

**2020 - 2021**



# **SC STATE UNIVERSITY**

**Orangeburg, South Carolina 29117**

## **STUDENT CODE OF CONDUCT**

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## **Overview**

South Carolina State University was established to provide a culturally responsive learning environment, in which an open exchange of ideas fosters knowledge, the pursuit of truth, and the holistic development of students. It is expected that students will balance their rights and freedoms responsibly, in adherence to the rules and policies of the University and the community. Students are expected to recognize and respect the duty of the University to establish and enforce rules for the safety and well-being of all members of the University community.

The Board of Trustees of South Carolina State University is the governing body of the institution. The President of the University is responsible to the Board for the total operation of the institution, and as the President's designee, the Vice President for Student Affairs oversees all matters of student conduct.

All students of South Carolina State University are expected to abide by local, state, and federal laws, in addition to University policies and regulations. Students that violate law and/or University policy or procedure may be subject to disciplinary action by the University and/or the appropriate law enforcement officials. Students of SC State University are expected to abide by the rules of student conduct at all times, whether on or off campus.

Although, the Student Code of Conduct may list possible sanctions for various conduct violations, these sanctions are to be used as a guide and are not absolute. South Carolina State University strives to protect its campus community and therefore may issue appropriate sanctions as necessary to achieve these goals, which may vary from the suggested sanctions stated below. Sanctions may apply to violations that occur on or off campus. The Code of Conduct also applies to guests of students, which may be barred from campus as a result of their actions.

## **Student Drug Policy**

### **PURPOSE**

The University seeks to protect its students and campus community from all illegal substances and drug activity. To achieve this goal, the University has implemented this Student Drug Policy and provides additional measures to prevent drug activity.

### **POLICY STATEMENT**

The University upholds state and federal laws concerning the illegal use, possession, consumption, sale, trafficking, manufacturing, dispensing, and/or distribution of drugs, narcotics, controlled substances, counterfeit substances, and drug paraphernalia. The illegal use, possession, sale, distribution, and consumption of drugs, narcotics, controlled substances, or synthetic substances on University property and/or during University activities are prohibited. Possession of drug paraphernalia also constitutes a violation of this policy. Students found in violation risk losing their financial aid, including any awarded scholarships.

Additionally, the University hosts several events and activities to educate and promote awareness regarding the abuse and effects of illegal substances. Students may also seek treatment and counseling through the

University's Counseling and Self Development Center. Anonymous reporting of illegal activity may be reported to Campus Police at (803) 536-7188.

## **Student Weapons Policy**

### **PURPOSE**

Consistent with local, state, and federal laws, and to protect the campus community from physical harm and dangerous behavior, the University has implemented this Student Weapons Policy. This Student Weapons Policy provides measures to discipline students in violation of this Policy.

### **POLICY STATEMENT**

The use, possession, or storage of any weapon on University premises or at any University-sponsored activity is strictly prohibited. A weapon is an object or substance designed or used to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, pellet guns, BB guns, bludgeons, metal knuckles, switchblade knives, and knives designed for offense or defense. Any student found with a weapon will be immediately summarily suspended and barred from campus, pending possible expulsion from the University and criminal prosecution.

Consistent with laws and regulations, guns and firearms are specifically prohibited from coming onto campus. Any object may be considered a weapon, depending upon its intended use.

## **Student Hazing Policy**

### **PURPOSE**

The Board of Trustees of SC State considers the hazing of students to be contrary to the mission of the University and prohibits such activities. All registered student organizations are required to follow University policies and procedures and applicable laws.

All members, potential members, and advisors of registered student organizations are required to attend the University's anti-hazing program offered each semester by the Office of Student Life and participate in any additional mandatory anti-hazing activities that are scheduled. All members of student organizations must sign the anti-hazing forms in order to maintain membership.

### **POLICY STATEMENT**

Hazing violations of this Student Code of Conduct includes physical brutality; physical activity; creating mental or physical discomfort; activity that subjects the student to embarrassment or mental stress; activity that subjects the student to unreasonable risk of harm or ridicule; or any action or inaction, on or off campus, that is requested of a student to be a member of an official or unofficial University-affiliated organization.

A student may also be found in violation of this policy for having firsthand knowledge of hazing and failing to report in a timely manner. Consent is not a defense and shall not reduce sanctions. Hazing also includes the forced consumption of food or drinks, interference with scholastic activities, and personal favors.

**Any student and/or participating in the act of hazing shall be subject to the appropriate University disciplinary action and possible organization suspension. The student or students may also be reported to law enforcement authorities.**

# **Student Alcoholic Beverage Policy**

## **PURPOSE**

South Carolina State University implements this policy to protect its students from the dangers of alcohol consumption and underage drinking. Students should take extra care to avoid underage drinking and excessive alcohol consumption so as not to interrupt their studies and to avoid the associated health risks. The University continues to offer counseling resources and educational activities regarding alcohol intake and its effects on the college community.

## **POLICY STATEMENT**

The Alcoholic Beverage Policy governs the consumption, possession, purchase, sale, service, or provision of beer, wine, or distilled spirits by students of the University. In the event of a discrepancy between this policy and applicable law, the most stringent shall supersede. This policy applies to on-campus activities; activities held in University-owned or University-controlled facilities and property; and all University-sponsored events and activities.

The possession, presence, and/or consumption of alcoholic beverages is permitted in the privacy of a student's on-campus residence, provided that each person present is 21 years of age or older, regardless of whether any given individual has been drinking or intends to drink alcohol.

The possession, presence, and/or consumption of alcoholic beverages is defined as:

- Having an open container of alcohol in a public area
- Hosting a party, get-together, or event involving the illegal use of alcohol
- Dispensing alcohol to minors
- Regardless of the age of the individual involved, intoxication that results in any behavior considered to be disorderly or a public nuisance

The University does not permit alcoholic beverages to be purchased, sold, served, provided, consumed, or to be present at any student event. In addition, alcoholic beverages are not to be present or consumed in public areas of any University-owned or University-controlled facility or premises. Such areas include, but are not limited to:

- Residence Hall lobbies
- Studios
- Study areas
- Community bathroom facilities
- Kitchens
- Hallways
- Patios and other outdoor areas designed for rest and relaxation
- Roadways
- The Student Center
- Dining areas
- Academic buildings
- Athletic facilities and athletic events

Student organizations may not sponsor events that involve the consumption or presence of alcoholic beverages. Students and student organizations that violate the Student Alcoholic Beverage Policy may be subject to criminal prosecution, as well as sanctions imposed by the University.

