

COLLEGE of CHARLESTON

OFFICIAL POLICY

12.4.2

Student Code of Conduct

6/29/2016

Policy Statement

The Honor System of the College of Charleston is intended to promote and protect an atmosphere of trust and fairness in the classroom and in the conduct of daily life. The Honor System is composed of two major components: The Honor Code and the Code of Conduct. Specific policies fall under each major component. Students and student organizations at the College of Charleston are bound by honor and by their enrollment at the College to abide by the Honor and Conduct codes and are required to report violations. Faculty and staff members are strongly encouraged to report violations of the Honor Code or Code of Conduct.

As members of the college community, students are expected to evidence a high standard of personal conduct and to respect the rights of other students, faculty, staff members, community neighbors, and visitors on campus. Students are also expected to adhere to all federal, state, and local laws.

Policy Manager and Responsible Department or Office

Division of Student Affairs and the Office of the Dean of Students

Policy

1.0 PREAMBLE

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Specific policies fall under each major component. Students and student organizations at the College of Charleston are bound by honor and by their enrollment at the College to abide by the Honor and Conduct codes and are required to report violations. Faculty and staff members are strongly encouraged to report violations of the Honor Code or Code of Conduct.

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2.0 DEFINITIONS

2.1 The term "College" means College of Charleston.

2.2 The term "student" means an individual:

2.2.1 Who has received an offer of admission to the College, or who has been accepted for enrollment in one or more classes offered by the College of Charleston, and

2.2.2 Who has either:

(a) Registered for one or more classes or academic instruction to be given at the College (including those educational institutions operating under an academic agreement with the College as part of a College-approved program of study),

(b) Whose registration relates to one or more classes scheduled for the current or following semester (6-month period).

2.3 Who withdraws or attempts to withdraw after allegedly violating a code or policy while enrolled.

2.4 Student status continues until it is terminated upon the occurrence of one or more of the following events:

(a) Graduation (without any indication of intent to pursue post graduate activities at

the College during the following or the immediately following semester);

(b) Voluntary withdrawal of the student from all courses of academic instruction;

(c) Involuntary dismissal (or other withdrawal of the student initiated by the College) from all programs and activities of the College, and the exhaustion of all internal grievance procedures to redress the dismissal or withdrawal (if applicable);

(d) Unauthorized absence from the College for one or more semesters, as determined appropriate under the circumstances by Academic Affairs; or

(e) Cancellation of all classes for which the student is currently registered or for which the student is seeking registration.

2.3 The term “Honor System” means the Honor Code and the Student Code of Conduct (which includes but is not limited to the Alcohol, Drug, and Sexual Misconduct policies).

2.4 The term “Codes” means the Honor Code and the Student Code of Conduct.

2.5 The term “College official” includes any person employed by the College and any person serving the College in an official capacity.

2.6 The term “member of the College community” includes any person who is a student, College official, trustee, or any other person serving the College in an official capacity. The Executive Vice President for Student Affairs shall determine a person’s status in a particular situation.

2.7 The term “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College.

2.8 The term “organization” means any registered student organization.

2.9 The terms “shall” and “will” are used in the imperative sense.

2.10 The term “may” is used in the permissive sense.

2.11 The term “working day” means a day when the College is open for normal business, regardless of whether classes are in session (e.g., the day preceding Thanksgiving). In determining any deadlines as set forth in the codes, references to a number of “days” prior to or after occurrence of an event shall not include the day of the event.

2.12 The term “day” means a calendar day.

2.13 The term “Complainant” means any person filing a complaint of suspected misconduct under these codes.

2.14 The term “Respondent” means a student or organization against whom a complaint

has been filed under these codes.

2.15 The term “health” means physical or mental well-being.

2.16 For the purposes of the Honor System, the term “residence hall” means any hall, house or any other living unit owned or leased by the College for the principal purpose of providing student housing.

2.17 For the purposes of the Honor System, the term “possession” means having actual knowledge of a substance or property and/or being in such close proximity to the substance or property that it is a reasonable presumption that one had knowledge of the substance or property.

For example,

(a) those in a room where a controlled or prohibited substance is present would be presumed to be in possession of the substance absent compelling evidence to the contrary or

(b) a bong found on a desk during a health and safety inspection would be presumed to be the possession of the student to whom the desk belongs absent compelling evidence to the contrary.

3.0 VIOLATIONS WHICH ALSO VIOLATE MUNICIPAL, STATE OR FEDERAL LAW

Students may be accountable to both outside authorities and to the College for acts which constitute violations of law and of the Honor System and other campus regulations. Disciplinary action at the College will normally proceed during the pendency of criminal or civil proceedings and will not be subject to challenge on the ground that criminal or civil charges involving the same incident have been dismissed, reduced or resolved in favor or against the student. Determinations made or sanctions imposed under a conduct process shall not be subject to change because charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced or resolved in favor of or against the student.

