

2012 - 2014

**SC State University Orangeburg,
South Carolina 29117**

STUDENT CODE OF CONDUCT

**SC STATE UNIVERSITY
100% SMOKE AND TOBACCO FREE
CAMPUS**



SC State University
STUDENT CODE OF CONDUCT

I. STUDENT RIGHTS AND RESPONSIBILITIES

South Carolina State University was established to provide for the transmission of knowledge, the pursuit of truth, and the holistic development of students. The University recognizes that students are entitled to the same rights and freedoms granted to all citizens and/or residents of the United States. It is expected that students will balance their rights and freedoms with a sense of responsibility, and will adhere to the rules and regulations of the University and of the larger community.

Students attend SC State for the purpose of learning, as well as to actively participate in the activities of the University 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. Any student or citizen, acting as an individual or as a member of a group, must assume full responsibility for his/her actions.

All students of SC State are expected to abide by local, state, and federal laws, as well as by all University policies and regulations. A student who violates a law and/or a University policy or regulation may be subject to disciplinary action by the University, and/or by the appropriate civil or criminal authorities.

II. AUTHORITY AND RESPONSIBILITY

Policies covering student conduct are established by the Board of Trustees of SC State. The President of the University is responsible to the Board for the total operation of this institution, and as the Chief Executive, he/she has the authority to assign disciplinary cases to special officers and/or to hearing committees as is deemed appropriate.

As the President's designee, the Vice President for Student Affairs has authority over matters of student conduct; this authority includes, but is not limited to:

- Administrative decision-making

- The implementation of operating procedures when cases of alleged conduct violation are referred for judicial consideration
- The imposition of sanctions in a manner that is efficient, consistent, fair, legal, and productive
- The delegation of responsibility to administrative staff of the Division of Student Affairs to begin disciplinary proceedings, as described in this document.

III. LEGAL CONSIDERATIONS THAT MAY APPLY TO OFF-CAMPUS ACTIVITIES

South Carolina State University is subject to the laws of the City/County of Orangeburg, the State of South Carolina, as well as the laws of the United States of America. Although the rules and regulations of the University are not intended to duplicate any local, state or federal laws, there are instances in which the rules and regulations designed to protect the safety and well-being of the University community are consistent with local, state, and/or federal laws.

Students or student organizations that violate local, state, and/or federal laws are subject to prosecution by relevant authorities, and may also be subject to disciplinary action by the University when their conduct violates institutional standards. The students of SC State are responsible for observing the rules of student conduct while on the premises of the University, while on a University-related premises for the purpose of engaging in an off-campus University activity/event, or when representing the University at a University-approved activity, regardless of the location of such an activity. If, while engaging in a University activity off-campus, a student or student organization engages in an act that is found to directly impair the University's educational functions, students and student organizations will be held accountable under the University's Student Code of Conduct. In such instances, the University may impose disciplinary action that precedes or is in addition to, any penalty imposed by an off-campus authority.

SMOKE AND TOBACCO FREE UNIVESITY 100% Smoke and Tobacco Free

Smoking and the use of all tobacco products are **PROHIBITED** in all SC State owned or leased buildings, buildings on the University owned land, all University vehicles and in designated outdoor areas including:

- Entrances, balconies, decks, patio and outside stairways to buildings and outdoor passageways to entrances, decks, patios and stairways;
- Within twenty-five (25) feet of a building or an air intake unit/opening

- Courtyards or other areas where air circulation may be impeded by architectural, landscaping or other barriers;
- Outdoor entry or service lines, such as for ticket purchases, event admissions, bus stops, ATMs, etc.;
- Outdoor seating areas on campus;
- Outdoor areas where there is fixed seating such as Oliver C. Dawson Bulldog Stadium, Tennis Courts, Softball field, etc.; and
- Areas that are reserved for events that do not have a fixed seating but for which the sponsor determines that the interests of nonsmokers need to be protected, such as outdoor concerts, University receptions, etc.

IV. ZERO TOLERANCE

A policy of zero tolerance means that under no circumstances will the following behaviors be tolerated:

- The illegal sale, trafficking, manufacturing, dispensing, and/or distribution of drugs, narcotics, controlled substances, counterfeit substances, and/or drug paraphernalia (see section VI – Drug Policy).
- The use, possession, and/or storage of any weapon on university premises or at any University-sponsored activity without authorization (see section VII – Weapons Policy).
- Simple Assault, and/or assault and battery (see section VIII – Simple Assault and/or Assault and Battery).