### **Violations of the Student Alcoholic Beverage Policy by Students Under the Age of 21**

For the first violation of the Student Alcoholic Beverage Policy by students under the age of 21, the following sanctions imposed by the University may include any or all of the following, and are not limited to the following:

- Disciplinary probation for one academic year, or longer
- Mandatory alcohol education
- Monetary fine
- Parental notification

For the second violation of the Student Alcoholic Beverage Policy by students under the age of 21, the following sanctions imposed by the University may include any or all of the following, and are not limited to the following:

- Suspension from University housing for one academic year, or longer (In accordance with the University housing agreement, the student will remain responsible for the full cost of the University housing unit for the remainder of the academic year(s) after he/she is suspended.)
- Mandatory substance abuse assistance/education
- Monetary fine
- Parental notification
- Community Service

For the third violation of the Student Alcoholic Beverage Policy by students under the age of 21, the following sanctions imposed by the University may include any or all of the following, and are not limited to the following:

- Suspension from University housing for one academic year, or longer (In accordance with the University housing agreement, the student will remain responsible for the full cost of the University housing unit for the remainder of the academic year(s) after he/she is suspended.)
- Suspension from the University for one academic year, or longer.
- Monetary fine
- Parental notification
- Community service

### **Violations of the Student Alcoholic Beverage Policy by Students 21 Years of Age or Older**

For the first violation of the Student Alcoholic Beverage Policy by a student who is 21 years of age or older, the following sanctions imposed by the University may include any or all of the following, and are not limited to the following:

- Disciplinary probation for one academic year, or longer
- Mandatory substance abuse assistance/education
- Monetary fine
- Community Service

For the second violation of the Student Alcoholic Beverage Policy by a student who is 21 years of age or older, the following sanctions imposed by the University may include any or all of the following, and are not limited to the following:

- Suspension from University housing for one academic year, or longer (In accordance with the University housing agreement, the student will remain responsible for the full cost of the University housing unit for the remainder of the academic year(s) after he/she is suspended.)
- Mandatory substance abuse assistance/education
- Monetary fine
- Community Service

For the third violation of the Student Alcoholic Beverage Policy by a student who is 21 years of age or older, the following sanctions imposed by the University may include any or all of the following, and are not limited to the following:

- Suspension from University housing for one academic year, or longer (In accordance with the University housing agreement, the student will remain responsible for the full cost of the University housing unit for the remainder of the academic year(s) after he/she is suspended.)
- Monetary fine
- Suspension from the University for a specified period of time
- Community Service

### **Other Conduct Violations and Prohibited Behaviors**

The following list of charges and definitions regarding student conduct are not intended to be exhaustive or definitive in scope, as additional rules may be adopted and disseminated through the University's channels of communication. The conduct violations and charges apply to all students and student organizations while on-campus, while at University-sponsored or University-controlled events, while on University-controlled or University-owned property, and while off-campus. These conduct violations and prohibited behaviors include, but are not limited to:

- **Filing a False Report:** The willful or knowing dissemination of false or unsubstantiated information to any representative of the University community while executing his/her official duties, or the provision of false information to the University.
- **Improper Use of University Documents:** The forgery, alteration, or misuse of any University documents, records, or written material of any kind, with the intent to defraud.
- **Disorderly conduct:** The disruption or obstruction of teaching, research, student activities or proceedings, administrative activities or proceedings, or any University activity or University-sponsored activity.
- **Failure to Comply with University-Directed Instructions and/or Orders:** Failure to comply with the instructions and/or orders issued by a University official while executing his/her official duties.
- **Larceny:** The theft of University-owned or University-controlled property, or of private property on University-owned or University-controlled premises.
- **Malicious Injury to Personal or University Property:** The misuse, abuse, or infliction of damage of University-owned or University-controlled property or to private property on University-owned or University-controlled premises.
- **Unauthorized Trespassing:** The unlawful, unwarranted, or unauthorized entry to any University building or University premises.
- **Embezzlement:** The conversion for use without the authorization of the appropriate University official(s) of any monies entrusted to a student or to a student organization by a University office or organization. Such University offices or organizations may include, but are not limited to: the Student Government Association, the Campus Activities Board, and/or any officially recognized student organization.
- **Assault:** The infliction of any form of physical abuse or injury to another individual while on campus or at a University-sponsored or University-controlled event or premises.

- **Unauthorized Occupancy:** The occupation by a student or other individual in the residence hall room of another without authorization. This also includes the presence by a student or other individual in unauthorized areas within residence halls, or any action which provides or is intended to provide assistance in the commission of an unauthorized occupancy.
- **Guest Rules:** Students and student organizations are responsible for the conduct and well-being of their guests while on campus, on any University-sponsored or controlled property, and while participating in any University-sponsored activity or event. Students and student organizations that host non-University individuals and groups are expected to inform their guests of all applicable University rules and policies, as SC State students may face disciplinary action for any inappropriate behavior engaged in by their guests. Residence Life guest policies are available in the office of each University housing facility. Recreation guest passes may be obtained through the Office of Residential Life and Housing by calling (803) 536-8560. Guests who wish to park their vehicles on University property must obtain a visitor parking permit from the University Police Department.
- **Overnight Guest Guidelines:** Residents of University housing may have overnight same-gender guests for a maximum of two consecutive nights, provided that prior approval is given by all roommates and that the guest is registered with the Residence Life Staff. Overnight guests must be 18 years of age or older and must possess a valid photo ID. No overnight guest may stay more than two consecutive nights, exceed 6 weekdays, or exceed 3 weekends within a calendar month. Overnight guests may not extend their stays by changing hosts or rooms. All overnight guests must also be in possession of an Overnight Guest Pass for the duration of their stay. Overnight Guest Passes are available at the front desk of each housing unit. For late-night visitation (between the hours of 12:00 midnight and 8:00 AM) on days and at times when visitation is permitted, a resident student's visitation privileges must be within the scope of the roommate/suitemate agreement. Please note that cohabitation (bunking) is strictly prohibited, which includes all traditional and upperclassmen areas. If cohabitation (bunking) is found in any room or suite, all residents of those areas will be held responsible and may be subject to sanctions by the University. Sanctions may include, but are not limited to: monetary fines, suspension from the University, immediate removal from University housing, and/or termination of the housing contract. Students who violate the Guest Rules or the Overnight Guest Guidelines may forfeit their right to live in University housing for the remainder of the time that they are enrolled as students at SC State University.
- **Fire Prevention and Control Equipment Violation:** The misuse, disruption, or adjustment without proper cause of any fire prevention or alarm box, including, but not limited to thermal detectors and smoke detectors installed in any University structure or building.
- **Loud and Unnecessary Noise:** The unauthorized use, adjustment, or relocation of any portable or stationary sound system located on the premises of the University that would result in the disruption or disturbance of the normal functioning of the University.
- **Unlawful Solicitation/Fundraising:** Fundraising is defined as any activity, event, or project engaged in by members of a student organization that involves the solicitation of funds without following the University's Solicitation and Fundraising Policies established by the Finance Division.
- **Obstruction of Justice:** The destruction, alteration, or withholding of evidence, or any action that prevents or is intended to prevent evidence from being offered before any University or legal judicial body. This also includes deliberately lying or offering false statements in any University or legal action.
- **Pets:** Students are not allowed to keep a pet of any kind in any University building, or on University premises, except those considered to be service or assistance animals, following proper approval by the Division of Student Affairs. Students are also required to clean up behind such permitted animals.

