon request.</td>
<td>$75.00</td>
</tr>
</tbody>
</table>
Fines should be paid to the Business Office within fourteen (14) days. If accumulated fines have not been paid or appealed, the vehicle may be towed away, or booted if found on campus, and the registrant’s driving privilege may be revoked for the remainder of the academic year. Those students with outstanding fines will be subject to penalties until such fines are paid.

G. REVOCATION OF DRIVING PRIVILEGES MAY RESULT FROM THE FOLLOWING:
1. Operating a vehicle under the influence of alcohol or any other controlled substance;
2. Accumulating more than five (5) unpaid traffic or parking violations, during any semester or summer school;
3. A decision by the Department of Safety and Security and Traffic Committee in certain instances.

Should an individual whose driving privilege have been suspended by found driving a motor vehicle on the campus during the period of his/her suspension, the violator’s vehicle will be towed at the owner’s expense and the case will be turned over to the appropriate University judicial body.

H. APPEALS
Any appeal concerning a traffic ticket must be submitted in writing within five (5) business days from the date of the ticket on the appropriate form. The procedure is as follows: Within the 5 days, the necessary form should be completed at the Department of Safety and Security and submitted to a representative there. The Traffic Appeals Committee will meet on a schedule to be arranged by the Traffic Committee. An appeal will not be accepted or considered unless it is submitted within the prescribed period unless there are extenuating circumstances. During the last two weeks of each semester, and during summer sessions, the director of Safety and Security will adjudicate all traffic tickets appealed properly.

ZONE PARKING
There are no longer any open parking areas on the Mars Hill University Campus.
The following lots are totally restricted parking:
- **Huffman 24 hr. Staff spaces: marked by sign.**
- **Infirmary Lot: Medical emergencies only.**
- **The Department of Safety and Security spaces: Security vehicles only.**
- **Handicapped spaces: properly marked vehicles only.**
- **Residence Life Spaces: RDs only.**
- **Service Vehicle spaces: emergency and MHU official vehicles only**
- **Blackwell Plaza**

Decals will be issued according to your status as an in-residence student or a commuter student. In-residence students will be issued blue decals. Commuter students will be issued gold decals and faculty and staff will be issued green hanging tags. Each parking decal will have a letter designating the residence hall the student resides in (ie F=Fox, L=Laurel, BM=Bailey Mountain, etc.). Commuter decals will be designated with the letter “C”. The decal will also contain a numerical designation that corresponds to the individual vehicle being registered. Vehicle registration and parking privileges at Mars Hill University are obtained with a flat rate fee of $120.00. When the fee is paid, students will be issued a decal for display in the bottom left of the rear window. Students may park in lots marked with letters corresponding with the letter designation on their decal. Parking lots for FY 2015-2016 have been designated as follows:

Parking lot designations and locations:
- **Turner Lot-** Designated in-residence student parking with letter designations T/B/G/L
- **Brown Lot-** Designated in-residence student parking with letter designations T/B/G/L
- **Gibson Lot-** Designated in-residence student parking with letter designations T/B/G/L
- **Joe Anderson Drive-** Designated overflow parking (any sticker)
- **Dorm Drive-** Designated faculty/Staff and Visitor parking only
- **Townhouse Drive-** Designated in-residence student parking with letter designation DP
- **Upper Nash Lot-** Designated Faculty and Staff only
• Lower Nash Lot-Designated Faculty and staff only
• Myers Lot-Designated in-residence student parking with letter designation M
• Athletic Street-Designated community parking
• Dixon Palmer Lot B-Designated in-residence student parking for letter designations DP/A/D
• Dixon Palmer Lot C-Designated in-residence student parking for letter designation DP/A/D
• Azalea Lot-Designated in-residence student parking for letter designations DP/A/D
• Dogwood Lot-Designated in-residence student parking for letter designations DP/A/D
• Lower Chapel Lot-Designated Commuter and Visitor parking
• 213 Lot-Designated Commuter and visitor parking
• Hart Tennis Court Lot-Designated Commuter and visitor parking
• Ferguson Lot-Designated Faculty and Staff only
• Front of Chapel-Designated handicap Parking
• Renfro Lot-Designated Faculty and staff, Chartwell’s and Security parking
• Ponder Lot-Designated in-residence student parking for letter designations EM/S/H
• Chambers Lot-Designated faculty and Staff and handicap parking only
• Fox Drive- Designated in-residence parking for letter designations EM/S/H/F
• Belk Field Lot-Designated for in-residence student parking for letter designations EM/S/H/F
• Huffman Gravel Lot-Designated in-residence student parking for letter designations EM/S/H/F
• Lower Fox Lot-Designated in-residence student parking for letter designations EM/S/H/F
• Beside Renfro-Designated in-residence student parking for letter designations EM/S/H/F
• McConnell Lot-Designated faculty and staff only
• Spillman Lot-Designated in-residence student parking for letter designations EM/S/H/F
• Stroup Lot-Designated 10 minute and service vehicle parking only
• College Street-No parking until further notice due to construction
• Auditorium Drive-10 minute loading spaces and designated as faculty and staff only
• Behind Moore-Faculty and Staff and service vehicles only
• Bailey Mountain Faculty-Designated Wells Fargo(6 spaces) and faculty and Staff parking only
• Bailey Mountain Upper-Designated in-residence student parking for letter designations BM/J
• Bailey Mountain Lower-Designated in-residence student parking for letter designations BM/J
• Pittman Lot-Designated Visitor (4), Handicap (3) and 21 Faculty and Staff
• Blackwell Plaza- Designated 2 visitor, 1 Service and 1 Handicap

Students are reminded not to park in designated visitor, handicap or service vehicle spaces or in designated fire lanes. Student parking spaces are marked with white paint: faculty and staff spaces are marked with green paint and fire lanes are marked with red paint. Handicap spaces are marked with blue paint. Service vehicle spaces are marked in yellow paint.

Visitors need to register their vehicles if they plan to stay overnight or if they will be making frequent visits to campus. It is the responsibility of the student to have their visitors registered. If a vehicle is registered as a visitor, and is on campus for more than 3 consecutive days, it will be considered a non registered student vehicle and will be subject to student fines or sanctions. **If a non-registered vehicle accumulates multiple tickets, it will be booted. It is also the responsibility of the student to take responsibility for any violations that a visitor acquires.**

**Note:** The spaces along Athletic Street, College Street, and Bailey Street are shared town streets and subject to Mars Hill Town regulations. **Students are not allowed to park on Athletic Street. These spaces are for community folks using our facilities.**

A complete list of parking and instructions with a map will be provided at check in and registration.

**UNAUTHORIZED CONVEYANCES**

No skateboards, rollerblades, roller-skates, scooters, golf carts, or like conveyances with or without motors are permitted to be used on Mars Hill University property. Exceptions are those vehicles used by Facilities Management, Athletic Department, Post Office, Admissions, Administrative personnel, Campus Security, or any
conveyance specifically approved by the Director of Safety and Security. Any conveyance used by the physically impaired (with a doctor’s consent) may be used inside or outside any buildings on campus. Bicycles may be used for transportation but are not allowed in the administrative or classroom buildings.

The Ordinance/Violations contained herein do not supersede those of the State of North Carolina and you may be charged with violation s as noted in the North Carolina General Statutes.

**EVACUATION OF BUILDINGS IN EMERGENCIES**

Failure to evacuate any facility on the Mars Hill University campus when the appropriate fire alarm is sounding will result in a fine. Failure to evacuate a building after being told to do so by The Department of Safety and Security or an authorized University official to include residence hall staff will result in disciplinary action. No person will be permitted to re-enter a building before it is cleared by the Director of Safety and Security or his/her designee.