The zero tolerance policy applies to all on-campus activities and all University-sponsored off-campus activities. Any student found responsible for violating a Zero Tolerance Policy may be:

- suspended from the University for a specified period of time
- temporarily suspended from the University pending a hearing or
- expelled from the University

V. ALCOHOLIC BEVERAGE POLICY

Based on concern for the well-being of the members of the University community, and in accordance with the laws of the State of South Carolina, the Board of Trustees has adopted this policy governing the consumption, possession, purchase, sale, service, or provision of beer, wine, and distilled spirits by students of the University. The policy applies to:

- on- campus activities
- any University-owned facility or University-controlled facility

- any University-related activities

The possession and/or consumption of alcoholic beverages are permitted in the privacy of a student's on-campus residence, provided that each participant and individual in attendance is **twenty-one (21)** years of age or older.

Alcoholic beverages will not be purchased, sold, served, provided, or present at student events. Alcoholic beverages are not to be present or consumed in public areas of all University-owned facilities or University-controlled facilities and grounds, including, but not limited to: residence hall lobbies, studios, study rooms, community bathroom facilities, kitchens, hallways, patios, roadways, the Student Center, dining halls, and academic buildings.

Student organizations may not sponsor events that involve the consumption or presence of alcoholic beverages. Individual students or student organizations that violate University policies or state or federal laws, are subject to civil, criminal, and University proceedings and sanctions. Students who violate the Alcoholic Beverage Policy will be subject to University disciplinary proceedings, as outlined in this document.

SANCTIONS THAT CAN BE IMPOSED FOR VIOLATIONS OF THE ALCOHOLIC BEVERAGE POLICY

Students who are under the age of 21 who possess or consume alcohol, or who are present when alcohol is consumed:

Possession and Consumption are defined as:

- having an open container of alcohol in public
- hosting a party involving the illegal use of alcohol
- dispensing alcohol to minors
- intoxication that constitutes a public nuisance: i.e., a violation of public order or an offense to public decency.

For the first violation by a student under the age of 21 of the Alcoholic Beverage Policy, the following sanctions may be imposed:

- disciplinary probation for one academic year
- mandatory alcohol education
- \$50 fine
- Parent notification

For the second violation by a student under the age of 21 of the Alcoholic Beverage Policy, the following sanctions may be imposed:

- Deferred suspension from University housing for one academic year
- Substance abuse referral
- \$100 fine
- Parent notification

For the third violation by a student under the age of 21 of the Alcoholic Beverage policy, the following sanctions may be imposed:

- Suspension from University housing for one academic year; the student will be held responsible for the full cost of the University housing unit for the remainder of the academic year after he/she is suspended
- Suspension from the University/Housing for one academic year. (The student will be held responsible.)
- Parent notification

Students who are 21 years of age or older who possess or consume alcohol or who are present when alcohol is consumed:

Students who are 21 years of age or older who possess or consume alcohol:

Possession and consumption are defined as:

- Having an open container of alcohol in public
- Hosting a party involving the illegal use of alcohol
- Dispensing alcohol to minors
- Intoxication that constitutes a public nuisance: i.e., a violation of a public order or an offense to public decency

The Board of Trustees recognizes the University's obligation to educate members of the University community about alcohol use and abuse. Therefore, the Board encourages appropriate University employees to provide programs, activities, and research projects designed to:

- address alcohol abuse prevention,
- address alcohol-related problems,
- promote alcohol-free activities

The Board of Trustees also recognizes that the University has a responsibility to provide information and/or referrals to students who seek information and/or assistance with alcohol-

related problems. Students may be referred to the Brooks Health Center or the Counseling and Self Development Center for education and counseling services that address alcohol-related issues.

Students who are 21 years of age or older who possess or consume alcohol:

Possession and consumption are defined as:

- Having an open container of alcohol in public
- Hosting a party involving the illegal use of alcohol
- Dispensing alcohol to minors
- Intoxication that constitutes a public nuisance: i.e., a violation of public order or an offense to public decency

For the first violation of the Alcoholic Beverage Policy by a student who is 21 years of age or older, the following sanctions may be imposed:

- Disciplinary probation for one academic year.
- Mandatory alcohol education.
- \$50 fine.