- **Violation of Security of Residence Halls:** The entrance into a residence hall after closing hours without proper authorization or without the assistance of the residence hall security person. This also includes providing assistance for unauthorized entry/exit to anyone in entering or leaving a residence hall.
- **Harassment:** Any words, gestures, or behaviors that taunt, challenge, insult, or provoke a University student or official. This also includes behavior that subjects a University student or official to offensive, unwarranted, or unwanted touching. Prohibited forms of communication include, but are not limited to: the use of vulgar, sexist, or offensive language or any vulgar, sexist, offensive, or alarming conduct that serves no legitimate purpose, whether communicated electronically, physically, or verbally. Also, see the University's Title IX Policy.
- **Littering:** The intentional or unintentional behavior that causes any trash to be dropped, blown, scattered, spilled, thrown, placed, or deposited on any University-owned or controlled property or on any property on which University-sponsored activities are taking place.
- **Fireworks:** It is forbidden and unlawful to possess, ignite, or detonate any fireworks or other flammable materials or devices which could cause damage to a person or to property by fire, explosion, or by similar means on University-owned or controlled property or property on which University-sponsored activities are taking place.
- **Unauthorized use of the University's Name:** The use by a student or student organization of the University name, logo, or insignia without proper prior authorization.
- **Computer Abuse:** The misuse of computers and supporting equipment on University premises including, but not limited to: plagiarism of materials and programs, misuse of computer accounts, unauthorized destruction of files, creation of unauthorized or illegal accounts, possession of unauthorized passwords, and/or disruptive or annoying behavior while on the University's computer systems.
- **Unauthorized use of Telephones and Supporting Equipment:** The placing or assistance in placing unauthorized telephone calls, the misuse or abuse of telephone equipment including, but not limited to, the possession or transfer of unauthorized account numbers, passwords, passcodes, or telephone numbers.
- **Arson:** Any student or individual, whether acting alone or as part of a group, who ignites a fire or who is in any way responsible for igniting a fire, with destructive intentions, is considered to be committing an act of arson.
- **Sale of Books/Textbooks:** The sale of a book, workbook, and/or a textbook by a student who does not own said materials, without prior authorization from the rightful owner of the materials.
- **Tampering with Meters:** Any attempt to misuse, disrupt, adjust, or bypass a meter that has been installed on University premises for the purpose of measuring the use of electricity, gas, water, or any other commodity or substance.
- **Failure to Maintain Proper Care and Upkeep of University Housing Facilities:** Students who reside in University housing are responsible for the appropriate care and upkeep of the units in which they reside. This includes, but is not limited to, maintaining all electrical and mechanical devices in good working order, refraining from any behavior or activity that would pose a threat to the safety of others, and failure to keep apartments and common areas clean. The accumulation of trash or other materials that could constitute a fire or safety hazard is not permitted. Student accounts will be billed for any damages to University property not considered part of normal wear and tear. Such damages include, but are not limited to, damage to furniture, equipment, University property or structures, whether permanent or temporary, and vandalism. Students with unpaid balances resulting from property damage may have holds placed on their accounts until the balances are paid in full. Students found in violation may also be subject to disciplinary action.
- **Gambling:** The participation in any form of gambling on University premises or at any University-sponsored event or activity, including raffles and games of chance, is illegal under the laws of the

State of South Carolina. Students who violate this policy face disciplinary proceedings and may also face criminal charges.

- **Smoking:** Smoking or possession of lighted smoking material in any form is prohibited on the campus of South Carolina State University. E-cigarettes and hookahs are also prohibited. Students should familiarize themselves with the campus' Tobacco-Free Policy.

- **Prohibited Communication Policy:** Students at South Carolina State University, whether acting alone, in groups, as representatives of any student organization, or as representatives of the University in any capacity, may not:
  - Use a telephone or any electronic means of communication to convey words, gestures, or messages of any kind that could be interpreted as profane, vulgar, lewd, suggestive, sexually explicit, inappropriate, or offensive. This applies to all recipients of such messages, whether intended or unintended.
  - Use a telephone or any electronic means of communication to convey messages of any kind that are intended to threaten, coerce, intimidate, manipulate, insult, or harass any individual or any group or category of individuals.
  - Use a telephone or any electronic means of communication to contact a person repeatedly, regardless of whether the individual initiating such communication speaks or leaves a voice message, for the purpose of annoying, harassing, insulting, intimidating, or disturbing the intended recipient. Students are also prohibited from initiating these forms of communication with any individual connected to the intended recipient, or with any group with which the intended recipient is affiliated or with any group with which the intended recipient considers him or herself to be a member.
  - Initiate a telephone call or any electronic means of communication, or engage in any act, whether said act is electronic in nature or is perpetrated by other means, that is intended to interfere with the intended recipient's ability to communicate electronically. Such interference may result from the initiator's refusal to terminate the connection with the intended recipient, or may result from any act that impairs the intended recipient's ability to use a telephone or other electronic form of communication.
  - Use a telephone or other electronic means of communication to convey information known to be false, unsubstantiated, insulting, unflattering, or inflammatory about the intended recipients or recipient's family, friends, acquaintances, colleagues, partners, co-habitants, or other members of groups with which the intended recipient is affiliated, for the purpose of annoying, insulting, upsetting, disturbing, frightening, or portraying the intended recipient in a negative light.
  - Knowingly permit a telephone or other electronic means of communication to be used by an individual, whether said individual is affiliated with the University or not, for any purpose described in the Prohibited Communication section of this document.

A student who violates any section of the Prohibited Communication Policy, including via social media, may be subject to disciplinary action by the University, and/or a monetary fine. Students who occupy positions at the University that require them to use University telephones or other electronic means of communication owned or controlled by the University who violate any part of the Prohibited Communication Policy may find that their right to participate in University-sponsored activities revoked and may also be subject to other disciplinary action by the University.

- **The Right to Privacy:** Students at South Carolina State University may not violate the privacy of another person or persons by:
  - Intentionally looking through windows, doors, or any opening or structure that provides a view of another person or persons without the prior knowledge and consent of said person(s). This prohibition applies when the intended complainant is in a location that could reasonably be considered private, whether on University-owned or University-controlled property, or while participating in University-sponsored or University-controlled activities that take place off campus.
  - Using any electronic device to record, photograph, photo-shop, enhance, exaggerate, reproduce, or alter in any way any image, likeness, caricature, or recording of another person or persons without the prior knowledge and consent of said person or persons. This prohibition applies when the intended complainant is in a location that could reasonably be considered private, whether on University-owned or University-controlled property, or while participating in University-sponsored or University-controlled activities that take place off campus.
  - Intentionally allowing another person or persons to view any recording, photograph, likeness, or image of another person or persons that was created, copied, reproduced, or created in a manner that could be construed as a violation of the privacy of said person or persons.
  - Knowingly allowing another person or persons to have access to electronic equipment for the purpose of violating the privacy of any individual(s).
  - Viewing, photographing, recording, enhancing, exaggerating, reproducing, or altering in any way any image, likeness, caricature, photograph, or recording of another person or persons that is intended to provide sexual excitement, arousal, gratification, or is intended to portray the intended complainant in a sexually explicit way, without the prior knowledge and consent of the individual depicted. Also, see the University's Title IX Policy.
  - Knowingly possessing, copying, selling, distributing, or sharing in any way, any recording, photograph, likeness, or image of another person or persons without the prior knowledge and consent of said person or persons.
  
