

COLLEGE of CHARLESTON

OFFICIAL POLICY

12.4.2

Student Code of Conduct

10/1/2020

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

THIS DOCUMENT IS NOT A CONTRACT AND MAY BE AMENDED AT ANY TIME IN THE DISCRETION OF THE COLLEGE OF CHARLESTON

Student Code of Conduct and Procedures for both Code of Conduct and Honor Code

College of Charleston Statement of Student Rights and Responsibilities

The purpose of the following statement of students' rights and responsibilities is to reflect the fundamental principles upon which our university functions are built.

Students are not only members of the academic community but are also members of the larger society. Students, therefore, retain the rights, guarantees and protections afforded to and the responsibilities held by all citizens. The university community acknowledges and celebrates the rights of students to 1) participate in a free exchange of ideas; 2) participate in all areas and activities of the university free from any form of discrimination on the basis of race, color, religion, national origin, religion, sex (including pregnancy), sexual orientation, gender identity or expression, veterans' status, genetic information, disability or other category protected by applicable law; 3) have personal privacy except as otherwise provided by law or reasonable campus policy; and 4) engage a fundamentally fair process should they be subject to conduct action arising from alleged violations of student codes and campus policies.

As members of the university community, students have a responsibility to know and follow the student codes and campus policies. A student is not immune to prosecution by local, state, or federal law enforcement agencies irrespective of whether the university initiates conduct proceedings in a given situation. As would be expected, behavioral standards for the College of Charleston and the University of Charleston, South Carolina students are higher than those of communities not engaged in the creation of knowledge, instruction and the maintenance of a vibrant learning environment. Each of us in this university community is expected to exercise our freedoms in a responsible and careful manner. This institution's potential is boundless if we engender and maintain an atmosphere of respect for the individual, a sensitivity towards different cultures and differing points of view, and a support for the rights of others to freely express their opinions.

Introduction

The purpose of this Handbook is to assist you in understanding your rights, freedoms, and responsibilities as a student. This Handbook is an official publication of the College. As a student, you will be held accountable for its contents. This means that while officially enrolled at the College you are responsible for abiding by its rules which are intended to facilitate and sustain, in an orderly fashion, the on-going business of the College.

At the core of the College of Charleston community are individuals from diverse backgrounds whose lives are intertwined in support of the uplifting of the human condition through comprehensive studies. As with all communities, there is a moral code of ethical behavior that binds participants together, and a body of official rules and regulations that defines personal freedoms and responsibilities. The latter is codified in the College of

Charleston Honor Code and Code of Conduct – our Honor System.

The codes and the conduct process for reporting and hearing violations are addressed in greater detail later in this publication.

Core Values at the College of Charleston

As members of the College of Charleston community, we affirm, embrace and hold ourselves accountable to the following core values:

Integrity: Adherence to the highest ethical standards in all our professional obligations and personal responsibilities

Academic Excellence: Commitment to a dynamic intellectual community, high academic standards, strong academic programs, and a high-quality faculty of engaged and engaging teacher-scholars

Liberal Arts Education: Dedication to a liberal arts and sciences education that encourages intellectual curiosity and fosters each student's ability to think creatively and analyze, synthesize, apply and communicate knowledge from many sources

Respect for the Individual Student: Devotion to the intellectual, ethical and social development of each student

Diversity: Commitment to a globally-oriented and diverse academic community

Community: Commitment to compassion, mutual trust, respect, civility, collegial shared governance, teamwork and the general welfare of the institution and the individual

Public Mission: Commitment to our social responsibilities and to serving the educational needs of the state of South Carolina and our community

College of Charleston students are responsible for knowing the information, policies and procedures outlined in this document. The University/College reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online [<http://policy.cofc.edu/>] for the updated versions of all policies and procedures.

Statement of Authority

The Honor System of the College of Charleston is intended to promote and preserve 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 Student Honor Code and the

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

The Board of Trustees and the President of the College of Charleston have delegated authority for student discipline to the Executive Vice President for Student Affairs. Student conduct authority may be delegated to College officials and committees as set forth in these Codes, in accordance with other College policies, codes, rules, or regulations, and as deemed appropriate by the Executive Vice President for Student Affairs. The Dean of Students is the person designated by the President and the Executive Vice President for Student Affairs to be responsible for the administration of the Codes and other related student policies. The Dean of Students shall develop policies for the administration of the Honor System and procedural rules for the conduct of Honor System hearings that are not inconsistent with the provisions of the Honor System or other College policies. The final authority over all decisions made under the Honor System rests with the Executive Vice President for Student Affairs.