4.0 OTHER OFFICIAL INTERVENTION / RESOLUTION

Letters of no contact, cease and desist letters, facilitated discussions, mediation agreements, mandatory move notices within our residential system, and other written forms of intervention may be initiated after determination by officials in Student Affairs that such action is appropriate and warranted. The student(s) will be given the opportunity to appear personally before an official of Student Affairs to contest the determination and discuss the original circumstances that gave rise to the no contact or other intervention order. Intervention letters do not constitute a formal disciplinary charge or sanction. However, formal disciplinary proceedings could be initiated if any conditions outlined within the correspondence are violated and reported.

5.0 JURISDICTION OF RESIDENCE LIFE AND HOUSING ADMINISTRATION AND

THE OFFICE OF THE DEAN OF STUDENTS FOR INCIDENTS WHICH TAKE PLACE IN COLLEGE RESIDENCE HALLS / HOUSES

5.1 Residence Life and Housing Administration: The Departments of Residence Life and Housing Administration will review alleged violations of the Residence Hall Contract (which may also constitute violations of the Student Code of Conduct) that are NOT likely to lead to removal from the residential system AND any form of suspension or expulsion from the College. Such offenses will be resolved under policies as stated by Residence Life and Housing Administration.

5.2 Alleged violations of the Residence Hall Contract unrelated to violations of the Student Code of Conduct shall be subject to administrative action by the Departments of Residence Life and Housing Administration. For more information on regulations and policies concerning residence halls, please consult the Guide to Residence Living and the Residence Hall Contract.

5.3 Office of the Dean of Students: Alleged violations likely to lead to removal from the residential system AND any form of suspension or expulsion from the College shall be subject to action by the Dean of Students. This includes, but is not limited to, all drug-related and multiple alcohol violations, forgery, weapons, arson, sexual misconduct, physical assault and serious vandalism. Identifying violations, notifying the respondent and complainant and coordinating hearings will be conducted in accordance with procedures contained within the Student Handbook. The Dean of Students or his/her designee will contact student(s), interview and, if appropriate, deliver a charge letter and announce the resolution timeline.

6.0 OFF-CAMPUS JURISDICTION OF THE COLLEGE OF CHARLESTON

6.1 Student Affairs officials shall determine, on a case-by-case basis, whether an incident that occurs off campus adversely affects the College's mission or members of the College community in pursuit of their institutional and educational goals and thus falls within the scope of the Honor System. As an urban campus situated in the heart of Charleston, clearly, good relations with the City of Charleston and our Charleston neighbors are essential to the overall mission of the College. Accordingly, Student Affairs shall have discretion to exercise jurisdiction over conduct which occurs off-campus.

6.2 In determining whether or not to exercise off-campus jurisdiction in such cases, the Student Affairs officials will consider the number of complaints, the seriousness of the alleged offense, whether drugs and/or alcohol are involved, the risk of harm involved, whether the alleged victim(s) are members of the campus community or surrounding neighborhoods and/or whether the off-campus conduct is part of a series of actions which occurred both on and off campus.

7.0 STUDENT CODE OF CONDUCT

The following Student Code of Conduct is in force while on College premises and/or at

College-sponsored or supervised activities. Officials in Student Affairs shall determine, on a case-by-case basis, whether an incident that occurs off campus jeopardizes the College or members of the college community in pursuit of their institutional and educational goals and thus falls within the scope of the Honor System. (See also Section 6.0 on "Off-Campus Jurisdiction.")

The Student Code of Conduct of the College of Charleston specifically forbids:

7.1 Acts of dishonesty, including but not limited to the following:

7.1.1 Furnishing false information to any college official, faculty member, or office.

7.1.2 Forgery, alteration, misuse or improper possession of any college or non-college document, record, or instrument of identification.

7.1.3 Tampering with the election of any college-recognized student organization.

7.1.4 Impersonation of another person, including a member of the college community.

7.2 Disruption or obstruction of teaching, studying, research, administration, disciplinary proceedings, living/learning environment or other college activities, including its public service functions on or off Campus, or other authorized non-college activities, when the act occurs on college premises.

7.3 Physical abuse, defined as an act or acts which include physical contact and contact which causes bodily harm or injury or causes physical pain.

7.4 Verbal abuse, defined as use of derogatory terms, foul or demeaning language, which may be accompanied by a hostile tone or intense volume of delivery.

7.5 Threat, defined as expression of intention to cause injury, harm or damage.

7.6 Intimidation, defined as to place another person in reasonable fear of bodily harm and/or emotional distress through the use of threatening words or other conduct, or both, but without displaying a weapon or subjecting the victim to physical attack.

7.7 Harassment, defined as intent to intimidate, annoy or alarm another person repeatedly. Person subjects such other person to physical contact, or attempts or threatens to do the same; or follows a person in or about a public place or places; or engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

7.8 Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt or diminish another person physically or mentally (that is not speech or conduct otherwise protected by the First Amendment).

7.9 Stalking, defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to a) fear for their safety or the safety of others; or b) suffer substantial emotional distress.

7.10 Coercion, defined as the use of explicit or implicit force, threats, unusual pressure or intimidation to make somebody do something against his or her will.