- **Academic Misconduct Policy:** By enrolling at South Carolina State University, students pledge to observe and uphold the University's standards for academic honesty and integrity. Violations of the Academic Misconduct Policy will not be tolerated. The following list of prohibited behaviors is not meant to be exhaustive. Allegations of academic misconduct will be considered on a case-by-case basis. Additional guidelines of academic misconduct at South Carolina State University may be determined by the Division of Academic Affairs, the academic discipline and/or by academic department or college. Academic misconduct includes, but is not limited to the following behaviors:
  1. **Cheating.** Definitions of cheating include, but are not limited to:
    - Intentionally using or attempting to use any materials, information, or study aids in an academic exercise that have not been approved in advance to be used by the instructor.
    - Helping, or attempting to help, a student or other member of the University community commit an act of academic dishonesty, including buying, selling, providing, or transmitting a copy of any examination or test.
    - Allowing another student to copy information during an examination or during any academic exercise that is intended to be completed by students on an individual basis.
    - Using any electronic device to obtain information during an examination or test if not authorized by the instructor.
    - Using any means to conceal or to obtain information during an examination or test. Such means may include, but are not limited to: writing on one's body or clothing, placing notes or information discreetly on or near one's person to be used during the examination or test, writing notes or information on the tops of desks or on any surface used to take an examination, requesting permission to leave the room during an

examination or test (to visit the restroom, for example) to obtain information from any source (from another student, from a strategically placed book or notebook, for example).

2. **Plagiarism.** Plagiarism is the use of any tangible or intangible material created or produced by another person or source without acknowledging the original person or source. Plagiarism includes, but is not limited to:
  - Attempting to present as one's own any ideas, words, opinions, statements, or conclusions of another person or source to be submitted for academic evaluation without acknowledging the original person or source. This includes papers, group or individual projects, examinations, and presentations.
  - Copying, quoting, or paraphrasing any part of the work of another person or source in any written or verbal work submitted or presented for academic evaluation without acknowledging the original person or source.
  - Using phraseology, metaphors, linguistic constructions, or any literary device of another person or source without proper attribution.
3. **Academic misconduct also includes, but is not limited to:**
  - Providing or receiving assistance in a manner not previously approved by the instructor in the creation of any work submitted for academic evaluation.
  - Doing work that has not been previously approved by the instructor for which another person will receive credit or will be evaluated. Examples include, but are not limited to, writing papers that will be submitted by another person; communicating with another person during an examination, test, or any academic exercise for the purpose of obtaining or providing information believed to be relevant to the academic exercise in question.
  - Presenting the same or substantially the same papers, projects, or work in two or more courses without the explicit permission of the instructors involved.
  - Attempting to influence one's academic evaluation by any means other than academic achievement or merit.
  - Knowingly cooperating with another student in an act of academic misconduct.
  - Withholding knowledge of a violation of the Academic Misconduct Policy.
4. **Sanctions by the Office of Judicial Affairs for violations of the Academic Misconduct Policy may include, but are not limited to:**
  - A recommendation for a change in the grade for the course in which the academic misconduct occurred. This may include a failing grade for a particular test, examination, or project, or a failing grade for the course in which the violation occurred.
  - Probation for a specified period of time.
  - Suspension for a specified period of time.
  - Community service to be determined by the Office of Judicial Affairs.
  - Restrictions on involvement in on-campus and/or off-campus activities.
  - Expulsion.

## **Disciplinary Process**

### **Initiation of Charges**

The Vice President for Student Affairs is responsible for the student disciplinary/judicial process at the University. The Vice President for Student Affairs has delegated the authority to initiate proceedings to the Director of Judicial Affairs as outlined below. The Director of Judicial Affairs will review the allegations to determine if disciplinary proceedings should be initiated. If the Director of Judicial Affairs

determines that the information provided is insufficient or unacceptable, the complaint will be dismissed with a written response to the complainant, the individual alleged to have suffered a violation.

Complaints for alleged violations of the Student Code of Conduct shall be made to the Director of Judicial Affairs. If a student who has been accused of violating any part of the Student Code of Conduct, known as the respondent, separates or graduates from the University before the disposition of the charge(s) has been determined, the disciplinary process may continue at the discretion of the Division of Student Affairs. If a student seeks to readmit to the University when a charge was previously brought against him/her but was not disposed, the charge shall be resolved prior to consideration for readmission.

The standard of proof for all judicial conduct violations is the clear and convincing standard.

### **Notification of Charges**

After a charge has been made, the accused student will be notified either via a '72-Hour Contact Reporting Form' issued by the University Police Department during their investigation of an incident, or by communication from a member of the Division of Student Affairs. A student who receives a '72-Hour Contact Reporting Form' must contact the Office of Judicial Affairs within 72 business hours (excluding weekends and holidays) to schedule a pre-hearing conference. If a student fails to respond within the 72-hour period, a judicial hold will be placed on the student's account until the matter is resolved with the Director of Judicial Affairs.

Charges brought by law enforcement under criminal proceedings are separate from charges brought as violations of the Student Code of Conduct.

### **Judicial Process**

During the Pre-Hearing Conference, the Director of Judicial Affairs will meet with the respondent and review the charges against him/her. The Director of Judicial Affairs will also notify the student of the judicial process. If the nature of the charges and/or seriousness of the allegation warrant interim measures or actions to be taken against the respondent, the respondent will be given notice at this time.

After the Pre-Hearing Conference, the respondent must notify the Director of Judicial Affairs in writing no later than five (5) business days of the respondent's intent to plead responsible or not responsible and have a hearing to contest the charges. Hearings may be held by a single administrator (the Director of Judicial Affairs or his/her designee) or the Judicial Board (a rotating three (3) member panel, which shall consist of a faculty member, staff member, and student). If the respondent chooses to be heard by a single administrator, the complainant must also agree to the single administrator hearing; otherwise, the hearing will be heard by the Judicial Board.

### **Plead Responsible**

If the respondent admits responsibility, the Director of Judicial Affairs will issue sanctions according to the allegations and charges. The Director of Judicial Affairs must issue sanction(s) to the respondent no later than seven (7) business days after the student pleads responsible. The Director of Judicial Affairs may also choose to communicate with possible witnesses and complainants prior to issuing the sanction(s).

### **Hearing Process**

- Plead not responsible to the charge(s) and participate in a Judicial Board hearing.