**WEAPONS ON UNIVERSITY PROPERTY**

Mars Hill University prohibits firearms on campus. Additionally, other weapons as identified by North Carolina statute (NC STATUTE 14-269.2) are also prohibited. It is a Class 1 misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), fireworks, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property. Violations will be referred to campus judicial authorities and may be referred to local, state or federal law enforcement agencies.

**DRUG AND ALCOHOL**

Mars Hill University is a drug and alcohol free campus. Violations relating to illegal drugs will be referred to campus judicial authorities and appropriate law enforcement agencies. Alcohol violations will be referred to campus judicial authorities and in the case of under-aged drinking, may be referred to local law enforcement agencies.

Mars Hill University provides the following sanctions for the use of alcohol on the university campus. These sanctions are stated in the Mars Hill University Student Handbook and the Mars Hill University Faculty & Staff Handbooks, as appropriate.

The selling, transfer, possession, use or collection of alcoholic beverages or containers on the campus is prohibited. This includes off-campus parties sponsored by campus organizations. Students convicted shall receive a minimum fine of $75.00 or 20 hours of community service work. Additional infractions will cause the fine and sanctions to be significantly increased, up to and including the possibility of suspension. For employees, drinking on the job or reporting to work under the influence of alcohol or illegal drugs is grounds for reprimand or discharge. Furthermore, the university has a policy against the manufacture, sale, transfer, possession, or use of illegal and/or controlled substances. Students found guilty through the campus judicial process will be suspended for no less than 1 year and may be subject to expulsion. Such violations by employees are grounds for immediate disciplinary action, which could include reprimand, suspension without pay, or discharge.

These policies are outlined for the university population in the student handbook, the staff handbook, and the faculty handbook. These policies should be taken seriously as violations of them will result in prompt disciplinary action.

A Mars Hill University employee must notify the Human Resources Office "in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction." Failure to do so will result in immediate discharge.
**Drug/Alcohol Treatment**

Mars Hill University has a multi-faceted approach to substance abuse. The first level involves referral for personal counseling coupled with alcohol and substance abuse education offered on campus by the Director of Counseling.

In addition to the on-campus educational programming, the institution works with New Vistas and Mission Health System (Copestone). The university’s health insurance plan also provides Substance Abuse Services.

The university also schedules alcohol and substance abuse programs that are attended on a voluntary basis. The programs are scheduled through the semester and are organized by the Office of Student Development Counseling Center. Additional substance abuse education may be provided for the campus population through health fairs sponsored by the university infirmary.

**Local, State, and Federal Law**

1. The North Carolina Alcoholic Beverage Control Laws make it unlawful for any person under twenty-one (21) years of age to purchase, possess, or consume; or for anyone to aid or abet such a person in purchasing, possessing, and consuming any alcoholic beverage. (General Statute 18A-8)

2. Any person who is over the lawful age to purchase and who aids or abets another in purchase or possession shall be guilty of a misdemeanor punishable by a fine of up to $2000 or imprisonment for not more than two years, or both.

3. It shall be unlawful for any person to obtain alcoholic beverages when under the lawful age by using or attempting to use a fraudulent or altered driver’s license or any other type of false identification.

4. It shall be unlawful for any person to permit the use of his or her license or any other identification document by any person who purchases or attempts to purchase alcoholic beverages while under the lawful age.

5. A driver may not consume any alcoholic beverage while driving. No person may transport in the passenger area any alcoholic beverage in any container other than the manufacturer’s unopened original container.

**Use and Trafficking in Illegal Drugs**

North Carolina Controlled Substances Act 90-89 deals with the use and trafficking in illegal drugs by schedule from I to VI.

1. It is illegal to possess or manufacture an illicit drug or controlled substance with the intent to sell or deliver it to another.

2. It is illegal to sell or buy any item which is represented to be an illicit drug or controlled substance.

Punishment is based on the type (schedule) of substance and the quantity. The prescribed sentences are, class H felon, minimum 5 years, maximum 10 years and class I felon, maximum 5 years and/or fine.