7.11 Conduct which threatens or endangers the health or safety of any person(s).

7.12 Sexual Misconduct (See Student Sexual Misconduct Policy below which covers sexual harassment and forms of sexual violence. This policy contains separate procedures).

7.13 Attempted or actual theft of and/or damage, (including, but not limited to any form of vandalism or arson) to property of the College or property of a member of the College community or other personal or public property, on or off campus; and/or knowingly possessing stolen property or unauthorized possession of College property or property of a member of the College community, on or off campus.

7.14 Hazing, defined as an act which endangers the mental or physical health or safety of a student, which subjects a student to harassment, ridicule, intimidation, physical exhaustion, abuse, or mental distress, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy and/or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.

7.15 Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

7.16 Unauthorized possession, duplication, or use of keys to any College premises, trespassing or unauthorized entry to or use of College premises.

7.17 Violation of published college policies, rules, and/or regulations published in hard copy or available electronically on the College of Charleston website.

7.18 Alleged and/or actual violation of federal, state, or local law.

7.19 Use, possession, manufacturing, intent to distribute, distribution, dispensation, purchase, attempted purchase of marijuana, cocaine, narcotics or other illegal drugs or controlled substances, including prescription medications, except as expressly permitted by law. This includes the possession or sale of drug paraphernalia (such as scales, bongs, water pipes, glass pipes, cocaine spoons). (For more information about violations and our responses to drug-related activity see Drug Policy below.)

7.20 Use, possession, manufacturing or distribution of alcoholic beverages, except as

expressly permitted by the law and College regulations, and/or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age. (For more information about our responses to alcohol-related activity see Alcohol Policies below, The Guide to Residence Living and The Compass.)

7.21 Illegal or unauthorized possession of firearms, Tasers, explosives, other weapons, or dangerous chemicals on College premises or use of any item, even if legally possessed, in a manner that harms, threatens or causes fear to others.

7.22 Participating in a campus demonstration or off-campus demonstration, riot or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

7.23 Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored or supervised functions.

7.24 Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises, surrounding areas, or at functions sponsored by, or participated in, by the College.

7.25 Facilitating and/or accepting improper behavior: Facilitating and/or accepting improper behavior are defined as aiding and/or choosing not to confront a person violating the Honor Code, Code of Conduct or other regulation, choosing not to leave such a situation, and/or choosing not to tell a College staff member about the violation.

7.26 Use of any technology to create, display or distribute an audio, video, digital file, picture or film of another individual without that person's knowledge and consent while the person is in a place where he or she would have reasonable expectation of privacy.

7.27 Theft or other abuse of the campus network, computers, or computer time, including but not limited to:

7.27.1 Unauthorized entry into a file to use, read, or change the contents or for any other purpose.

7.27.2 Unauthorized transfer of a file.

7.27.3 Unauthorized use of another individual's identification and/or password.

7.27.4 Use of computing facilities and resources to send obscene, threatening or abusive messages.

7.27.5 Use of computers or computing facilities and resources to interfere with the work of another student, faculty member, or college official.

7.27.6 Use of computing facilities and resources in violation of copyright laws. (Also see College Policy on Peer-to-Peer File Sharing.)

7.27.7 Any violation of the College's information technology policies.

7.28 Abuse of any of the College's campus conduct procedures, including but not limited to:

7.28.1 Failure to obey the notice of a conduct body or college official to appear for a meeting or hearing as part of a conduct process.

7.28.2. Falsification, distortion, or misrepresentation of information before a conduct body or official.

7.28.3 Disruption or interference with the orderly conduct of a conduct proceeding.

7.28.4 Institution of a conduct proceeding knowingly without cause.

7.28.5 Attempting to discourage an individual's proper participation in, or use of, conduct procedures.

7.28.6 Attempting to influence the impartiality of a member of a conduct body or official prior to, and/or during the course of, the conduct proceeding.

7.28.7 Harassment (verbal or physical) and/or intimidation of a conduct official or member of a conduct body prior to, during, and/or after a conduct proceeding.

7.28.8 Failure to comply with the sanction(s) imposed under the Honor System.

7.28.9 Influencing or attempting to influence another person to commit an abuse of conduct procedures.

7.28.10 Retaliating against any student or other person for filing a complaint or participating in an investigation in good faith. Acts of retaliation include, but are not limited to, verbal abuse, intimidation, threats, harassment and other adverse action against any such complainant, witness, third party or investigator.

8.0 PROCEDURES FOR THE REPORTING OF HONOR CODE, STUDENT CODE OF CONDUCT, AND / OR OTHER POLICY ALLEGED VIOLATIONS

8.1 Reporting Alleged Violation(s)

8.1.1 Any member of the college community with knowledge that a student, student group or student organization has violated the Honor Code, the Student Code of Conduct, and/or other policy should report the violation(s) as soon as reasonably possible to the Office of the Dean of Students. The report should be in writing and should contain:

(a) The name of the student, student group, or student organization suspected of the violation(s).

(b) All details of the suspected violation(s), including the date, which are known to the person reporting it.

(c) The names of potential witnesses to the suspected violation.