- The Office of Judicial Affairs is responsible for scheduling Judicial Board hearings and for coordinating all matters and materials pursuant to such hearings.
- All Judicial Board hearings will be conducted privately. All statements, information, evidence, or comments revealed before, during, and/or after a hearing by members of the Judicial Board, University staff members, witnesses, and/or anyone present, will remain confidential, unless otherwise required to be released by law or with an appropriate release/waiver. All involved individuals may be asked to sign a confidentiality agreement before they are allowed to attend a Judicial Board hearing.
- The single administrator or the Judicial Board will exercise control over the proceedings in order to ensure due process and avoid the harassment or intimidation of participants or any occurrence that has the potential to disrupt or to delay the hearing process.
- All Judicial Board hearings will be tape-recorded. If the accused student wishes to listen to the tape recording, he/she may do so only in the presence of an individual designated by the Vice President for Student Affairs.
- The University judicial hearing is not a court of law and court proceedings do not apply.
- The accused student will be notified in writing of the date, time, and location of the Judicial Board hearing. During the hearing:
  - The accused student must appear in person, present any and all relevant information, and respond to questions posed by the members of the Judicial Board or single administrator.
  - If the accused student refuses to answer any questions or to make any statements, the administrator or Board will make their recommendations solely on the basis of the information presented to the Board at that time.
  - There are two types of witnesses allowed to attend judicial hearings: witnesses to the incident(s) in question and character witnesses. All witnesses, aside from the complainant and respondent, are permitted to attend only the portion of the hearing in which they testify, and witnesses may only be questioned by members of the Judicial Board or administrator. The accused student and the witnesses may not address each other during the hearing.
  - During the respondent's testimony, the respondent may choose to have an advisor of his/her choice with him/her. The advisor may not speak or participate during the hearing but may only communicate privately with the respondent (whispering in respondent's ear, advising in hallway, etc.).
  - **Failure to Appear:** If a student has been notified of the date, time, and location of a judicial hearing and does not appear without notice, or continues to cause extreme delays in the judicial process, the hearing will be conducted without the presence of the accused student.

### **Hearing Recommendations/Disposition**

At the conclusion of a hearing, the single administrator or the members of the Judicial Board will consider the information and material presented and make recommendations to the Director of Judicial Affairs regarding which sanctions to impose, if any.

If the single administrator hearing was conducted by the Director of Judicial Affairs, the Director of Judicial Affairs shall issue the sanctions.

### **Appeals**

A student who wishes to appeal a disciplinary decision made by the Office of Judicial Affairs must do so in a written statement addressed to the Vice President for Student Affairs within three (3) business days after receiving notification of the disciplinary decision and sanctions. Upon receipt, the Vice President for

Student Affairs will immediately notify the other party of the Notice of Appeal. The appeal must be detailed on based upon one of the three grounds for appeal stated below.

Any sanction imposed as a result of the original judicial hearing will remain in effect during the appeal process. The Vice President for Student Affairs may, at his/her discretion, decide to revoke the imposed sanction during the appeal process. An appeal that is not based on one of the grounds described above may be dismissed.

An appeal does not constitute a request for a hearing, nor does it necessarily result in a meeting with any particular official or group associated with the University. An appeal is a request for a review of the record of the original judicial hearing. In preparing for an appeal, the accused student has the right to review his/her disciplinary file, including any tape recording of the original judicial hearing.

In reviewing the appeal, the Vice President for Student Affairs may meet with individuals or review additional documentation. If one party submits additional documentation, then the other party shall have the opportunity to review and submit rebuttal correspondence. The Vice President for Student Affairs will respond to the appeal within five (5) business days after receiving the written appeal, unless additional time is needed based upon the details and materials submitted.

## **Grounds for Appeals**

An appeal may be sought on either of the following grounds:

- A claim of error in the hearing procedure.
- A claim of new evidence or information that is considered material to the case that was not available at the time of the original judicial hearing.
- A claim that the sanction was excessive.

## **Sanctions**

Sanctions are imposed in order to:

- Protect the University community from behaviors that are considered detrimental to the educational process and/or to the members of the University community.
- Assist students in identifying and observing the boundaries of what is considered to be acceptable behavior for a student at South Carolina State University.
- Assist students in understanding and anticipating the likely consequences of their behavior(s) for themselves, for others, and for the members of the University community.

Failure to satisfactorily complete a disciplinary sanction may result in more severe sanctions. The severity of the sanctions imposed is intended to be commensurate with the severity and/or frequency of the violation(s) of the Student Code of Conduct under consideration, as well as with the University's assessment of the student's willingness to exhibit behavior that is consistent with this Code of Conduct and the University's mission.

The following sanctions (or any combination thereof) may be imposed upon a student found to have violated the Student Code of Conduct:

- **Community Service:** This is defined as community-oriented work performed by a student or a group of students for the benefit of the public and/or the University.
- **Counseling:** Students may be required to seek mental health or other type(s) of counseling. The responsibility for locating an appropriate mental health professional lies with the student; any costs incurred will be borne by the student.

- **Disciplinary Probation:** During the probationary period, the student in question may not represent the university in any way, nor may he/she participate as an active member in any University-recognized organization. The probationary period will last a minimum of three months and may also involve a combination of other sanctions and/or conditions. If the student is found to have violated any additional portions of the Student Code of Conduct during the probationary period or fails to meet the conditions of his/her probation, additional sanctions may be imposed.
- **Expulsion:** This is defined as the permanent separation from the University and includes the revocation of all student privileges. Students will be notified in writing of their expulsion and of the date said expulsion takes effect. The notice of expulsion will be entered into the student's permanent record (transcript). A student who has been expelled may not enter University premises or any premises owned, controlled, or leased by the University without prior written approval from the Vice President for Student Affairs or designee.
- **Monetary Fine:** A monetary fine is a punitive measure in an amount to be determined by the Office of Judicial Affairs or the Vice President for Student Affairs.
- **Residence Hall Restriction/Suspension:** This sanction revokes the student's privilege to apply for and/or to live in a particular University residence facility, either permanently or for a specified period of time. In no case will this restriction be less than the remainder of the semester in which the violation of the Student Code of Conduct occurred. Depending on the circumstances, the student may be barred from living in or visiting any on-campus housing and University-operated housing facility, as well as the associated dining facilities, either permanently or for a specified period of time. A student who has been sanctioned in this manner will not be eligible for a refund of any unused room or board money, in accordance with the University's housing agreement.
- **Restitution:** This refers to an appropriate monetary reimbursement for damage, destruction, inappropriate or unauthorized use of University property, or of property owned by any person, resulting from violation(s) of the Student Code of Conduct.
- **Restriction:** A student who has been placed on restriction is prohibited from entering or being within fifty feet of University buildings or facilities for a specified period of time.
- **Revocation of the Charter of a Student Organization:** This sanction refers to the termination of the charter of a student organization. A student organization that has lost its charter may no longer function as a recognized organization of the University, either permanently or for a specified period of time. A student organization that has been sanctioned in this manner must reapply for a charter in order to function at the University. Imposition of this sanction does not preclude sanctions against individual members of the organization.
- **Sanction and Volunteer Program:** This program is administered by the Office of Judicial Affairs; its purpose is to assign 'discretionary sanctions' to those students who have violated any aspect of the Student Code of Conduct. Students who participate in this program perform work on campus for the benefit of the University. It should be noted that the Sanction and Volunteer Program does not allow students to engage in personal services for any individual or University function. Participation in the program will teach the student a sense of responsibility; help the student to establish a strong and consistent work ethic; assist the student in identifying and completing career goals; and serve as examples to other students of the importance of adhering to the Student Code of Conduct
- **Educational Training:** The student may be required to attend an educational seminar or group session or complete an educational module and provide proof of attendance and/or completion.
- **Parental Notification:** In accordance with the Federal Educational Rights and Privacy Act (FERPA), the student's parents may receive official notification from the University regarding the actions involved.
- **Termination of the Privileges of a Registered Student Organization:** This sanction refers to the loss of any or all privileges of a registered student organization, and does not preclude the imposition of sanctions against members of the organization, as individuals or as a group.