I. General Information

A. Scope and Jurisdiction of the Student Honor Code and Code of Conduct

1. The Student Honor Code and Code of Conduct are applicable to any student enrolled in or accepted for an academic course or program, regardless of credits carried, including but not limited to degree programs, pre-college, non-degree seeking, non-credit bearing programs. These Codes and this Procedure also apply to the Bridge, SPECTRA, and I-Charleston Programs and their participants. Each student shall be responsible for personal conduct from the time of admission through the actual awarding of a degree even though that conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. In addition, if a student is admitted and the College receives information that he or she has engaged in conduct that may impact the safety and/or health of any members of our campus community, including faculty, staff and/or students, then these Codes and this Procedure shall apply.
2. The Student Honor Code and Code of Conduct also apply to College of Charleston student organizations and groups. Separate procedures and sanctions for student organizations and groups are outlined in Section IV of the Code of Conduct.
3. Generally, the regulations contained in the Student Honor Code and Code of Conduct apply to student conduct which occurs at the College of Charleston, on the grounds of all other College campuses and properties wherever located, at all Bridge, SPECTRA and I-Charleston locations, or at any event sponsored by any of these institutions or by any campus organization or group, wherever the event is located or held. The College reserves the right to take action based on any student conduct, regardless of location, that

may adversely affect the educational mission of the College or that may adversely, distinctly or directly affect the College community and/or its international programs. As an urban campus situated in the heart of Charleston, clearly, good relations with the City of Charleston and our Charleston neighbors as well as all others that we interact with are essential to the overall mission of the College. Accordingly, Student Affairs shall have discretion to exercise jurisdiction over conduct which occurs off-campus, wherever it may occur.

4. 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. 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 webpages of Residence Life and the Residence Hall Contract. 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 Office of the Dean of Students. This includes, but is not limited to all drug-related violations, multiple alcohol violations, forgery, weapons, arson, sexual misconduct, physical assault and serious vandalism.

5. The College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll (and/or obtain official transcripts and/or graduate) and all sanctions must be satisfied prior to re-enrollment eligibility after a hold is lifted.

6. College of Charleston email is the College's primary means of communication with students. Students are responsible for all communication delivered to their College email address and are deemed to have notice of the contents of all communications sent by e-mail.

7. Letters of no contact, cease and desist letters, facilitated discussions, mediation agreements, restorative justice actions, 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 conduct charge or sanction. However, formal conduct proceedings could be initiated if any conditions outlined within the correspondence are violated.

8. When considering consequences for student misconduct, the College focuses on primarily on educating students about their behavior, but may impose sanctions up to and

including suspension and expulsion in order to preserve a safe and healthy environment for the College community.

B. Violations of Municipal, State, or Federal Law

Students may be accountable to both outside authorities and to the College for acts which constitute violations of federal, state or local law(s) and of the Honor System and other campus regulations. Conduct 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, diverted into an intervention program, 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 criminal or civil charges or violations arising out of the same facts giving rise to violation of College rules were dismissed, diverted, reduced or resolved in favor of or against the student.

C. Status of a Student/Group Pending Final Resolution of a Conduct Case

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

D. Notice to Parents, Families, or Third Parties

1. Students are adults, capable of making their own decisions, as well as accepting the consequences for those decisions. Except in limited circumstances, it is the student who notifies the parent(s) or self-selected third parties about a pending case. If a student decides to include a concerned third party and completes the necessary forms, then the Dean of Students office will be responsive to the inquiry, but the student must ultimately reply to the meeting and/ or informal hearing request and forthrightly participate in the process. Conversations are between the College and its students, but students can have an advisor, who can be of their own choosing, including a parent or attorney, should they so desire.

2. If a student is found responsible for an alcohol or drug violation, the parents and/ or legal guardians of the student under 21 will be notified. The College may waive parental notification in exceptional circumstances, if a student makes a bona fide showing that such notification will create significant hardship, including but not limited to, potential violence or financial abandonment.

3. The College reserves the right to notify parents, emergency contacts and/ or legal guardians without a student's prior consent in health or safety emergencies, unless the College is notified in advance, in writing, of a legitimate safety risk to the student from such notification.

4. Visitors to and guests of the College may seek resolution of violations of the Student

Code of Conduct committed against them by members of the College community.

E. Withdrawals/Completion of Semester with Pending Conduct Action

Should a referred student be academically dismissed or withdraw from the College of Charleston or the University of Charleston, South Carolina before pending conduct charges have been resolved, the Office of the Dean of Students may proceed with the informal or formal hearing according to the procedures below. A conduct hold on the student's records, including future registration and a hold on the granting of a degree may be imposed until the case is resolved.

A student who has a conduct charge brought against them at the end of an academic semester term may have a conduct hold placed on their records, including the posting of grades and the granting of a degree until the conduct charge has been resolved and/or sanctions completed.

Furthermore, a student who has a conduct charge brought against them after the end of an academic semester or term, but prior to graduation, may have a conduct hold placed on their records, including the posting of grades and the granting of a degree until the conduct charge has been resolved and/or sanctions completed.

A student's withdrawal or dismissal from the College will not affect the student's right to participate in the conduct action and be heard in the same manner as if the student remained enrolled at the College.

II. Behavioral Standards

These College behavioral standards are set forth in writing to give students general notice and examples of prohibited conduct. The descriptions should be read and interpreted very broadly and are not designed to define expectations or categories of misconduct in limiting or restrictive terms. The provisions of the Code are not to be regarded as a contract between the student and the College. The College also reserves the right to amend any provision herein at any time. The College will publish such amendments on the College Policy website and <http://studentaffairs.cofc.edu/honor-system/studenthandbook/>. Such amendments will become effective with the first date of publication.

When the outcome of a conduct action is suspension from the College, a restriction will be placed prohibiting the student from performing any registration transactions during the period of suspension. The restriction will not be removed, and the student will not be allowed to perform registration transactions, until the stated period of suspension has expired and all disciplinary obligations are met. The student may be banned from campus property during a suspension.