For the second violation of the Alcoholic Beverage Policy by a student who is 21 years of age or older, the following sanctions may be imposed:

- Deferred suspension from University housing for one academic year.
- Substance abuse referral.
- \$100 fine.

For the third violation of the Alcoholic Beverage Policy by a student who is 21 years of age or older, the following sanction may be imposed:

- Suspension from University housing for one academic year

VI. DRUG POLICY

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, all controlled substances or synthetic substances on University property or during University activities are prohibited. Students will be held accountable for any drug paraphernalia that tests positive for illegal drugs.

Individual drug testing of any student accused of violating the Drug Policy is voluntary. Students who agree to drug testing do so at their own expense and must complete the test within 24 hours of the alleged violation in order for the results to be considered by a University judicial body. Any student found to be in violation of the Drug Policy will be referred to the University Judicial System. Violations of the Drug Policy will result in immediate suspension from the University for a minimum of one academic year.

VII. WEAPONS POLICY

The use, possession, or storage of any weapon on University premises or at any University-sponsored activity without authorization is unlawful. A weapon refers to any 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 subject to summarily suspension, expulsion from the University, and/or criminal prosecution.

VIII. Simple Assault and/or Assault and Battery

SIMPLE ASSAULT: The infliction of corporal injury to another by force, or by force unlawfully directed at the person of another, that creates a reasonable fear of imminent peril, by an individual who has the apparent ability to attempt to do so if not prevented.

ASSAULT AND BATTERY: The subjecting of any person or persons to any form of physical abuse on University premises or at a University-related activity.

IX. OTHER CONDUCT VIOLATIONS AND PROHIBITED BEHAVIORS

The following definitions and explanations of University rules and regulations pertaining to student conduct are not intended to be exhaustive or definitive in scope. Additional rules and regulations may be adopted and disseminated through the University's channels of communication. Students and student organizations whose misconduct is found to be in violation of the Student Code of Conduct will be subject to sanctions as outlined in this code.

Possible sanctions for violations of the Student Code of Conduct include, but are not limited to the following:

- Reprimand
- Fines
- Probation
- Loss of Privileges

- Restitution
- Residence Hall Suspension
- Suspension (temporary separation from the University)
- Expulsion (permanent separation from the University)

Misconduct or areas of prohibited behavior include, but are not limited to:

- A. FILING A FALSE REPORT:** The willful or knowing dissemination of false information to any representative of the University while in the execution of his/her official duties, or the provision of false information to the University.
- B. IMPROPER USE OF UNIVERSITY DOCUMENTS:** The forgery, alteration or misuse of any institutional documents or instruments of identification with the intent to defraud.
- C. DISORDERLY CONDUCT:** The disruption or obstruction of teaching, research, student proceedings, administrative proceedings, disciplinary proceedings, or any other activity of the University.
- D. SIMPLE ASSAULT:** The infliction of corporal injury to another by force, or by force unlawfully directed at the person of another, that creates a reasonable fear of imminent peril, by an individual who has the apparent ability to attempt to do so if not prevented.
- E. ASSAULT AND BATTERY:** The subjecting of any person or persons to any form of physical abuse on University premises or at a University-related activity.
- F. FAILURE TO COMPLY WITH A LAWFUL ORDER:** The failure or refusal to comply with the lawful directions or instructions of University officials while in the performance of his/her/their official duties.
- G. LARCENY:** The theft of University property or private property on University premises.
- H. MALICIOUS INJURY TO PERSONAL AND/OR UNIVERSITY PROPERTY:** The misuse, abuse, or the infliction of damage to University property or to private property on University premises.
- I. UNAUTHORIZED TRESSPASSING:** The unlawful or unwarranted entry to any University building or University premises.
- J. EMBEZZLEMENT:** The conversion for use without proper authority of any monies entrusted to an individual student or to a student organization by a University office or organization, including the Student Government Association, the Campus Activities Board, and/or any officially recognized student organization.