- **Termination of Registration of a Registered Student Organization:** This sanction refers to the discontinuation of a student's organization's status as registered. A student organization that has lost its status as registered will be prohibited from functioning for a specified period of time or indefinitely. The loss of an organization's status as registered does not preclude the imposition of sanctions against members of the organization, as individuals or as a group.
- **Written Reprimand:** A written reprimand is an official statement by the Vice President for Student Affairs or other member of the University's Administration to the student explaining that he/she has violated some aspect of the Student Code of Conduct. A written reprimand is intended to convey the University's emphatic disapproval with the student's behavior(s).
- **Suspension:** A student who has been placed on suspension may not enter the University premises or any University-related premises for a specified period of time. This sanction also includes the revocation of all student privileges during the specified period of time. A student who has been suspended will be notified in writing; said correspondence will indicate the date the suspension takes effect, as well as the conditions under which the student may apply for readmission to the University. A student who has been suspended may not enter University premises or any University-related premises without prior written approval from the Vice President for Student Affairs or designee. A student who has been suspended will not be eligible for a refund of any unused money that has been paid to the University. Conditions for readmission may include, but are not limited to:
  - Successful completion of the student's probationary period
  - Revocation of the privilege of living in any University residence facility, either for a specified period of time or permanently
  - Restriction or prohibition of the privilege of entering any or all University residence facilities, either for a specified period of time or permanently
  - A written statement from a licensed mental health professional or medical doctor stating that in his/her professional opinion, the student in question is capable of functioning successfully at the University.
- **Summary Suspension:** A summary suspension is an interim suspension that may be imposed if it is believed that a student poses a risk of danger or disruption to persons, to property, or to the functioning of any aspect of the University. The summary (interim) suspension is not a final sanction from a disposition of a charge. This is an interim measure put in place, if necessary, until the final disposition.
  - A summary suspension is utilized when it is believed there is a serious or immediate threat of danger or disruption.
  - A student who has received a summary suspension must leave the University premises immediately and is prohibited from entering the University premises or any University-related premises during the suspension period. Depending upon the circumstances, the student may be able to complete coursework remotely during this time, although not guaranteed.
  - A summary suspension also requires a student to comply with any and all stated conditions of the suspension.
  - A student may be summarily suspended for a specified period of time; the scheduling of the suspension period may be contingent upon specific events and/or conditions. The Vice President for Student Affairs or the Office of Judicial Affairs may impose a summary suspension on a student if, based on available facts, there is reason to believe that the student poses an immediate threat to his/her safety, health, and/or welfare, or to the safety, health, and/or welfare of members of the University community or to that of other persons or property.

A student who has received a suspension or a summary suspension is provided with a written notice of the reason for the summary suspension, the duration, as well as any additional conditions that may apply. Said correspondence also instructs the student to refer to the University's Student Code of Conduct, which is available on the University's website. A student who has been summarily suspended may submit a written request to the Vice President for Student Affairs or designee within three (3) business days (excluding weekends and holidays) of the date of the notice to appeal the summary suspension. Such meetings are not convened to discuss pending charges or possible future charges against a student. The only consideration for appeal of a summary suspension is whether the student's conduct or alleged conduct indicates that his/her presence on campus poses an immediate threat to the safety, health, and/or welfare of persons (including self) or property.

Standard disciplinary procedures will be implemented as expeditiously as possible following the imposition of a summary suspension, unless the circumstances become unreasonably difficult, impractical, impossible, or involve other campus procedures, such as Title IX processes and procedures.

- A suspended student who violates any condition of the summary suspension during the time that it is in effect may be subject to additional and/or more severe sanctions.
- A student who has been summarily suspended and returns to the premises of the University or to any University-related premises during the period of his/her suspension will be considered a trespasser and may be subject to additional and/or more severe sanctions. The Vice President for Student Affairs or designee may consider to permit a summarily suspended student to be on the premises of the University or on a University-related premises, or to engage in any behavior or activity that has been prohibited by the terms of his/her summary suspension if, and only if:
  - The student has submitted a written request to the Vice President for Student Affairs for permission to come onto the premises of the University or onto any University-related premises, and has received written permission from the Vice President for Student Affairs or designee, before engaging in any behavior or activity that had been prohibited by the terms of his/her summary suspension.
  - The suspended student's request to come onto the premises of the University, onto any University-related premises, or to engage in any behavior or activity that had been prohibited by the terms of his/her summary suspension must be for a clearly-stated, specific purpose. The Vice President for Student Affairs or designee must provide a written statement in which he/she concurs that said purpose justifies the student's presence on the premises of the University, on any University-related premises, or the student's participation in any behavior or activity that had been prohibited by the terms of his/her summary suspension. The written statement from the Vice President for Student Affairs or designee must be obtained by the student before entering any University premises, any University-related premises, or before engaging in any behavior or activity that had been prohibited by the terms of his/her summary suspension. *It should be noted that this section only requires the Vice President for Student Affairs or designee to consider the student's request.*

### **Disciplinary Files: Retention and Access**

Disciplinary files are retained by the Office of Judicial Affairs. A student's disciplinary file will not be released to any person or group outside the University without the prior written consent of the student. Disciplinary information will be provided only to individuals within the University who have been determined to have a legitimate, educational interest in the information, as outlined in FERPA (the Family Education Rights and Privacy Act of 1974, as amended).

Disciplinary files are retained for five years or until they are deemed to have no further administrative or legal value, whichever occurs later, at which time they are destroyed. In cases involving multiple sanctions, the determination of how long to keep a disciplinary file will be made on the basis of the maximum sanction(s) imposed. The disciplinary files of students who have been expelled are retained permanently.

All students and student organizations are subject to the disciplinary procedures outlined in this document. If a student who was allegedly involved in a violation of any aspect of the Student Code of Conduct leaves the University for any reason before the disposition of the charge has been determined, the disciplinary process may continue at the discretion of the University. If a student seeks to readmit to the University when a charge was previously brought against him/her but not disposed, the charge shall be resolved prior to consideration for readmission.

## **Student Sexual Misconduct Protocol**

This protocol defines and coordinates the efforts of various campus departments in order to provide a caring and effective response to members of the SC State community who have been victimized.

This protocol is intended to be read in accordance with the University's Title IX Policy. If there are any inconsistencies between this protocol and the Title IX Policy, the University's Title IX Policy shall supersede.