Any behavior which may have been influenced by a student's mental state or voluntary use of drugs or alcohol beverages, shall not in any way limit the responsibility of the student for the consequences of their actions.

A. Academic Excellence and Integrity

Students are expected to be honest in all their interactions with the administration, faculty, staff, students, visitors, neighbors and friends of the College. The values above insist on adherence to the highest ethical standards in all our professional obligations and personal responsibilities. Academic excellence and integrity are intricately linked and both underlie our commitment to a liberal arts education, dynamic intellectual community, high academic standards, and strong academic programs.

Please see the Honor Code for the behavioral standards related to academic integrity: <http://studentaffairs.cofc.edu/honor-system/studenthandbook/9-the-honor-code.php>. The following are examples of behaviors that violate this section of the Student Code of Conduct. (Violations of either the Honor Code or the Student Code of Conduct will subject a student to action under Student Conduct Procedures):

1. Acts of dishonesty, including but not limited to:

Intentional misrepresentation by word or action of any situation of fact, or intentional omission of material fact(s), so as to mislead any College official, faculty member, staff member or volunteer.

Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments.

2. Representing the College or any student organization or group without the explicit prior consent of the appropriate officials of that organization or group.
3. Tampering with, forging or otherwise falsifying any College records, documents, computer files, storage units, terminals or programs which contain electronic records, or student conduct records. This includes tampering with the election of any College-recognized student organization. (Knowingly omitting material facts or knowingly submitting false information for inclusion into these records is interpreted as tampering with the official record system.)
4. Unauthorized accessing of the records of any individual, whether such access is obtained through paper records, computer files or systems, where such information is protected by the College regulations concerning privacy and confidentiality.
5. Refusal to identify one's self to any properly identified (by name and position) member of the College staff, acting in performance of their duties, when appropriately requested to do so. The preferred form of identification shall be a current, valid College of Charleston Identification Card.
6. Altering, improperly possessing, or lending an Identification College Card to another person for any reason not expressly authorized by the College. A College Identification Card falling into any of these categories may be confiscated by any

student, staff or faculty member in the course of their charged work responsibilities.

7. Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any felony crime to the Office of the Dean of Students within seventy-two (72) hours of release.
8. No student shall sell or attempt to sell/benefit financially from any class materials provided by any instructor or guest lecturer in any course of study offered at the College of Charleston, without the permission of the instructor of record.
9. Impersonation of another person, including a member of the college community.

B. Respect for the Individual Student and Diversity

Choosing the College community obligates each member to observe a code of civilized behavior. Students are expected to uphold a high standard of civility, strive to learn from differences in people, ideas and opinions, and to be responsible along with all members of the College community for ensuring a safe and healthy campus. Students are expected to demonstrate their respect for all members of our richly diverse community and refrain from and discourage behaviors which threaten the freedom and respect every individual deserves. The College has special concern for incidents in which individuals or groups are subject to physical assault, harassment, threats, or intimidation because of membership or perceived membership in a particular racial, ethnic, religious, gender, gender identity, gender expression, or sexual orientation group, color, national origin, disability or veteran status. Such incidents damage not only individuals, but also the free and open academic environment of the College.

Students are encouraged to read our companion campus-wide Prohibition on Discrimination and Harassment, Including Sexual Harassment Policy and the Student Sexual Misconduct Policy: <http://policy.cofc.edu/documents/9.1.10.pdf> and <http://studentaffairs.cofc.edu/honor-system/studenthandbook/2018-2019-student-sexual-misconduct-policy.pdf>. The following are examples of behaviors that violate this section of the Student Code of Conduct:

1. Discrimination and harassment based on status – Conduct directed at an individual or group because of their status. A student shall not engage in conduct directed at an individual or group, on the basis of race, gender, gender identity, gender expression, sexual orientation, color, religion, disability, age, ethnicity, genetic background, service in a uniformed service, or national origin, and has the purpose or effect of unreasonably interfering with an individual's or group's work or academic performance or other education benefit or creating an intimidating or hostile working, learning or living environment.
2. Campus and Individual Safety

- a. Physical Assault/Abuse: Physical Assault includes physical attack upon or physical interference with a person, including contact causing physical restraint.
- b. Sexual Misconduct: See applicable policies and procedures regulations found within the Student Sexual Misconduct Policy and the Prohibition on Discrimination, Including Sexual Harassment Policy: <http://policy.cofc.edu/documents/9.1.10.pdf>
- c. <http://studentaffairs.cofc.edu/honor-system/studenthandbook/2018-2019-student-sexual-misconduct-policy.pdf>.
- d. Intimidation (other than intimidation based on a protected classification): Intimidation includes expressed or implied threat(s) or act(s) that cause reasonable apprehension that prevents the person from conducting their customary or usual affairs, or substantially interferes with their educational experience.
- e. Harassment: Repeated use of written, verbal, or electronic expression or physical act or gesture, or any combination thereof, directed at a person that places that person in reasonable fear for their physical safety or prevents the person from conducting their customary or usual affairs, or substantially interferes with their educational experience.
- f. Threats: Threats include any statement, communication, conduct, or gesture, including those in written form, directed toward any member of the College community that causes a reasonable apprehension of physical harm to a person or property. A student can be held responsible for threatening behavior even if the person(s) who is(are) the object of the threat does not observe or receive it, so long as a reasonable person would interpret the maker's statement, communication, conduct, or gesture as a serious expression of intent to physically harm.
- g. Coercion of any type, including the use of explicit or implied force, threats, pressure or intimidation to make someone engage in actions against their will.
- h. Disruption or obstruction of teaching, studying, research, administration, conduct proceedings, living/learning environment or other college activities, including its public service functions on or off campus or other authorized non-college activities.
- i. Failure to Comply: A failure to act in accordance with the directions of College officials acting in performance of their duties.
- j. Bullying: Severe aggressive behavior likely to intimidate or intentionally hurt or diminish another person mentally or physically (that is not speech or conduct otherwise protected by the First Amendment).
- k. Stalking: The repetitive and menacing pursuit, following, harassing, and/or interfering with the peace and/or safety of another.