- K. VIOLATION OF THE ALCOHOLIC BEVERAGE POLICY:** The violation of any part of the University's Alcoholic Beverage Policy.
- L. UNAUTHORIZED OCCUPANCY:** The occupation by a student of the residence hall room of a member of the opposite sex or of a member of the same sex without authorization, the presence by a student in unauthorized areas within residence halls, or any action which provides or is intended to provide assistance in the commission of an unauthorized occupancy.
- M. VIOLATION OF THE VISITATION POLICY:** The violation by one or more students of any of the provisions of the University's visitation policy.
- N. FIRE PREVENTION/POLICE AND CONTROL EQUIPMENT:** The misuse, disruption, or adjustment without proper cause of any fire prevention or alarm box, including but not limited to, thermal detectors in the ceilings of University buildings. Violations of the fire code are also included in this section.
- O. LOUD AND UNNECESSARY NOISE:** The unapproved use of moving or stationary sound systems on University premises that would result in the disruption or disturbance of the normal functioning of the University.
- P. UNLAWFUL SOLICITATION/FUNDRAISING:** The violation by a student or by a group of students of any provision of the SC State Solicitation and Fundraising Policies.
- Q. OBSTRUCTION OF JUSTICE:** The destruction or alteration of evidence, or any act that prevents or is intended to prevent evidence from being offered before any judicial body. This also includes deliberately lying or offering false testimony in any hearing or judicial action.
- R. PETS PROHIBITED:** Students are not allowed to keep a pet of any kind in any University building, except those considered to be service or assistance dogs.
- S. 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. It is unlawful to assist anyone in entering a residence hall after closing hours or in leaving a residence hall through any exit other than the designated entry/exit door.
- T. VIOLATION OF OVERNIGHT GUEST POLICY:** The violation of any provision of the SC State Overnight Guest Policy.

- U. **HARRASSMENT:** Any words or behaviors that taunt, challenge, or provoke a University student or official or any behavior that subjects a University student or official to offensive or unwanted touching. This includes any form of communication that involves the use of vulgar or offensive language, or any vulgar, offensive, or alarming conduct that serves no legitimate purpose.
- V. **LITTERING:** Any behavior, whether intentional or unintentional, that causes any litter to be blown, scattered, spilled, thrown, placed, or deposited on University property or on property on which University activities take place.
- W. **HAZING:** The violation of any provision of the University's Student Code of Conduct as it relates to hazing. Local and State Criminal Codes may also apply.
- X. **FIREWORKS:** It is unlawful to possess, ignite, or detonate any fireworks or other flammable materials which could cause damage to person or property by fire, explosion, or by similar means on University premises or on property on which University activities take place.
- Y. **SEXUAL HARRASSMENT POLICY:** The violation of any provision of the SC State Policy on Sexual harassment.
- Z. **UNAUTHORIZED USE OF UNIVERSITY NAME:** The use by a student or by a student group of the University name, logo, or insignia without proper prior authorization.
- AA. **COMPUTER ABUSE:** The misuse of computers on University premises including, but not limited to, plagiarism of programs, misuse of computer accounts, unauthorized destruction of files, creation of illegal accounts, possession of unauthorized passwords, and disruptive or annoying behavior while on the University's computer systems.
- AB. **UNLAWFUL TELEPHONES:** The placing or assistance in placing unauthorized telephone calls, the misuse or abuse of telephone equipment including, but not limited to, possession of unauthorized account numbers or telephone numbers.
- AC. **ARSON:** A student who ignites a fire or who is in any way responsible for igniting a fire on University property, with destructive intentions, will be in violation of this portion of the Code of Conduct.
- AD. **SALE OF BOOKS/ TEXTBOOKS:** The sale of a book and/or a textbook by a student who does not own said book, without prior authorization from the book's rightful owner.
- AE. **TAMPERING OF 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, or water, or any other commodity or substances.

AF. GAMBLING: The participation in any form of gambling on University premises or at any University-related activity, including raffles and games of chance, is illegal under the laws of the State of South Carolina.

AG. WEAPONS POSSESSION: The violation of any aspect of the University's Weapons Policy. The use, possession, or storage of any weapon on University premises or at any University-sponsored activity without authorization is unlawful. A weapon refers to any 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 subject to suspension, expulsion from the University, and criminal prosecution.