### **What should you do if sexual misconduct happens to you?**

Get to a safe place!

Relax. This is often the opposite of how you are feeling when you're under pressure, but try to relax and remain calm so you can reach out to campus authorities and/or law enforcement.

- Notify campus police (803) 536-7188 or contact the local law enforcement office (911). The police will be able to assist you in getting medical attention or emotional support, in the collection of evidence, or in apprehending the perpetrator.
- Do not bathe, douche, use the toilet, or change clothing.
- Go to the local hospital (The Regional Medical Center- TRMC) emergency room right away. The SC State Victim Advocate or a member of the Sexual Assault Response Team will accompany you to or meet you at the hospital.
- The local hospital (TRMC) will contact CASA at the 24-hour crisis hotline number (803-534-2448 or 800-298-7228). CASA is the established agency to contact for assaults in Orangeburg, Calhoun, and Bamberg Counties.
- The hospital will ensure the proper law enforcement agency has been contacted based upon the jurisdiction. Registered nurses are trained to interview victims along with law enforcement.
- CASA will send an advocate to meet with you at the hospital.
- The forensic evidence collection (rape kit), if applicable, is authorized by CASA. A rape kit should be done as soon as possible, but no later than 72 hours after the sexual assault has occurred. Evidence collection is time sensitive and will be taken for analysis.
- CASA offers support services by linking you to available resources, including housing and counseling services. CASA does not provide transportation services.
- SC State Police Department Investigator or Victim Advocate will make the appropriate referrals to campus officials as follows:
  - Brooks Health Center will provide appropriate medical services.
  - The Counseling and Self-Development Center will assist the victim in working through emotions that may arise from the event, such as fear, sense of violation, relationship difficulties, and/or other issues. The Counseling Center can provide information regarding on and off campus resources.

- Residential Life and Housing will work with you to evaluate your housing needs and housing assignment, as necessary.
- Judicial Affairs will be contacted if disciplinary action is necessary.

### **Confidentiality**

All members of the SC State Sexual Assault Response Team are bound to protect the confidentiality of a sexual assault victim, unless otherwise mandated to release by law. Their primary role is to ensure the victim is protected and has access to all available resources. Information will only be shared on a legitimate need-to-know basis to protect you and the campus.

### **Education**

Education and outreach can raise campus awareness and increase reporting of sexual assaults. The Counseling and Self-Development Center and Brooks Health Center conducts outreach activities on a regular basis to educate the campus community on issues related to interpersonal violence.

### **SC State Sexual Assault Response Team**

The SC State Sexual Assault Response Team consists of the following:

- Director of Judicial Affairs
- Director of Residential Life and Housing
- Director of Brooks Health Center
- SC State Police Victim Advocate
- Director of the Counseling and Self-Development Center

## **Off-Campus Conduct**

Any student conduct off campus is subject to judicial conduct violation charges. When a student is arrested, on or off campus, the University may bring disciplinary charges if the behavior is contrary to the pursuit of the mission of the University. Upon review of the available information regarding the case, the Division of Student Affairs will determine whether conduct violation charges are appropriate, and, if so, when the charges should be brought against the student. Students who are apprehended and charged by law enforcement agencies with a felony on or off campus are required to immediately notify the Vice President for Student Affairs as soon as reasonably practical.

## **Right to Assemble**

SC State agrees to provide SC State departments and recognized student organizations and clubs with space to assemble. While doing so, the University may impose content-neutral time, place, and manner restrictions of its facilities and campus property. Any student groups desiring space to assemble shall submit a written request to the Office of the Vice President for Student Affairs via an on-line request.

## **Outside Noise**

Any student or group of students who makes unapproved use of moving or stationary sound systems on campus in such a manner as would disrupt or disturb the normal functioning of the University will be found in violation of the Code of Conduct.

## **Student Complaint Procedures**

To file an informal or formal complaint against another university student, employee, or department, follow the steps below.

To file a complaint:

STEP 1: You may either submit the complaint form online or to the Office of Judicial Affairs.

STEP 2: File the complaint or grievance as “informal” or “formal.” If informal procedures are implemented and prove to be unsatisfactory, the complainant may then institute formal procedures.

STEP 3: The Office of Judicial Affairs will review the information provided. On all matters, this Office will either investigate the complaint or will send it directly to the department that is responsible for addressing such concerns.

## **Procedures for Complaint Resolution**

Any student may file a complaint or allegation that there has been an arbitrary application of University policies and/or procedures. The complaint should be a written statement regarding a matter that requires informal or formal consideration and resolution. Where there are specific policies that deal with particular matters, those policies and procedures shall govern.

Please Note: Academic concerns and complaints should be routed through the processes and guidelines provided by the Division of Academic Affairs.

Parties to a student complaint have the right to:

- be treated with courtesy at all times;
- a fair and timely investigation process;
- express their points of view without fear of recrimination;
- be advised in writing of all decisions made in relation to the complaint;
- appeal the outcome as outlined in this Code of Conduct.

Parties to a student complaint have a responsibility to:

- treat all parties with courtesy at all times;
- respect the points of view of others;
- respect the rights of all parties to the complaint with the respect to confidentiality;
- in the case of the complainant, ensure that the complaint is made in good faith and complies with the Student Complaint Procedures;
- provide full and accurate information to the person investigating the complaint;
- not take any action that may be regarded as an act of recrimination against any other party.

The Office of Human Resources Management shall be notified immediately of complaints regarding faculty, employees, and staff.

## **Informal Complaints**

Before making written complaints, students are encouraged to seek resolutions by discussing them informally with the relevant employee who is most associated with the matter. The employee against whom a concern is raised by a student is expected to deal with the matter in an open and professional manner and to take reasonable and prompt action to try to resolve it informally. A student who is uncertain about how to seek informal resolution of a concern is encouraged to seek advice from the Office of Judicial Affairs. To obtain a complaint form visit: <http://www.Scsu.edu/studentaffairs/officeofjudicialaffairs.aspx>.

## **Formal Complaints**

Where it has not been possible to resolve a concern informally, a student may make a formal complaint. A student who wishes to make a formal complaint must submit it in writing on the prescribed form. The written complaint must be submitted within thirty (30) days after the occurrence of the action or matter unless the Vice President for Student Affairs or his/her designee agrees to receive it beyond this time frame. If the complainant prefers not to address the complaint to the person responsible, the complaint may be addressed to the Vice President over the division most directly related to the complaint and allow that Vice President to review the complaint.

If a complaint is against a Vice President, it should be directed to the President. The Vice President, Dean, or Director who receives a student complaint must notify the Office of Human Resources Management and acknowledge it in writing within three (3) business days. The Vice President, Dean, or Director must ensure that the employee named in the complaint receives a copy as soon as practicable. The Vice President, Dean, or Director must consider the complaint in accordance with the principles of fair play and ensure that all parties to the complaint are accorded the full benefit of those principles. The process may include meetings with relevant employee and/or the complainant. Where meetings are held, the parties may, if they wish, be accompanied by a peer support person.