- l. Rioting or participating in a violent demonstration or action which disrupts the normal operations of the College and/or infringes upon the rights of others. This includes leading or inciting others to riot or disrupt the scheduled and/or normal activities anywhere on campus.
- m. Obstructing or blocking the free flow of vehicular or pedestrian traffic on college premises or at College sponsored or supervised events.
- n. Engaging in disorderly, lewd, or indecent conduct, in breach of the peace on College premises, surrounding areas, or at College sponsored events; or aiding abetting, inciting, and/or procuring another person to breach the peace on College property, surrounding areas, or at College sponsored events.

C. Community and Public Mission

Choosing the College community obligates each member to build and enhance their community and care for its property and the property of others. Our value of community means a commitment to compassion, mutual trust, respect, civility, collegial shared governance, teamwork and the general welfare of the institution, and the individual.

The following are examples, but not an exhaustive list, of behavior that violates this section of the Student Code of Conduct:

1. Attempted or actual theft, unauthorized possession, use, removal of, defacing, or tampering with property, or damage to or destruction of such property.

2. Unauthorized presence in or use of College premises, facilities, or property.

3. Possession or Use of Dangerous Items: Unauthorized or illegal possession of or the unlawful use of fireworks, dangerous chemicals (**excluding** the lawful carrying of and defensive use of lachrymatory agents/ pepper spray), firearms, electroshock weapons, or other hazardous or dangerous weapons, including, but not limited to, facsimiles of weapons that might be construed by a reasonable person to be capable of or are capable of discharging projectiles of any kind.

Unauthorized possession or use of ballistic knives, butterfly knives, throwing knives, sliding blade knives, switchblade knives, stiletto knives, sheath knives, or any knife with more than one cutting edge per blade. All offensive uses of bladed weapons including, but not limited to, brandishing, assault, and battery, are strictly prohibited.

4. Wheeled Devices: The use of skateboards, roller blades, roller skates, bicycles, hover boards, and similar wheeled devices in unauthorized areas or in a manner that threatens physical safety. The use of such devices is not permitted inside College buildings, including residence halls. Hover boards are not permitted inside any College buildings. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to College property caused by these activities.

5. Reckless Behavior: Endangering the safety of persons (self or others) or property, or any action that might lead to loss of life or serious physical harm to others. Reckless behavior includes, but not is limited to, throwing or dropping objects from buildings unauthorized access to rooftops and/ or other restricted areas of building or garages, fights which involve other than willing participants, tampering with or damaging elevator equipment or other machinery, covering, tampering, damaging or removing a fire extinguisher or any part of a smoke or fire alarm, or violating Fire and Emergency Safety procedures such as:

- a. Attempting to set, the setting of, or the adding to unauthorized fires on property owned, occupied, or leased by the College.
- b. Failure to Evacuate: Failure to leave any College building after a fire alarm has sounded, or other notice has been given.

6. Alleged or actual violation of federal, state, or local laws on College premises, at College-sponsored or College-supervised activities, or elsewhere, including off-campus locations, if such conduct adversely affects the College community and its mission.

7. Drugs and Alcohol

a. Distribution or Sale of Alcohol: The manufacture, distribution, dispensing or sale of, or the attempted manufacture, distribution, dispensing of alcohol which is unlawful or otherwise prohibited by or not in compliance with any College policy or campus regulations or being unable to exercise care for one's own safety because one is under the influence of alcohol. See Alcohol standards for further information: <http://studentaffairs.cofc.edu/honor-system/studenthandbook/2018-2019-alcohol-policies.pdf>

b. Unlawful Possession or Use of Alcohol: The possession or use of alcohol which is unlawful or otherwise prohibited by or not in compliance with any College policy or campus regulations. See Alcohol standards for further information: <http://studentaffairs.cofc.edu/honor-system/studenthandbook/2018-2019-alcohol-policies.pdf>

c. Distribution or Sale of Controlled Substances: Unlawful manufacturing, distribution, dispensing, regulation, or sale of or the attempted manufacturing, distribution, dispensing or sale of controlled substances identified in Federal or State law. See Drug standards for further information: <http://studentaffairs.cofc.edu/honor-system/studenthandbook/2018-2019-drug-policies.pdf>

d. Unlawful Possession or Use of Controlled Substances: The possession or use of controlled substances which is unlawful or otherwise prohibited by or being unable to exercise care for one's own safety because one is under the influence of controlled substances. See Drug standards for further information. :