90-95 Violations, penalties:

(a) Except as authorized by this Article, it is unlawful for any person:

(1) To manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver a controlled substance;
(2) To create, sell or deliver, or possess with intent to sell or deliver, a counterfeit controlled substance;
(3) To possess a controlled substance.
(b) With certain exceptions, any person who violates G. S. 90-95 with respect to:

1) A controlled substance classified in Schedule I or II shall be punished as a Class H felon. 
2) A controlled substance classified in Schedule III, IV, V, or VI shall be punished as a Class I felon, but the transfer of less than 5 grams of marijuana for no remuneration shall not constitute a delivery in violation of G. S. 90-96 (a) (1).

Cases involving controlled substances will be reported to the Mars Hill Police Department.

**Health Risks**

The abuse of alcohol causes symptoms ranging from decreased inhibitions, lowered muscle coordination, and slowing of reaction time to chronic disorders, such as cirrhosis, anorexia, mental deterioration with memory loss, tremors, uncontrollable fears progressing to hallucination, convulsions, and sometimes death.

Marijuana inhibits short-term memory, slows reaction time, and irritates the throat and lungs. It has twice the amount of “tar” as cigarette smoke. Frequent use has been linked to lung cancer, bronchitis, and emphysema. It has also been linked to low sperm count and irregular menses. Heavy use can also depress the immune system.

Cocaine can cause depression, intense anxiety, confusion, uncontrolled tremors, weight loss, and seizures. It also can cause destruction of the membranes and cartilages in the nasal cavity. It can lead to cardiac irregularities, heart attacks and cardiac arrest. Other secondary problems associated with the use of cocaine are hepatitis, meningitis, and AIDS. These are usually caused by using contaminated needles to inject cocaine.

LSD and PCP are hallucinogens that can cause hyper excitability, hypertension, emotional instability, prolonged psychotic states, personality disorders, increased homicidal and suicidal risks and death.

Narcotics (i.e. morphine, Demerol, and Methadone) cause addiction in a very short time. These drugs depress the central nervous system. They can cause coma, convulsions, and death. Barbiturates and tranquilizers are also depressants and can cause similar problems. The combination of these drugs with alcohol can potentiate their effect and can often cause death.

Stimulants (i.e. amphetamines) can cause addiction, nervousness, exhaustion, depression, confusion, personality changes, convulsions, coma, and death.

Inhalants (i.e. glue, aerosols, gasoline) can result in sudden death by doing damage to the brain and central nervous system. Prior to this, there may be nausea, vomiting, asphyxiation, and comatose state.

**MARS HILL UNIVERSITY SEXUAL MISCONDUCT POLICY**

Mars Hill University is dedicated to maintaining an environment wherein academic freedom flourishes and in which the rights of each member of the university community are respected. Mars Hill University recognizes and upholds the inherent dignity and value of every person, and each individual’s inalienable right to personal sovereignty. Acts of sexual violation can jeopardize the health and welfare of members of the university community. In an effort to address such threats to the quality of campus life, Mars Hill University adopts this policy.

The university will take seriously every report of sexual misconduct it receives, and if desired by the complainant, will conduct a careful and fair investigation and hearing. The university will work to ensure that complainants are given appropriate support and accused students treated fairly. All forms of sexual misconduct included in this policy are also violations of North Carolina state law. The university always encourages any student that reports an incident of sexual misconduct to also report the incident to university security and law enforcement and pursue prosecution, and seek a timely medical exam to address any health issues and collect forensic evidence.
In keeping with the Christian tradition of Mars Hill University, the existence of this policy does not condone or encourage sexual activity of any kind among its students.

**Sexual Misconduct Defined**

Sexual misconduct is defined as any act of a sexual nature perpetrated against an individual without consent or when an individual is unable to freely give consent. Acts of a sexual nature include the following:

Non-Consensual Sexual Intercourse: Any sexual intercourse (oral, vaginal, or anal penetration), however slight, with any body part or any object, by a man or a woman upon a man or a woman, without effective consent. This act is commonly referred to as rape or sexual assault.