To obtain a form visit: <http://www.scsu.edu/studentaffairs/officeofjudicialaffairs.aspx>.

## **Resolutions of Complaints**

The Vice President, Dean, or Director must make a decision in relation to the complaint and must communicate his or her decision to the parties, within thirty (30) business days of receiving the complaint. Based upon the nature of the complaint, the complaint may be resolved by a mediation of the parties involved with review of the applicable policy or procedure. Vice Presidents, Deans, and Directors should remain mindful of the appropriate procedures outlined in the Employee or Faculty Handbook when working with the Office of Human Resources Management.

## **Appeals**

Any party to a student complaint who is dissatisfied with a decision under this policy may appeal to the Vice President for the area most directly related to the complaint. This appeal must be submitted in writing within ten (10) business days of the letter communicating the decision. The Vice President will consider the relevant documentation and may, at his or her discretion, consult the Dean or Director who made the decision. The Vice President may also interview any parties to the complaint. If he or she determines that the complaint process has been conducted in accordance with these procedures and the outcome is appropriate, the Vice President may dismiss the appeal. Otherwise, the Vice President shall issue a decision and communicate his or her appeal decision in writing to the parties. The Vice President will also inform any employees who are dissatisfied with the student complaint process of the steps available to them under the SC State Human Resources Policies and Procedures.

## **Confidentiality**

All student-related information will be considered confidential and protected under FERPA (the Family Educational Rights and Privacy Act), the South Carolina Family Privacy Protection Act, the South Carolina Freedom of Information Act, and other applicable privacy exemptions. The Office of Judicial Affairs is the custodian of all disciplinary records. Therefore, requests for documentation involving student complaints

or grievances must be submitted in writing to the Office of Judicial Affairs, which shall consult with the Office of General Counsel upon its receipt.

## OTHER DEFINITIONS

**Advisor:** An individual that accompanies the respondent to a student judicial conduct violation hearing to provide guidance and suggestions to the respondent during the respondent's testimony; one that oversees the rules and guidelines of an organization as set forth by the local, state, and/or nationally-affiliated organization, as determined by the Division of Student Affairs.

**Complainant:** Individual alleged to have suffered a violation.

**Confidential Resources:** University employees to whom individuals may report information confidentially, *subject to legal requirements*, with an expectation that the information will not be disclosed without expressed consent and direction from the Complainant. At South Carolina State University, Confidential Resources for students are the medical and counseling staff at Brooks Health Center and Student Counseling Services and the University's Victim Advocate. Confidential Resources for employees are offered through the Office of Human Resources' Employee Assistance Program. Confidential Resource-employees are not considered Responsible Employees when serving as an employee in the Confidential Resource capacity; however, if the Confidential Resource-employee serves in other capacities on or off campus, the employee may be considered a Responsible Employee.

*\*University employees that are also members of the clergy shall be deemed as acting in their official University role when determining whether they are a Confidential Resource.*

**Disclosing Individual:** Individual raising a complaint of inappropriate conduct relevant to this Policy; is not necessarily the individual alleged to have been subject to discrimination.

**Guest:** Any non-South Carolina State University student who is present on University premises or at a University-sponsored activity off-campus. A student is considered to be hosting a guest if the guest is present in the student's residence, is responsible for the guest for a given period of time or has invited the guest to campus.

**Intimate Partner Violence:** Abuse or violence, which may be physical, verbal, and/or emotional, that occurs between current or former intimate partners or spouses, and the violence relates to or stems from the intimate relationship.

**Non-Consensual Sexual Assault:** Unwilling or non-consensual penetration of any bodily opening with any object or body part by another; includes any intrusive sexual activity that is not consciously assented to by an individual. In particular, this includes sexually intrusive acts in which an individual is in any way incapacitated mentally or physically, whether by drugs, alcohol, or otherwise simply unable to make an informed decision. Non-Consensual Sexual Assault may also include the use of physical force, coercion, the threat of immediate physical harm, the restriction of movement, and/or the administration of a drug, intoxicant, or physical substance that impairs the faculties of a person.

**Non-Consensual Sexual Contact:** The touching of an unwilling person's intimate parts; touching an unwilling person with one's own intimate parts; causing an unwilling person to touch another's intimate parts.

**Organization:** A group consisting of a number of persons who are recognized by the University.

**Respondent:** Individual against whom a complaint has been made.

**Responsible Employee:** A University employee, faculty, or staff member that could reasonably be viewed as having authority to address suspicious behavior. Disclosures made to Responsible Employees qualify as official reports to the University and must be investigated. Responsible Employees include the following individuals: Members of the University's Board of Trustees, the University President, Vice Presidents, Cabinet Members, Deans, Department Chairs, Directors; Deputy Title IX Coordinators; Human Resources staff; Residential Life and Housing staff and student-workers employed in Residential Life and Housing, Community Assistants, Student Affairs employees; advisors to recognized student organizations/groups; faculty members; employees serving in management or supervisory positions; Campus Police.

**Sanction:** A penalty imposed upon a student or organization after having been found in violation of the Student Code of Conduct and/or University policies.

**Sexual Exploitation:** Conduct exceeding the boundaries of consent; includes releasing video or photography containing or referencing sexual content that was created with consent of the Complainant but has been released to a third party without the Complainant's consent.

**Sexual Harassment:** Unwelcome sexual advances or requests for sexual favors, whether verbal or non-verbal, expressed or implied, where one may reasonably believe a) the consent or rejection may impact his/her education, employment, living environment, or any University activity; or b) the behavior is persistent and reasonably offensive so as to create a hostile or demeaning environment.

**Sexual Intimidation:** Engaging in behavior that is used to cause discomfort or humiliation to another based on sexual conduct or gender.

**Sexual Misconduct:** Unwanted sexual conduct of any kind that may include sexual harassment, non-consensual sexual contact, non-consensual sexual assault, sexual exploitation, stalking, and any other unwanted conduct or contact of a sexual nature.

**Stalking:** Engaging in a pattern of behavior, whether verbal, written, physical, or electronic, without a legitimate purpose, that would cause a reasonable person to fear for their safety or the safety of another or lead to emotional distress.

**Student (for purposes of Student Conduct Violations):** For purposes of student conduct violations, a student may be defined as any of the following: (a) a person not currently enrolled who was enrolled at the time of the alleged violation; or (b) a person who, while not currently enrolled, has been enrolled in the University and may reasonably be expected to seek enrollment at a future date; or (c) an accepted student who has enrolled in one or more credit hours by having a course schedule.

**University Official:** University faculty member, University employee, campus police officer, law enforcement officer, and any other authoritative figure.

**University Premises:** Property owned, leased, and/or controlled by the University, including University Village and properties off-campus leased and/or rented by the University for a particular event or purpose.

**University-Sponsored Activity:** Any activity, on or off campus, that is initiated, aided, authorized, or supervised by the University or by any groups recognized by the University.

**Voyeurism:** The practice of watching, filming, recording, or listening in on another while the other is naked and/or is engaged in a sexual act without that other's consent.