<http://studentaffairs.cofc.edu/honor-system/studenthandbook/2018-2019-drug-policies.pdf>

e. Possession of Drug Paraphernalia as identified in Federal, State or Local law or regulation; this includes objects used or primarily intended for use or designed for use in ingesting, inhaling, injecting, or otherwise introducing marijuana, cocaine, hashish, hashish oil, or other controlled substances into the human body, including but not limited to pipes, water pipes, bongs, vaporizers, drug spoons, grinders, rolling papers, vials and/or other drug paraphernalia. Determination of whether an item is drug paraphernalia will be made by considering all relevant facts, including but not limited to, the proximity of the item to controlled substances.

f. Drunkenness

g. Driving under the influence of alcohol and/or drugs.

D. Other Violations, Including Violations of Other Campus Policies, Rules or Regulations

Choosing the College community obligates each member to adhere to all our campus policies, codes, rules and regulations. The following are examples of behaviors that violate this section of the Student Code of Conduct:

1. Violation of College policies, codes, rules, and/or regulations of any type, whether published in hard copy or available electronically on the College of Charleston website.

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

a. 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.

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

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

d. Institution of a conduct proceeding knowingly without cause.

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

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

g. Harassment (verbal or physical, and/or on social media) and/or intimidation of a

conduct official, member of a hearing body prior, or other parties to, during, and/or after a conduct proceeding.

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

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

3. 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, intimidation, threats, harassment and other adverse action against any such complainant, witness, third party or investigator.

4. Gambling as prohibited by the laws of the State of South Carolina.

5. Unauthorized use (including misuse) of College organizational names and images.

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

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

b. Unauthorized transfer of a file.

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

d. Use of computing facilities and resources to send obscene, threatening, intimidating or harassing pictures, videos, files, or messages of any type.

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

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

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

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

8. Hazing, including any violation of our campus Hazing policy, which includes, but is not limited to, any act(s) which endangers the mental or physical health or safety of a student, which subjects a student to harassment, ridicule, intimidation, physical exhaustion, sleep deprivation, financial requirements other than normal dues or fees for the organization, abuse of any type, or mental distress; or which destroys, takes, or removes private or

public property, associated in any way to the initiation, admission into, affiliation with, or membership in a group or organization. The express or implied consent of the victim will not be defense. Apathy, acquiescence or silence in the presence of or regarding knowledge of hazing is not a neutral act and will be considered a violation of this rule. Find the companion Hazing Policy here: <http://studentaffairs.cofc.edu/honor-system/studenthandbook/2018-2019-hazing-policy.pdf>

9. Unauthorized possession, duplication or use of keys, access codes or entry cards to any College premises, building or restricted area; trespassing, or unauthorized entry to or use of any College premises, building, or restricted area.

III. Procedures – Applies to Student Honor Code and Code of Conduct

The College's Honor Code and Code of Conduct and related procedures are inherently educational in nature and process and as such, do not ascribe to the rules of evidence or standard of proof found in criminal or civil proceedings, as they are educational in nature. The burden of proof shall at all times rest upon the complainant. The standards of proof for deciding a matter shall be by a preponderance of the evidence.

There is a three year time limit on reporting violations of the Honor Code or Student Code of Conduct. The longer someone waits to report an offense, the harder it becomes for College officials to obtain information and witness statements and to make determinations regarding alleged violations. Therefore, prompt and timely reporting is encouraged.

Though anonymous complaints are permitted, unless otherwise forbidden by State and/or federal law, doing so may limit the College's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of the Dean of Students and/or to Campus Police (Public Safety, etc.).

Student Status during Conduct Process: The status of a student or student organization/group in most instances will not be altered and conduct sanctions are not initiated until completion of an initial review or an appeal, if any. Failure to respond to a written notice indicating a required appointment with a designated College conduct official and failure to complete conduct sanctions by an established deadline are violations of the Student Code of Conduct and may trigger additional sanctions or restrictions. In situations where the continued presence of the student on the campus poses a threat to others or to the stability and continuance of normal college functions, the Dean of Students or designee, pending interim hearing, may suspend the respondent student for an interim period pending final outcome of conduct proceedings or medical evaluation (See section H. Interim Action on Page 18).

A. Overview of the Conduct Process

This overview gives a general idea of how the College of Charleston's campus conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of any College rules.

NOTICE: Once notice is received from any source (complainant, victim, RA, 3rd party, online, etc.), the College of Charleston will proceed with a preliminary investigation and/or may schedule an initial educational meeting/conference with the responding student to explain the conduct process to the responding student and gather information.

STEP 1: Preliminary Inquiry and/or Informal Hearing

The College conducts a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to:

1. A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Honor Code or Student Code of Conduct, (e.g., for reasons such as mistaken identity or allegations of behavior that falls outside the code);
2. A more comprehensive investigation, when it is clear more information must be gathered;
3. A formal complaint of a violation and/or an educational conference with the responding student.

When an initial educational meeting/conference is held, the possible outcomes include:

1. A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter may be closed and records will so indicate, with the option for the College to conditionally close, pending the receipt of additional evidence or information.;
2. A decision on the allegation, also known as an "informal" or "administrative" resolution to an uncontested allegation (see immediately below);
3. A decision to proceed with additional investigation and/or referral for a "formal" resolution.