AH. PROHIBITED COMMUNICATION

Students at South Carolina State University may not:

- Use a telephone or any electronic means of communication to convey words, gestures or messages of any kind that could be construed as profane, vulgar, lewd, suggestive, or inappropriate (sometimes such messages are meant for anyone and everyone, and not just for a particular person, so that's why I didn't add ' to another person)
- Use a telephone or any electronic means of communication to convey messages of any kind that are intended to threaten, coerce, intimidate, manipulate, or harass one or more individuals. This prohibition applies to the intended recipients and to the unintended recipients of such messages.
- Use a telephone or any electronic means of communication to contact a person repeatedly, irrespective of whether the individual initiating said communication actually speaks, for the purpose of annoying, harassing, or disturbing the intended recipient. Students are also prohibited from initiating these forms of communication with anyone connected to the intended recipient.
- Initiate a telephone call or other electronic communication intended to interfere with the intended recipient's ability to communicate electronically. Such interference may result from the initiator's refusal to sever the connection with the intended recipient, or from any action 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 about the intended recipient, about his/her family, friends, acquaintances, or

colleagues, for the purpose of annoying, upsetting, disturbing, or frightening said recipient.

- Knowingly permit a telephone or other electronic means of communication to be used by another person for any purpose described in this section (AH, 'Prohibited Communication') of the Student Code of Conduct.
- The violation of any part of Section AH ('Prohibited Communication') of this document may result in disciplinary action as determined by the University, and may also result in a monetary fine not to exceed five hundred dollars.

AI. VIOLATION OF 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 or persons. This prohibition is in effect when the intended victim(s) is in a location that could be considered public, private, University-owned, or University-controlled.
- Using any electronic device to record, photograph, photo-shop, enhance, exaggerate, reproduce, or alter in any way any image, likeness, or recording of another person or persons without the prior knowledge and consent of said person or persons. This prohibition is in effect when the intended victim(s) is in a location that could be considered public, private, University-owned, or University-controlled.
- Intentionally allowing another person or persons to view any recording, photograph, likeness, or image of another person that was created, copied, reproduced, or taken in a manner that could be construed as having violated his/her privacy.
- Knowingly allowing another person or persons to have access to electronic equipment for the purpose of violating the privacy of another. A student who does so will be considered a co-respondent in any allegations of invasion of privacy that might arise from the use of such electronic equipment.
- Viewing, photographing, recording, enhancing, exaggerating, reproducing, copying, or altering any image, likeness, or recording of another person or persons that is intended to provide sexual excitement, arousal, or gratification without the prior knowledge and consent

of the individual(s) depicted in such recordings or likenesses.

- 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.
- The violation of any part of section LL-A of this document may result in disciplinary action as determined by the University, and may also include a fine not to exceed five hundred dollars.

AJ. Academic Misconduct Policy: The violation by a student of any part of the University Academic Misconduct Policy.

AK. Drugs, Narcotics, and Controlled Substances: The violation by a student of any provision of the University Drug Policy, or the criminal code of the State of South Carolina.

X. DISCIPLINARY PROCESS

All students and student organizations are subject to the disciplinary procedures outlined in this Code. If a student who was allegedly involved in a violation of the Student Code of Conduct separates or graduates from the University before a hearing is held, the disciplinary process may continue at the discretion of the University. If the hearing process has not been initiated by the time a student separates from the University, the pending charges will be resolved at the discretion of the University, before he/she is granted readmission.

A. INITIATION OF CHARGES

The Vice President for Student Affairs or designee bears the responsibility for initiating disciplinary procedures against a student accused of misconduct. Any member of the University community may submit a written complaint to the Vice President for Student Affairs against a student for an alleged violation of University Policy. A report filed by the University Police Department also constitutes a complaint. The Vice President for Student Affairs or designee will review the allegations of misconduct to determine if disciplinary proceedings should be initiated. If the Vice President for Student Affairs or designee determines that the information provided is insufficient, the complaint will be dismissed. In the case of the dismissal of a complaint, the Vice President for Student Affairs or designee will inform all appropriate persons within five days (*excluding weekends and holidays*) from the date that the complaint is filed.

B. NOTIFICATION OF CHARGES

When it has been determined that disciplinary proceedings will be initiated, the accused student will be notified in writing and asked to appear for a Pre-Hearing Conference. The written notice will specify a time, date, and location that do not conflict with the student's academic schedule for him/her to meet with Judicial Officers. It will be considered that the student has been properly notified when the letter has been delivered to the most current address on file in the Office of Records and Registration, Residence Life and Housing.

C. Judicial Process (Options)

The student will be informed that the judicial process consists of two options: (1) Administrative Hearing and (2) Judicial Board Hearing. The student will be provided with an explanation of the charges against him/her, and will be presented with options for the resolution of the disciplinary charges. The student may offer relevant information to the Vice President for Student Affairs or to a designee.