8.1.2 Any person not a member of the College community may also report suspected violations of the codes and should follow these same procedures as set out above.

8.1.3 Student groups and student organizations may only be charged when the violation(s) arises out of or in connection with an organized group event.

8.1.4 The alleged violation(s) must have taken place or have been detected within one month previous to the report, unless there is evidence of concealment, the act or acts in question were later determined to be part of a pattern of harassment, or there is evidence of extenuating circumstances which have caused a delay in reporting, in which case(s) this period of limitation will not apply. **NOTE: THIS REPORTING TIME LIMIT DOES NOT APPLY IN CASES INVOLVING ALLEGATIONS OF SEXUAL MISCONDUCT.**

8.2 Role of Student Affairs Officials

8.2.1 An authorized official within the division of Student Affairs will discuss the suspected violation(s) with the person reporting it, with other persons having pertinent knowledge, with other College officials, and with the College's Office of Legal Affairs when the authorized official deems it necessary in order to determine whether or not there is a reasonable basis for the allegation(s).

8.2.2 If, after proper consultation, the Student Affairs official determines that there is not a reasonable basis for the allegation(s), it will inform the person who reported the suspected violation of that fact and take no further action. If, after proper consultation, the Student Affairs official determines that there is a reasonable basis for the allegation, it will notify the respondent individual(s) of the allegation(s).

8.2.3 This notification shall contain the following:

(a) The specific violation(s) of the Honor Code, the Student Code of Conduct, Alcohol Policy, Drug Policy, and/or other policy with which the individual(s) is being charged.

(b) Notification that the respondent must make an appointment within forty-eight (48) hours and present him/herself to the Student Affairs official to review the allegation(s) and case file.

8.2.4 Failure to comply with the procedures as set forth in "Reading of the Allegation(s)" will result in said procedures being carried forth in the absence of the

respondent.

8.3 Academic Dishonesty

8.3.1 When the allegation is some form of academic dishonesty, the instructor of the course in which the violation is alleged to have occurred will be listed as the complainant and a witness in the notice, in that it is anticipated that the expertise and judgment of that instructor will be relevant and important to the consideration of the case. If the allegation is plagiarism and materials available to the Dean of Students make the allegation self-proving, the person reporting the violation, upon request, may remain anonymous and not be listed as a witness in the notice. This exception usually will not apply when the person reporting the violation is the faculty member for the course involved, for again, the expertise and judgment of the instructor may well be necessary to a consideration of the case.

8.3.2 In the case of alleged academic dishonesty, the student's grade in the assignment and/or course will be carried as an "incomplete" until the charges are resolved. After the delivery of the decision (for Class 1, Class 2 or Class 3 Honor Code violations, see Appendix A), the instructor will assign a grade based on the decision reached by the Board/panel/official. In cases of academic dishonesty, the instructor of the course will also receive a copy of the decision.

8.4 Interim Suspension: Whenever there is evidence that the continued presence of the student on the campus poses a substantial threat to others or the stability and continuance of normal college functions, the Dean of Students or his/her designee may suspend the respondent student for an interim period pending disciplinary proceedings or medical evaluation, such interim suspension to become immediately effective without prior notice. During the interim suspension, a student shall be denied access to the residence halls and/or campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Dean of Students or his/her designee may determine to be appropriate. A student suspended on an interim basis will be given an opportunity to appear personally before the Dean of Students or other appropriate official within five (5) working days from the effective date of the interim suspension for a hearing only on the following issues:

8.4.1 The reliability of the information concerning the student's conduct.

8.4.2 Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the campus poses a substantial threat to others or to the stability and continuance of normal college functions.

9.0 STATEMENT OF RIGHTS OF THE COMPLAINANT AND RESPONDENT

9.1 Each case of an alleged Honor Code, Student Code of Conduct and/or other policy violation will be dealt with in a manner which scrupulously protects the rights of the complainant and respondent. Just as the College of Charleston Honor System demands that students maintain high standards of integrity, it also demands that students receive

fair and impartial treatment in every situation. Any College of Charleston student bringing forth an allegation or accused of violating the Honor Code, Student Code of Conduct and/or other policy has the following rights:

9.1.1 The right to have all proceedings and information relating to a pending or disposed of allegation kept private to the maximum extent possible, consistent with FERPA.

9.1.2 The right to full consultation. The complainant and respondent may seek advice concerning the case from whomever they wish, including attorneys and honor advisors.

9.1.3 The right to choose his/her honor advisor.

9.1.4 The right to have at least five (5) working days from the notice of the hearing before the Honor Board/panel/official to prepare his/her case, unless such notice is waived.

9.1.2 The right to be present during the entire hearing before the Honor Board/panel/official, except for deliberations.

9.1.3 The right to cross-examine all witnesses giving evidence about the allegation unless the evidence has been allowed in affidavit form for good cause shown as determined by the Dean of Students. **EXCEPTION: IN CASES OF ALLEGED SEXUAL MISCONDUCT ALL QUESTIONING IS DONE BY THE CONDUCT OFFICIAL OR PRESIDING OFFICER AND MEMBERS OF THE CONDUCT BODY.**

9.1.4 The right to challenge Honor Board/panel members/official on the ground of personal bias.

9.1.5 The right to examine all physical or documentary evidence in the case file maintained in the Office of the Dean of Students and to present evidence on his/her own behalf.