If a decision on the allegation is made and the finding is that the responding student is not responsible for violating a Code, the process will end. If the College's finding is that the responding student is in violation, and the responding student accepts this finding within **three** days, the College considers this an "uncontested allegation." The administrator conducting the initial educational conference will then determine the sanction(s) for the misconduct, which the responding student may accept or reject. If accepted, the process ends.

If student accepts the findings, but rejects the sanction, the College will conduct a sanction-only hearing, conducted by a hearing body which recommends a sanction to the Office of the Dean of Students. The sanction is then reviewed and finalized by the Office of the Dean of Students and is subject to appeal (see *Appeal Procedures* below) by any party to the misconduct. Once the appeal is decided, the process ends.

Student shall be allowed an advisor of his or her choice and an opportunity to be heard, present questions, and present evidence at all hearings.

If interim measures are imposed, which result in a student being barred from classes, and the student rejects the interim barring, an interim hearing may be requested and held for that issue only, which is subject to appeal (see *Appeal Procedures* below) by the student being barred. Once that appeal is concluded, the interim appeal outcome shall stand pending the conclusion of the conduct proceedings.

If the administrator conducting the informal hearing determines that it is more likely than not that the responding student is in violation, and the responding student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to Step 2.

STEP 2: Formal Hearing

In a contested allegation, additional investigation may then be commenced and/or a hearing may be held when there is reasonable cause to believe that a rule or rules have been violated. A formal notice of the complaint will be issued, and a hearing will be held before hearing body or administrator. Student will be allowed an advisor of their own choice and an opportunity to be heard, present questions, and present evidence. A finding will be determined. If the finding is that the responding student is not responsible, the process ends. Applicable appeals options are described below.

STEP 3: Review and Finalize Sanction(s)

If the student is found in violation(s), sanctions will be recommended by the hearing body or administrator to the Office of the Dean of Students, who will review and finalize the sanctions, subject to the College appeals process by any party to the complaint.

B. Student Conduct Authority

1. Authority

The Executive Vice President for Student Affairs is vested with the authority over student conduct by the President. The Executive Vice President for Student Affairs assigns to the Dean of Students to oversee and manage the student conduct process. The Dean of Students (or designee) may appoint administrative hearing official or hearing body members as deemed necessary to efficiently and effectively supervise the student conduct process. The Office of the Dean of Students and officials within Residence Life or other impacted offices will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit. The Executive Vice President for Student Affairs has final authority over all matters related to the student conduct process.

2. Gatekeeping

No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy, code of conduct or honor code provision, or regulation has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a complainant's statement. A complaint wholly unsupported by any credible information may, at the discretion of the Dean of Students with advice and counsel, not be forwarded for a hearing.

3. Conflict Resolution Options

The Office of the Dean of Students has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution in lieu of formal proceedings. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution or failure to comply with agreed upon alternative counseling or other measures, can be forwarded for formal processing and hearing however, at no time will complaints of physical violence be mediated as the sole institutional response. The Office of the Dean of Students may also suggest that complaints that do not involve a violation of the Student Code of Conduct or Honor Code be referred for mediation or other appropriate conflict resolution.

4. Composition of the Hearing Body

The Office of the Dean of Students will be responsible for assembling the Hearing Body, called an Honor Board, according to the following guidelines:

- a. The membership of the body is selected from a pool of at least 20 students, 8 faculty, and 8 staff/administrative members appointed and trained annually by the Office of the Dean of Students in conjunction with the leadership of the pool.
- b. For each complaint, a body will be chosen from the available pool, and is usually comprised of three students, one faculty member and one staff member or administrator. Availability may determine a different composition for the body. The voting chair of the hearing body assures that College procedures are followed throughout the hearing.

5. Administrative Hearing Officers or Conduct Officers

Administrative Hearing Officers (AHO) are chosen from a pool of annually trained administrators or staff members selected by the Office of the Dean of Students.

6. Honor Board Pool

To serve in the Honor Board pool, students must:

- a. Be in academic good standing with a cumulative GPA of at least 2.5 (unless an incoming first-year or incoming transfer student).
- b. Be in good standing with the conduct process. Good standing is defined as having no record of misconduct during the academic year(s) in which a student wishes to serve in the hearing pool.
- c. Be selected to serve in the pool by the leadership of the Honor Board.

The Dean of Students (or designee) will have final authority to approve all those serving on the hearing body. The non-voting advisor to the hearing body is a professional within the Office of the Dean of Students with responsibility for training the hearing body, conducting preliminary investigations, and ensuring a fair process for the party bringing the complaint and the responding student. In the event of a resignation from the hearing body, the Office of the Dean of Students in conjunction with the Chairperson of the Honor Board will solicit a replacement from the group from which the representative came.

7. Interpretation and Revision

The Office of the Dean of Students will develop procedural rules for the administration of hearings that are consistent with provisions of the Student Code of Conduct and Honor Code. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by posting online and/or in the form of written communication. The Office of the Dean of Students may vary procedures with notice given, upon determining that elements of the specific incident or parties or changes to law or regulation require policy or procedural alterations not reflected here. . The Office of the Dean of Students may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the Student Code of Conduct will be referred to the Dean of Students. The Student Code of Conduct will be updated periodically as needed and when needed under the direction of the Office of the Dean of Students.