After the student has been advised of the allegation(s), he/she will be given the option of pleading **responsible or not responsible** for the alleged violation of the Student Code of Conduct.

A. The University Judicial Board may serve in two capacities:

- as an original hearing authority
- as an advisory body to the Vice President for Student Affairs for the purpose of implementing the Student Code of Conduct

B. The recommendations made by the University Judicial Board will be submitted to the Vice President for Student Affairs for approval and implementation.

C. The members of the University Judicial Board are appointed by the President of the University and include:

- a department chairperson who is also a member of the faculty,
- two faculty members recommended by the Vice President for Student Affairs or a designee, in consultation with the President of the Faculty Senate,

- two staff members recommended by the Vice President for Student Affairs or designee,
- two students recommended by the President of the Student Government Association.

The President of the University will appoint alternate members to serve on the University Judicial Board during summers and holidays. It should be noted, that The Office of Judicial Affairs has the authority in all cases to supersede a student's wishes and designate an Administrative Hearing or a Judicial Board Hearing.

An Administrative Hearing is convened with the understanding that the student accepts responsibility for his/her involvement in the incident(s) in question, and that the Judicial Officers will impose sanction(s) based on information and evidence gained during the Administrative Hearing.

D. FAILURE TO RESPOND:

If a student has been notified of the date, time, and location of the Administrative Hearing and fails to show up, a letter will be sent to him/her specifying another, date, time and location for the Administrative Hearing. If the student in question has been notified of the new date, time, and location and still does not show up for the Administrative Hearing, said Hearing will be conducted by the Vice President for Student Affairs or a designee without the presence of the accused student, and a decision will be made based upon the available information and evidence available at that time.

E. DISMISSAL OF CHARGES:

If the Vice President for Student Affairs or designee determines after the Pre-Hearing Conference that there is insufficient information to justify scheduling a Hearing, the charge against the student will be dismissed. The Vice President for Student Affairs or designee will inform all appropriate persons of the dismissal of charges within five days (excluding weekends and holidays) from the date of the conclusion of the Pre-Hearing Conference.

F. OPTIONS FOR RESOLUTION OF DISCIPLINARY CHARGES: Students who have been charged with violating the Student Code of Conduct have the following options:

1. Students who have been charged with violating the Student Code of Conduct may:
 - Accept responsibility for the charge(s) and participate in an Administrative Hearing.
 - Accept responsibility for the charge(s), with the understanding that the Vice President for Student Affairs or designee may determine sanction(s) to be imposed.
 - Plead not responsible to the charge(s) and participate in a Judicial Board Hearing.

G. JUDICIAL BOARD HEARING PROCEDURES:

The student will be notified in writing of the date, time, and location of the Judicial Board Hearing. During the Hearing:

1. The accused student must appear in person, present any and all relevant information, and respond to questions posed by members of Judicial Board
2. Should the student not appear at the Judicial Board Hearing, said hearing will be conducted without the presents of the accused student.
3. Should the accused student refuse to answer any questions or make any statements, the Judicial Board will make its recommendations solely on the basis of the information and evidence available at that time.
4. Witnesses are allowed to attend only the portion of the hearing in which they are testifying. Witnesses maybe questions by members of the Judicial Board.

All hearings will be conducted privately, and all statements, information, evidence, or comments provided by members of the Judicial Board, University staff, witnesses, and advisors before, during, and after the hearing, will be held in the strictest confidence. The aforementioned persons may be asked to sign a confidentiality agreement.

The hearing authority will exercise control over the hearing as necessary to avoid the inappropriate use of time, repetition of information, and/or to prevent the harassment or intimidation of participants. The hearing authority may also call for a recess at any time.

The Office of Judicial Affairs is responsible for scheduling and coordinating, all relevant matters and materials.

Hearings will be tape recorded when a student has entered a plea of not responsible or when a student asks for the hearing to be tape recorded. If the student requests that he/she be allowed 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.

H. HEARING RECOMMENDATIONS

Upon conclusion of a Judicial Board Hearing, the members of said board will consider the information and the evidence presented in order to determine responsibility, or to decide rather the charges should be dropped.

A majority of the Judicial Board members must be present in order to vote on the

recommendations to be made to the Vice President for Student Affairs.