9.1.6 The right to request witnesses who are reasonably available to appear on his/her own behalf.

9.1.7 The right to remain silent without adverse inference.

9.1.8 The right to the presumption of not having violated a code and/or policy, to have the burden of proof borne by the College or the complainant, and to have violation(s) proven by a preponderance of the evidence.

9.1.9 The right to make either a written or oral statement.

9.1.10 The right to review the recording of the hearing in the Office of the Dean of

Students if there is an appeal. The recording shall be the property of the College.

9.1.11 The right to a written decision of the Honor Board/panel/official from the Office of the Dean of Students within two working days of the decision.

9.1.12 The right to have the procedures for the reporting and disposition of Honor Code, Student Code of Conduct, and/or other policy violations followed by all parties.

9.1.13 The right to waive the aforementioned rights.

10.0 PROCEDURES FOR THE DISPOSITION OF HONOR CODE, STUDENT CODE OF CONDUCT INCLUDING THE ALCOHOL POLICY, DRUG POLICY AND / OR OTHER POLICIES

THE PROCEDURES OUTLINED IN THIS SECTION ARE INTENDED TO AID STUDENT AFFAIRS OFFICIALS AND THE HONOR BOARD IN THEIR EFFORT TO ASCERTAIN THE FACTS OF MATTER AND TO REACH A JUST DECISION. CIRCUMSTANCES CAN DIFFER GREATLY BETWEEN CASES, AND THE OFFICIALS AND/OR THE PRESIDING OFFICER OF THE HONOR BOARD MAY NEED TO MODIFY THE PROCEDURES IN A PARTICULAR CASE IN ORDER TO REACH A TIMELY AND JUST DECISION.

10.1 Reading of the Allegation(s)

The respondent shall be given notice to make appointment within forty-eight (48) hours to appear in the office of a Student Affairs official. The respondent will be presented with materials to fully instruct them on the preservation of their rights. Respondent students who fail to appear in the Student Affairs official's office after proper notice will have their case processed in accordance with the procedures outlined below in their absence.

The packet shall include:

10.1.1 Web address or copy of the Honor Code, Student Code of Conduct, Alcohol Policy, Drug Policy, and/or other policy, rule, regulation, etc.

10.1.2 A statement of the allegation(s) and identification of the complainant.

10.1.3 A procedural flow chart.

10.1.4 A listing of staff/faculty honor advisors.

10.1.5 A form for response to the allegation(s).

10.1.6 A waiver form.

10.2 Following the reading of the allegation(s), the student has three (3) working days after receipt of the forms provided to advise the official of the following:

10.2.1 If his/her response is an admission of violating the Code of Conduct and/or other policy, whether the respondent desires a sanction imposed by a single administrator, disciplinary panel or by an Honor Board.

10.2.2 If his/her response is an admission of violating the Honor Code and/or other policy, whether the respondent desires a sanction imposed by a single administrator, disciplinary panel or by an Honor Board.

10.2.3 If his/her response is not an admission of violating a Code and/or other policy:

- (a) Who his/her counsel or advisor will be (See "Section 10.5...Response of Not in Violation").
- (b) Who his/her witnesses will be.
- (c) What documents or exhibits will be used.

10.3 At no time may any member of the Office of the Dean of Students advise or counsel the complainant or respondent. The parties should direct all questions about their matter to their honor advisors or other counsels. The parties, advisors or counsel may confer directly with Office of the Dean of Students for clarification of procedural questions.

10.4 The Disciplinary Panel/Honor Board/Conduct Official - Admission of a Violation

10.4.1 No evidence as to the issue of a violation or non-violation shall be considered.

10.4.2 The respondent shall be permitted to present evidence or testimony solely on the issue of mitigation. Such evidence may, by way of illustration, consist of character witnesses or medical testimony.

10.4.3 A "victim's impact statement" may be submitted by the complainant, orally or in writing, outlining the impact of the respondent's behavior on the complainant's personal life and/or educational goals.

10.4.4 Decisions of the conduct body or official shall be communicated to the Dean of Students or designee for review and action.

10.4.5 Should the respondent elect to appear before the conduct body or official, s/he may waive five (5) working days' notice and be heard as soon as possible. Should the respondent not waive the requirement, the conduct body or official will convene the proceeding no sooner than five (5) working days after the respondent admits to having violated a code and/or other policy and elects to proceed.

10.5 The Honor Board/Panel/Conduct Official - Response of Not In Violation

10.5.1 The respondent and the complainant shall be given written notification of the date, time, and place of the hearing scheduled before the conduct body or official.