Students are responsible for being aware of changes as they are disseminated to the College community, after notice and changes have been published.

C. Formal Conduct Procedures

College as Convener: The College is the convener of every action under this code. Within that action, there are several roles. The responding student is the person who is alleged to have violated the Code. The party bringing the complaint, who may be the College, a student, employee, visitor, or guest, may choose to be present and participate in the process as fully as the responding student. There may be witnesses, who may offer information regarding the allegation.

D. Conditional Amnesty

1. For Victims

The College may provide amnesty to victims, subject to conditions and limitations as set forth within the Amnesty Policy, (<http://studentaffairs.cofc.edu/honor-system/studenthandbook/2018-2019-good-samaritan-policy.pdf>) who may be hesitant to report to College officials because they fear that they themselves may be accused of minor policy or code violations, such as underage drinking or drug use, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.

2. For Those Who Offer Assistance

To encourage students to offer help and assistance to others, College pursues a policy of amnesty, subject to and in accordance with the College Amnesty Policy, for minor violations when students offer help to others in need. At the discretion of the Office of the Dean of Students, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.

3. For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the College may be offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.

Abuse of amnesty requests can result in a decision by the Office of the Dean of Students not to extend amnesty to the same person repeatedly.

4. Safe Harbor

The College has a Safe Harbor practice for students. The College believes that students who have a substance abuse and/or addiction problem deserve help. If any College student brings their own use, addiction, or dependency to the attention of College officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor practice by the student. Failure to follow the action plan may result in

campus conduct processes being initiated.

E. Reporting of Alleged Violations

Any member of the College community, visitor or guest may report an alleged policy, Code, or regulation violation(s) by any student under this Code or College policy [by the following process and/or via the following <https://cm.maxient.com/reportingform.php?CollegeofCharleston>]: Report an Incident or Violation.

Reporting may also be directed to the Office of the Dean of Students. Additionally, administrators may act on notice of an alleged violation whether a formal allegation is made or not. All allegations can be submitted by a campus member or a third party, and should be submitted as soon as possible after the offending event occurs. The College has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

The Office of the Dean of Students will assume responsibility for the investigation of the alleged violation as described in the sub-section below. If the matter is a potential violation of our student sexual misconduct policy or our prohibition of discrimination policy, then the Office of Equal Opportunity Programs will be contacted immediately. Please see: <http://studentaffairs.cofc.edu/honor-system/studenthandbook/2018-2019-student-sexual-misconduct-policy.pdf>

F. Investigation

The Office of the Dean of Students will appoint an official to investigate the allegations under these Codes. The investigation will take the following steps, if not already completed by the official:

1. Initiate any necessary remedial actions on behalf of the complainant. Determine the identity and contact information of the party bringing the complaint, whether that person is the initiator of the complaint, the alleged victim, or a College proxy or representative;
2. Conduct an immediate preliminary investigation to identify an initial list of all policies or codes that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint;
 - a. If the complainant is reluctant to pursue the complaint, determine whether the complaint should still be pursued and whether sufficient independent evidence could support the complaint without the participation of the complainant;
 - b. Notify the complainant of whether the College intends to pursue the complaint regardless of their involvement, and inform the complainant of their rights in the process and option to become involved if they so choose;
 - c. Preliminary investigation takes approximately between one to seven business

days to complete but may be longer in the sole discretion of the Dean of Students;

3. If indicated by the preliminary investigation, the Office of the Dean of Students will conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding student violated College policy, codes, or regulations, and to determine what specific policy, code, or regulation violations should serve as the basis for the complaint;
 - a. If there is insufficient evidence through the investigation to support sufficient cause, the allegations may be closed with no further action, with the option to reopen upon receipt of further information or evidence.;
 - b. A comprehensive investigation usually takes approximately between one day and two weeks, subject to extension for good cause. All time frames expressed are meant to be general guidelines rather than rigid requirements. Extenuating circumstances may arise that require an extended time frame. Good cause to extend the timeframe may include pending workload requirements, other assigned cases, the complexity, nature and scope of the allegations, the number of witnesses involved, the availability of the parties, hearing board members, or officer, or witnesses, the effect of a concurrent criminal investigation or proceeding, any intervening school break or vacation, or other unforeseen circumstances.
4. Meet with the party bringing the complaint to finalize the party bringing the complaint statement, which may be drawn up by the official or designee as a result of this meeting or submitted by the party;
5. Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding student, who may be given notice of the interview prior to or at the time of the interview;
 - a. Prepare the notice of alleged policy , code, or regulation violation(s) based on the reasonable cause determination, which may be delivered prior to, during or after the responding student is interviewed, at the discretion of the Student Affairs Officials;
6. Interview all relevant witnesses, summarize the information they are able to share and have each witness sign the summary to verify its accuracy or collect signed witness statements;
7. Obtain all documentary evidence and information that is available;
8. Obtain all physical evidence that is available;
9. Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
10. Periodically update the complainant on the status of the investigation.