Non-Consensual Sexual Contact: Any touching (including disrobing or exposure) of a person’s genital areas (i.e., breasts, buttocks, groin area) or the clothing covering those areas, with any body part or any object, by a man or a woman upon a man or a woman, without effective consent. These acts are commonly referred to as sexual battery.

Sexual Exploitation: When a person takes non-consensual; unjust or abusive sexual advantage of another, for his/her own advantage or benefit; or to benefit or advantage anyone other than the one being exploited; and that behavior does not otherwise constitute rape, sexual assault, sexual battery, or sexual harassment. Examples include but are not limited to: Inducing incapacitation with the intent to rape or sexually assault another student; non-consensual video- or audio-recording of sexual activity; allowing others to observe a personal act of consensual sex without knowledge or consent of the partner; voyeurism; knowingly transmitting an STD or HIV to another student; prostituting another student (i.e.-personally gaining money, privilege, or power from the sexual activities of another student).

**Consent Defined**

The university’s definition of sexual misconduct mandates that each participant obtains and gives consent in each instance of sexual activity. Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. It is an informed decision made actively and free of force by all parties. In order for consent to be effectively and validly given, these conditions must be met:

The person must be willing. The person must agree to the sexual activity of their own free will, meaning that force cannot be present. There are two main types of force:

Physical: Includes but not limited to use of a weapon; punching, kicking, holding, choking, or restraining, kidnapping; use of a drug or substance (including alcohol) to incapacitate the victim.

Emotional: Includes but not limited to use of threats (including threats of use of a weapon or violence); intimidation, coercion, compulsion, duress, or guilt.

The person must be “knowing”. The person must be able to understand exactly what it is that they are agreeing to.

This means that they must be conscious, awake, and not incapacitated.

Incapacitation includes intoxication by drugs or alcohol to the point that a person’s state of mind is not clear and their judgment is impaired.

When alcohol or other drugs are being used, someone will be considered unable to give valid consent if they cannot appreciate the Who, What, When, Where, Why, or How of a sexual interaction. Individuals who consent to sex must be able to understand what they are doing.

To be more precise, an incapacitated person cannot give valid consent. Even if they express willingness to engage in sexual activity but are incapacitated at the time, and that is known or knowable to the accused, any sexual activity that takes place is misconduct, and any factual willingness that may have been expressed is irrelevant.
Because of this, “No” always means “No,” but “Yes” may not always mean “Yes.”

If a person is slurring their words, having difficulty maintaining equilibrium, passing in and out of consciousness, or is vomiting, they can safely be considered to be incapacitated.

Incapacitation may exist in the absence of these symptoms.

Incapacity is not dependent on a person’s Blood Alcohol Content level.

If the above conditions cannot be met, then a person cannot effectively or validly give consent for sexual activity. A student who engages in sexual activity with another who has not or is unable to give consent will be considered to have violated the Sexual Misconduct Policy. It should be noted that “intent to rape” is not required under this policy. The requisite intent for rape or sexual assault is demonstrated by engaging in the act of intercourse intentionally.

Relying solely upon non-verbal communication can lead to miscommunication. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. Agreeing to a particular kind of sexual activity does not imply agreement to any other kind of sexual activity. Students should understand that consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent. Consent cannot be implied by attire, or inferred from the buying of dinner or the spending of money on a date. As well, a person who agrees to get in a car with someone or go back to someone’s room does not mean that they are consenting to sexual activity.

Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly; upon clear communication, all sexual activity must cease. If it continues, sexual misconduct has occurred.

The Use of Alcohol or Other Drugs

The use of alcohol or other drugs can have unintended consequences. Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of the use of alcohol or drugs on another’s ability to give consent. Being intoxicated or under the influence of drugs does not diminish one’s responsibility to obtain consent and is never an excuse for perpetrating sexual misconduct.