Documentation of notification will be placed on file. The allegation(s) and/or name(s) of witness(es) may be different from those in the original notice as a result of additional information being made available to the Dean of Students Office through further investigation. Notice shall be given at least five (5) working days in advance of the hearing before the conduct body or official. Respondent students who fail to appear for the hearing after proper notice will have their case considered in their absence, based on evidence and testimony available.

10.5.2 The Dean of Students Office will provide a list of all witnesses to the allegation(s) to the presiding officer or official prior to the hearing. The Dean of Students Office may require the participation of witnesses when there is a reasonable basis to believe that a witness has knowledge pertinent to the issues. Mandatory participation orders will only be used when a witness has been asked to attend and states that s/he is unwilling to appear voluntarily.

10.5.3 The case file, containing statement(s) of the witness(es) and all other pertinent information, will be available for review in the Dean of Students Office prior to the hearing. All members of the conduct body or official shall read the case file prior to the hearing.

10.5.4 Both the respondent and the complainant may be accompanied at the hearing by an honor advisor, another non-attorney advisor, or an attorney. A respondent who wishes to be accompanied by an attorney must inform the Dean of Students Office in writing at least two (2) working days before the scheduled date of the hearing. If the respondent or complainant chooses to have an attorney present to advise him/her, the College's legal counsel may be present to advise the conduct body or official. When honor advisors or attorneys appear, their participation is advisory only; they shall not ask questions or participate in the hearing itself. No honor advisors or attorneys shall be present during deliberation.

10.5.5 Hearings will be closed to the public, unless the respondent or complainant requests that others attend. The granting or denying of this request shall be subject to a majority vote of the conduct body or the official presiding over the case.

10.5.6 If the respondent or the complainant has any special needs with regard to the hearing set-up, the request for accommodation must be relayed to the Dean of Students Office at least two (2) working days prior to the actual hearing. The Dean of Students Office may, after reviewing a request, ask the conduct body or official to accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, audio tape, written statement, or other means.

10.5.7 The Chair of the conduct body will be the presiding officer. In his/her absence, the Dean of Students Office will designate another member of the panel to serve in this capacity.

10.5.8 After reviewing his/her case file (available in the Dean of Students Office), which lists the members or official called to hear the case, the respondent and complainant may challenge the empanelling of a particular conduct body member or official on the basis of personal bias. The challenge must be made in writing to the Dean of Students Office at least two (2) working days prior to the actual hearing.

10.5.9 The presiding officer or official will begin the hearing by stating the allegation(s) and asking the respondent if he/she wishes to change his/her response to the allegation. If the response is an admission of a violation, the presiding officer or official will follow the procedures set forth in "Admission of a Violation." If the response is no violation, the presiding officer or official will proceed to call the investigator and/or witness(es) to the allegation(s) in an order which seems logical to him/her from the witness list and the witness statements and information in the case file.

10.5.10 Witness(es), complainant and the respondent shall testify under oath or affirmation administered by the presiding officer or official.

10.5.11 Prospective witnesses will testify one at a time and may be excluded from the hearing during the testimony of other witnesses. Witnesses to the allegation(s) shall testify first; then the respondent may call witnesses and/or testify him/herself. Both the respondent and the complainant shall have the right to be present during the testimony of all witnesses, to question all witnesses, and to argue his/her case. **EXCEPTION: IN CASES OF SEXUAL MISCONDUCT ALL QUESTIONING IS DONE BY THE PRESIDING OFFICER AND MEMBERS OF THE CONDUCT BODY OR CONDUCT OFFICIAL ONLY.**

10.5.12 The burden of proof is upon the complainant or the College as complainant, and proof of a violation of the code by the respondent must be by a preponderance of the evidence. (This standard is not as stringent as proof beyond a reasonable doubt, which is required for criminal convictions.) Formal rules of evidence shall not be applicable during the hearing. The presiding officer or official shall admit all matters into evidence, including hearsay, if relevant, which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

10.5.13 Affidavits may be admitted into evidence at the discretion of the presiding officer or official if there is good cause why the witness cannot appear in person. Conduct body members or the official may take notice of matters which would be within the general experience of college students at the College of Charleston.

10.5.14 If, at any time, the presiding officer or official finds it proper and necessary to recess the hearing or to continue it to a new time, she/he may do so.

10.5.15 A finding of "in violation" requires a majority vote of the conduct body. The

presiding officer of the conduct body votes only in the case of a tie.

10.5.16 After a finding of “in violation” has been rendered by the conduct body or official, the presiding officer or official can inform the complainant that an “impact statement” may be submitted by the complainant, orally or in writing, outlining the impact of the respondent’s behavior on the complainant’s personal life and/or educational goals.

10.5.17 Records of prior disciplinary action(s) shall not be relevant to the determination of a violation of the code, but shall be provided to the conduct body or official only after a determination of a violation for the deliberations as to sanctions. **EXCEPTION: IN CASES OF SEXUAL MISCONDUCT PRIOR DISCIPLINARY ACTION MAY BE INTRODUCED PRIOR TO THE DETERMINATION OF A VIOLATION OF THE POLICY.**

10.5.18 Decisions of the conduct body or official shall be communicated to the Dean of Students or designee for review and action.