I. NOTIFICATION OF THE DECISION

The Chair/Co-Chair of the Judicial Board will notify the Vice President for Student Affairs in writing, of its recommendations, including what sanction(s) to impose, if any. The Chair/Co-Chair of the Judicial Board will make every effort to provide the Vice President for Student Affairs with the Board's recommendation(s), in writing, within 48 hours after the Hearing is completed. The Chair/Co-Chair's recommendation(s) will consist of some or all of the following:

XI. SANCTIONS

Sanctions are imposed in order to:

- protect the University community from behaviors that are detrimental to the educational process and/or to the members of said community
- assist students in identifying and observing the boundaries of what is considered acceptable behavior
- encourage students to accept responsibility for their actions
- help students to understand and predict the likely consequences of their behavior.

The severity of the sanctions imposed is intended to be commensurate with the severity and/or frequency of the violation(s) under consideration, as well as with the University's perception of the student's willingness to exhibit behavior that is consistent with the Student Code of Conduct. The following disciplinary sanctions, singly and/or in combination, may be imposed on a student who is found to be responsible for having violated any portion(s) of the Student Code of Conduct:

A. THE SANCTION AND VOLUNTEER PROGRAM

The Sanction and Volunteer Program is used as a means to allow students who violate the Student Code of Conduct to give service back to the University.

B. RESTITUTION:

Restitution 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. The members of the Judicial Board will make a recommendation as to the appropriate amount of restitution.

C. TERMINATION OF THE PRIVILEGES OF A REGISTERED STUDENT

ORGANIZATION:

This sanction refers to the loss of any and all privileges of a registered student organization, and does not preclude disciplinary charges against individual members of the organization.

D. TERMINATION OF REGISTRATION OF A REGISTERED STUDENT

ORGANIZATION:

This sanction refers to the discontinuation of a student organization's status as registered. A student organization that has lost its registration status may no longer function for a specified period of time. Imposition of this sanction does not preclude disciplinary charges against individual members of the organization.

E. 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 disciplinary charges against individual members of the organization.

F. RESTRICTION: A student who has been placed on restriction is prohibited from entering or being within fifty feet of specific University buildings or facilities for a specified period of time.

G. RESIDENCE HALL RESTRICTION: This imposition of 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. A student who has been sanctioned in this manner will not be eligible for a refund of any unused room or board money.

H. RESIDENCE LIFE EVICTION: This sanction involves the immediate eviction of a resident from any University residence facility, either permanently or for a specified period of time. In no case will such eviction be for less than the remainder of the semester during which the violation of the Student Code of Conduct occurred. Students who are evicted from a

residence facility are prohibited from returning to that facility, and are also forbidden from visiting any University residence facility or associated dining facility. A student who has been evicted from a residence facility or from a dining facility will not be eligible for a refund of any unused room or board money.

I. DISCIPLINARY REPRIMAND: The Vice President for Student Affairs will notify a student of a disciplinary reprimand via a letter that will be sent through formal communication channels. Any further violation(s) of the Student Code of Conduct by the student in question that occur either during a specific semester or during a period of time otherwise specified may result in additional and/or more severe sanctions.

J. DISCIPLINARY PROBATION: This sanction involves the designation of a specified period of time during which appropriate University personnel will assess the conduct of a student who has violated the Student Code of Conduct. 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 convicted of any further violation(s) of the Student Code of Conduct during the probationary period or fails to meet the conditions of his/her probation, additional and/or more sanctions may be imposed.

K. 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 also includes the revocation of all student privileges during that time period. The student will be notified in writing that he/she has been suspended; said correspondence will stipulate 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 from the University may not enter University premises or 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 or all University residence facilities, 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.

L. SUMMARY SUSPENSION

- 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 returning during the suspension period.
- A summary suspension also requires a student to comply with any and all stated conditions for a specified period of time.

A student may be summarily suspended for a specified period of time; the scheduling of the suspension period may be contingent upon specified events and/or conditions.

- The Vice president for Student Affairs or designee 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, or welfare, or to the safety, health, or welfare of the University, of other persons, or of property that is owned, possessed, or under the care of:
 - the University
 - any member of the University community
 - the public
 - any member of the public
- A summary suspension 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.
- A summary suspension is clearly indicated when the seriousness or immediacy of a threat of danger or disruption is such that following the usual disciplinary procedures becomes impractical.