Reporting Sexual Misconduct for University Disciplinary Action

The Director of Student Conduct (689-1388) in the Student Development Office receives complaints of possible violation of this policy. A student may report an incident of sexual misconduct anonymously (student does not identify themselves), confidentially (student identifies themselves but their identity is not shared with anyone else), or as a third party (student was not a victim in the incident but has knowledge that the incident occurred). Any and all such complaints will be filed and reported statistically as required by federal law (Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act). The university may be able to take other actions as well to intercede. However, in order for a complaint to be investigated and adjudicated through the university’s disciplinary process, complainants may meet with Student Conduct staff before submitting a written statement.

Mars Hill University recognizes incidents of sexual misconduct as not only violations of university policy but also illegal and criminal acts. As such, the university will support and encourage a university disciplinary action. However, the university will not automatically file charges with local law enforcement if it is made aware of an incident of sexual violation unless specifically requested by the reporting student. The incident itself must be reported statistically and anonymously in the university’s annual security report, pursuant to federal Clery Act regulations. As well, the incident must be reported statistically to local law enforcement, but the decision to identify the complainant or have the case investigated remains with the complainant. Reporting the incident to law enforcement is always an option but must be the decision of the complainant.
enforcement (Mars Hill Police Department, 689-2301, or 9-911 from the residential facilities) does NOT mean the complainant has to file charges and agree to prosecute the case.

**Limited Immunity**

The university considers the reporting and adjudication of sexual misconduct cases on campus to be of paramount importance. The university does not condone underage drinking or any violations of law and the university’s alcohol policy. However, the university will extend limited immunity from sanctioning in the case (on campus) of illegal alcohol use to victims and to those reporting incidents and/or assisting the victims of sexual misconduct. Limited immunity means that, depending on the nature of the victim’s or the reporting student’s violation, it will still be dealt with by the university, through education or counseling, if possible. The decision rests with the Dean of Students.

*In keeping with the Christian tradition of Mars Hill University, students are encouraged to follow the teachings of the church and practice celibacy. The tenets of the Christian faith provide specifications as to the situations where any type of sexual activity is appropriate, and the university encourages its students to adhere to those specifications at all times. Mars Hill University neither condones nor encourages any kind of sexual activity among its students.*

**SEARCH POLICY**

Residence Halls and Residence hall rooms may be entered for inspection by approved Mars Hill University officials at any reasonable time for:

- Safety and Maintenance checks.
- Maintenance on University property within a residence hall room.
- Reasonable belief by staff that University policies are being violated or a reasonable belief that illegal activity is taking place inside.
- Emergency conditions such as fire or threatening weather.
- Closing or locking doors or windows prior to the closing of the building.

A resident’s room may be searched under normal circumstances, with reasonable cause, by a University official who has received authorization from the occupying student, the Director of Safety and Security, the Dean of Students, and/or the Director of Residence Life. The search may include, but is not limited to, opening drawers and refrigerators, examining furnishings and personal effects, and searching an adjoining bath/suite. In a crisis/emergency situation, other University officials may enter student rooms with no search warrant or notice given for emergencies such as:

- Incident to and following a lawful arrest;
- For and in the pursuit of a fleeing dangerous criminal suspect;
- Under urgent necessity (i.e. persistent loud screaming);
- Necessary to prevent loss of or destruction of an item to be seized;
- Searching for missing University property.

In any room inspection/search, illegal drugs, alcohol or other items which violate University policy or civil law may be confiscated by those conducting the search and disciplinary action may result. If there is probable cause to believe a violation of local, state or federal law has occurred, the matter will be referred to the appropriate law enforcement agency for further action.

Every attempt will be made to have the student whose room is being searched present. All searches will have a minimum of two (2) University personnel.

**Vehicle Searches**

Upon suspicion of violation of University policy or local, state or federal law, the Department of Safety and Security reserves the right to search vehicles parked on campus property.