10.6. Status of a Student/Group Pending Final Resolution of a Disciplinary Case

10.6.1 Until a final resolution is determined, the status of a student/group will not change unless interim restrictions have been imposed to protect the health and safety of the complainant/respondent/student group or the College community.

10.7 Violations Committed during Final exam periods, Maymester or Summer Sessions

10.7.1 These procedures shall be in effect during final exam periods, Maymester and summer sessions. Efforts will be made to consolidate several hearings at one time so as not to inordinately interfere with the exam and summer schedules of the conduct body members and the parties involved. Therefore, the period of time between the violation(s) and the hearing may be slightly longer than during the regular school year. Further, during these periods, the student may choose for an official in Student Affairs to hear a response of no violation or to determine a sanction for an admission to a violation in order to expedite their case.

11. SANCTIONS AND RECORD KEEPING

11.1 One or more of the following sanctions may be imposed for violations of the honor system or other regulations:

11.1.1 Disciplinary warning – a written letter sent to the student from an official in Student Affairs or faculty member, stating that the student has been found to have violated a particular item of a code, that such conduct is unacceptable and that further misconduct will result in more severe disciplinary action.

11.1.2 Restriction – certain student privileges may be suspended for a set period of time, providing that suspension of these privileges does not interfere with the

student's ability to complete his/her academic work at the College.

11.1.3 Fines—previously established and published fines may be imposed.

11.1.4 Restitution – compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

11.1.5 Disciplinary probation – a student on probation is not considered in good standing within the College, and his/her continued enrollment is conditioned upon good conduct for the probationary period. The period of time over which the probation extends shall be set forth in the letter to the student as well as the probability of more severe disciplinary sanctions if the student is found to violate any regulation during the probationary period. This sanction may limit student participation in other College activities or programs as determined by individual College units.

11.1.6 Residence Probation - this sanction informs students that the standards necessary for community living have been seriously violated and that future violations of College policy may result in residence suspension, suspension, or expulsion from the College.

11.1.7 Residence Suspension - this sanction requires the student to terminate occupancy of on-campus residence for a specified period of time, and is automatically accompanied by the assignment of a Persona Non Grata status from all residential environments of the College. Residence suspension status does not limit participation in non-residential programs. Conditions which must be met in order to be eligible to live on-campus at the end of the residence suspension period must be clearly outlined.

11.1.8 Residence Expulsion – permanent separation of the student from the residential system. This sanction is automatically accompanied by the assignment of a Persona Non Grata status from all residential environments of the College and full payment of the housing contract if the removal is due to a code or regulation infraction.

11.1.9 Deferred suspension or expulsion– a student on deferred suspension or expulsion is not considered in good standing within the College, and the suspension or expulsion is held in abeyance as long as all other sanction conditions are completed and the student has no other serious proven code violations. The period of time over which the deferred suspension or expulsion extends shall be set forth in the letter to the student. This sanction may limit student participation in other College activities or programs as determined by individual College units.

11.1.10 Transcript notation describing the reason for a particular grade, period of separation or dismissal.

11.1.11 Disciplinary suspension - denial of enrollment, attendance, access to campus property, and other privileges at the College for a given period of time; permission to reapply for admission at the end of the period may be granted with or without qualifications.

11.1.12 Disciplinary Expulsion – permanent dismissal from the College.

11.1.13 Other –

(a) apology

(b) disciplinary work hours may be assessed where the student will do work benefiting the College or community;

(c) withholding a transcript or degree otherwise earned until the completion of the process set forth in this Student Handbook, including the completion of all sanctions imposed, if any;

(d) rehabilitative educational experiences may be ordered with or without fees attached (restorative justice circle, drug or alcohol counseling, psychological assessment, defensive driving course, essays, class presentations, etc.);

(e) any other sanction deemed appropriate.

11.1.14 The following sanctions may be imposed upon groups or organizations –

(a) Those sanctions listed above, 11.1.8 Residence Expulsion and 11.1.13 Other.

(b) Loss of selected rights and privileges for a specified period of time.

(c) Deactivation. Loss of all privileges, including College recognition, for a specified period of time.

* More than one of the sanctions listed above may be imposed for any single violation.

11.2 Sanctions will be determined by a majority vote of the Honor Board or disciplinary panel except in the case of expulsion, which requires a unanimous vote of the Board or panel. All sanctions will be forwarded to the Dean of Students or designee for review and action.

11.3 An appropriate letter informing the student (and the Complainant in appropriate cases) of the sanctions imposed will be available to the student in the Office of the Dean of Students within two working days of the decision of the Honor Board/panel/official. It is the responsibility of the student to pick up this letter or read any electronic version delivered officially.

11.4 In cases of academic dishonesty, the instructor of the course will also receive a copy of the letter.

11.5 The sanction of disciplinary expulsion may become a matter of permanent record in the Office of the Registrar with approval of the Executive Vice President for Student Affairs and will accompany all official transcripts sent by the College.