B. When a student is summarily suspended he/she is provided with a written explanation of the reason for the suspension, the duration of the suspension, as well as any additional conditions that may apply. Said document 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 notified of a summary suspension may submit a written request to meet with the Vice President for Student Affairs or designee within five days (excluding weekends and holidays) of the date of said written request. Such meetings are not convened to discuss pending charges or possible future charges against a student; they are held to consider the following information as it relates to the summary suspension: The reliability and/or veracity of the information on which the allegation of misconduct was based.

- Whether the student's conduct or the circumstances surrounding said conduct indicate that his/her presence on campus poses an immediate threat to the safety, health, or welfare of persons or property (see third bullet point under L, Summary Suspension).

C. Standard University disciplinary procedures will be implemented as expeditiously as possible following the imposition of a summary suspension, unless circumstances are such that following said procedures becomes unreasonably difficult or impossible. In the absence of such circumstances, standard University disciplinary procedures will be initiated within a specified period of time.

D. Any student who is summarily suspended and returns to the University premises or to any University-related premises, and/or who violates any other specified conditions during the period of his/her suspension will be treated as a trespasser, and may be subject to additional and/or more severe sanctions. The Vice President for Student Affairs or designee may permit a student on summary suspension to be on University premises or on University-related premises, or to engage in a behavior or activity that has been prohibited by the terms of his/her suspension if, and only if:

- The student has made a request to do so in writing and has received written permission from the Vice President for Student Affairs or designee before coming onto University premises or University-related premises and before engaging in any behavior or activity that has been prohibited by the terms of his/her suspension
- The suspended student's request to come onto University premises or any University-related premises, or to engage in a behavior or activity that has been prohibited by the terms of his/her suspension must be for a clearly-stated, specific purpose. The Vice President for Student Affairs or designee must agree that said purpose justifies the student's presence on University premises, on any University-related premises, and/or justifies the engagement by a suspended student in any behavior or activity that has been prohibited by the terms of his/her suspension. The Vice President for Student Affairs or designee may or may not grant the student's request.

M. **EXPULSION:** Expulsion 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, as well as 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 University-related premises without prior written approval from the Vice President of Student Affairs or designee.

XII. APPEALS

- A student who wishes to appeal a disciplinary decision made by the Vice President for Student Affairs or designee must do so in writing, with specific details and complete explanations. This correspondence must be addressed to said Vice President or designee.
- An appeal does not constitute a request for a Judicial Board Hearing, nor does it necessarily result in a hearing by any particular University official or group. An appeal is a request for a review of the record of the original Judicial Board Hearing. In order to prepare for an appeal, the accused student has the right to review his/her disciplinary file, including any tape recording of the original Judicial Board Hearing.

A. GROUNDS FOR APPEALS

An appeal may be sought on two grounds:

- A claim of error in the hearing procedure
- A claim of new evidence or information material to the case that was not available at the time of the original Judicial Board Hearing

B. PROCEDURES FOR APPEALS

Appeals that involve the claim of an error in the hearing procedure must be in writing, and must contain specific details and complete explanations. Appeals must be delivered to the Vice President for Student Affairs within three working days (excluding weekends and holidays) of the date of the written notification of the decision. The Vice President for Student Affairs will review the appeal within five working days (excluding weekends and holidays) of receipt of the appeal.

Appeals sought on the grounds of new evidence or information material to the case that was not available at the time of the original Judicial Board Hearing must be in writing, and must contain specific details and complete explanations. Appeals must be delivered to the Vice President for Student Affairs within three working days (excluding weekends and holidays) of the discovery of the new evidence or information. The Vice President for Student Affairs will review the appeal within five working days (excluding weekends and holidays) of receipt of the appeal.

Any sanction imposed as a result of the original Judicial Board Hearing will remain in effect during the appeal process. In the event of extenuating circumstances, the Vice President for Student Affairs or designee, may decide to revoke the imposed sanction during the appeal process.

An appeal that is not based on one of the two approved grounds may be dismissed. If an appeal is upheld, the case will be referred to the Judicial Board, along with instructions from the

Vice President for Student Affairs or designee. Sanctions may not be increased in length, number, or severity as a result of an appeal.

After reviewing the appeal and all relevant documentation, the Judicial Board will make a recommendation to the Vice President for Student Affairs or designee, who will then inform all concerned parties of his/her decision regarding the appeal.

XI. 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 written consent of the student. Disciplinary information will be provided to only those individuals within the University who have been determined to have a legitimate, educational interest in the information, as outlined in 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.