11.6 The Office of the Dean of Students will place a hold flag on the record of a student suspended or expelled for disciplinary reasons and all pending cases. Such hold flag will prohibit the enrollment of the named student for the appropriate length of time or until such time the case is resolved. Holds will also be placed on the record of a student failing to complete assigned sanctions by their stated deadlines.

11.7 Files on pending cases and records of expulsions will be maintained indefinitely in the Office of the Dean of Students.

11.8 Records of all other disciplinary sanctions will be maintained for seven (7) years in the Office of the Dean of Students after all appeal rights have expired or have been exhausted, unless federal or state law requires that they be maintained for a longer period for auditing purposes only.

11.9 Disciplinary files and recordings of cases that resulted in “not in violation” findings will be destroyed after all appeal rights have expired or have been exhausted, except in cases of sexual misconduct.

11.10 Recordings of all conduct hearings shall be kept until all appeal rights have expired or have been exhausted, and then destroyed, except in cases of sexual misconduct.

11.11 No earlier than one year after the date of final sanctioning, a student may request that their disciplinary record be destroyed. This stipulation does not apply to the XXF sanction, pending cases or expulsions. This request must be made in writing and will be reviewed by the Executive Vice President for Student Affairs or their designee. The Executive Vice President will consider destruction of a disciplinary file after examining the incident, the sanctions, sanction completion, disciplinary history, evidence of personal development, demonstration of good cause shown, and any other criteria the Executive Vice President deems appropriate.

12. APPEALS

12.1 A decision reached or a sanction imposed by a conduct body or official may be appealed by the respondent and/or complainant to the Executive Vice President for Student Affairs within five (5) working days of the transmittal of the decision. Such appeals shall be in writing and shall cite the name of the case; the grounds for the appeal and the relief requested.

12.2 The Executive Vice President can elect to call an advisory Appellate Board. The

Appellate Board will consist of three to five persons, none of whom participated in the original hearing in any capacity. The Appellate Board serves in an advisory capacity to the Executive Vice President for Student Affairs and is not a decisional authority. Its recommendations are non-binding. The Executive Vice President may use an Appellate Board in any capacity she/he deems necessary to best benefit the honor system and the parties involved.

12.3 Appeals shall be filed to, Executive Vice President for Student Affairs, 66 George Street, Stern Student Center, College of Charleston, Charleston, SC 29424 or sent electronically, with a copy to the, Dean of Students, 66 George Street, Stern Student Center, College of Charleston, Charleston, SC 29424 or his/her email address. The Dean of Students will then notify and provide a copy of the appeal to the other party or parties to the proceeding. The non-appealing party or parties shall have three days from receipt of the appeal to state his/her position on the appeal with the Executive Vice President for Student Affairs with a copy to the Dean of Students.

Deviations from designated procedures will not be a basis for sustaining an appeal unless they affect the finding of a material fact or they could have otherwise affected the outcome. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents. The only grounds that will justify changing or overruling a previous decision by the official, panel or Honor Board are the following:

12.3.1 There was no reasonable basis in the record for the decision rendered or the sanction imposed;

12.3.2 There was a substantive mistake of procedure that likely influenced the outcome of the proceeding; or

12.3.3 New evidence, sufficient to alter a decision was not brought out in the original hearing, because such evidence was either unavailable or unknown at that time after diligent inquiry by the person appealing.

12.4 The Executive Vice President for Student Affairs will make every attempt to reach a determination within ten (10) working days from the date of the appeal. The Executive Vice President for Student Affairs, as deemed necessary, may elect to interview the parties. At this stage in the appeals process, the Executive Vice President for Student Affairs' response time may be modified if circumstances dictate. The decision of the Executive Vice President is final, and the Executive Vice President is not required to give any deference to previous determinations.

12.5 In cases involving appeals by student respondents of violating the Honor Code, Student Code of Conduct, and/or other policy, review of the sanction by the Executive Vice President for Student Affairs cannot result in more severe sanction(s) for the respondent student.

12.6 In cases involving appeals by persons other than student respondents of violating the Honor Code, Student Code of Conduct, and/or other policy the Executive Vice President for Student Affairs may, upon review of the case, reduce or increase the sanction(s) imposed by the Honor Board/panel/official.

12.7 *For drug-related, marijuana and alcohol violations: If the student admits to the violation or is found in violation through a conduct process the minimum sanction is NOT subject to appeal on the grounds of the sanction being excessive or inappropriate. All sanctions above the minimum sanctions as proposed in the Student Handbook may be reviewed for their appropriateness.

12.8 The final authority over all decisions made under the Honor System rests with the Executive Vice President for Student Affairs.

Departments/Offices Affected by the Policy

All College of Charleston Departments and Offices

Procedures Related to the Policy

Related Policies, Documents or Forms

Policy 12.4.1 Honor Code

Issue Date:6/29/2016
Date of Policy Revision:6/29/2016

Next Review Date:10/29/2020

POLICY APPROVAL

(For use by the Office of the Board of Trustees or the Office of the President)

Policy Number: 12.4.2

President or
Chairman, Board of Trustees



Date: 6/29/16