G. Notice of Alleged Policy Violation

Once a determination is made that reasonable cause exists for the Office of the Dean of Students to refer a complaint for a hearing, notice will be given to the responding student. Notice will be in writing and will be emailed to the student's College-issued email account. Once emailed, such notice will be presumptively delivered. The letter of notice will:

1. Include the alleged violation and notification of where to locate the Student Honor Code or *Code of Conduct* and College procedures for resolution of the complaint; and
2. Direct the responding student to contact the Office of the Dean of Students within a specified period of time to respond to the complaint. This time period will generally be no less than three working days from the date of delivery of the notice letter.
3. A meeting with an official in the Office of the Dean of Students may be arranged to explain the nature of the complaint and the conduct process. Students may be accompanied by an advisor of their choosing. At this meeting, the responding student may indicate, either verbally or in writing, to the official, whether they:
 - a. admit to all the alleged policy violations,
 - b. admit to some violations and contest others,
 - c. or contest all the alleged policy violations

H. Interim Action

Whenever there is evidence that the continued presence of the student or student organization on the campus poses a threat to others or to the stability and continuance of normal college functions, the Dean of Students or his/her designee may suspend and/or remove from campus housing or install other interim actions or requirements affecting the respondent student for an interim period pending conduct proceedings or medical evaluation, such interim suspension to become immediately effective without prior notice. The College also reserves the right to exercise its authority of interim action/suspension upon notification that a student is facing criminal investigation and/or complaint. During the interim suspension, a student may 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. At the discretion of the Dean of Students or designee, and with the approval of, and in collaboration with, the appropriate instructor(s) conditioned upon and subject to the review of the appropriate academic supervisory authority, alternative coursework options may be pursued to ensure as minimal an impact as possible on the student.

A student suspended on an interim basis will be given an opportunity to an Interim Hearing regarding barring from classes and campus, and may appear personally either before the Dean of Students, or other appropriate official, appointed by Student Affairs, within five working days from the effective date of the interim suspension for an Interim

Hearing only on the following issues:

1. The reliability of the information concerning the student's conduct.
2. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the campus poses a threat to others or to the stability and continuance of normal college functions.

The student may be accompanied by an advisor of their own choosing and shall have notice, the opportunity to be heard, present questions, and present evidence as to the two issues addressed. The Interim Hearing outcome may be appealed to the EVP of Student Affairs. Regardless of the outcome of this hearing, the College may still proceed with the campus conduct process.

A decision reached by the Dean of Students or designee about an interim action may be appealed by the respondent to the Executive Vice President for Student Affairs within two 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. The conditions of the interim action shall be imposed while any appeal is under review. The appeal decision of the EVP for Student Affairs shall be final.

I. Hearing Options and Preparations

The following sub-sections generally describe the College's conduct hearing processes, subject to adjustment on case – by - case basis. No student may be found to have violated the Student Honor Code or Code of Conduct solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information related to the complaint will be presented to, and considered by, the hearing body or administrator presiding over the hearing.

Where the responding student admits to violating the Student Honor Code or Code of Conduct or College policies, the Dean of Students (or designee) may invoke administrative hearing procedures to determine and administer appropriate sanctions without a formal hearing. This process is also known as an *administrative hearing*. In an administrative hearing, complaints will be heard and determinations will be made by an official.

Where the responding student denies violating the Student Honor Code or Code of Conduct or College policies, a formal hearing will be conducted. This process is known as an Honor Board hearing. At the discretion of the Office of the Dean of Students, a request to participate in the hearing by one or more of the parties to the complaint for an administrative hearing may be considered. Students who deny a violation for which a hearing will be held will be given a minimum of five working days to prepare unless all parties wish to proceed more quickly. Preparation for a formal hearing is generally summarized in the following guidelines:

1. Notice of the time, date and location of the hearing will be in writing and emailed to the

student's College-issued email account. Once emailed, such notice will be presumptively delivered.

2. If there is an alleged victim of the conduct in question, the alleged victim may serve as the party bringing the complaint or may elect to have the College administration serve as the party bringing the complaint forward (only if it has been determined there is sufficient evidence to proceed without the direct participation of the victim). Where there is no alleged victim, the College administration will serve as the party bringing the complaint forward.
3. If a responding student fails to respond to notice from the Office of the Dean of Students, the Office of the Dean of Students may initiate a complaint against the student for failure to comply with the directives of a College official and give notice of this offense. Unless the student responds to this notice within two working days by answering the original notice, an administrative hearing may be scheduled and held on the student's behalf. As a result of the administrative hearing, the student may be administratively withdrawn from attending classes or a conduct hold may be placed on their College account, deeming them ineligible to register for courses or College housing until such time as the student responds to the initial complaint.
4. At least five working days before any scheduled formal hearing, the following will generally occur:
 - a. The responding student will deliver to the Office of the Dean of Students a written response to the complaint;
 - b. The responding student will deliver to the Office of the Dean of Students a written list of all witnesses for the College to call at the hearing;
 - c. The responding student will deliver to the Office of the Dean of Students a list of all physical evidence the student intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Office of the Dean of Students can arrange for its presence;
 - d. The party bringing the complaint will deliver to the Officer of the Dean of Students a written list of all witnesses for the complainant to call at the hearing;
 - e. The party bringing the complaint will deliver to the Office of the Dean of Students a list of all items of physical evidence needed at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Office of the Dean of Students can arrange for its presence;
 - f. The party bringing the complaint and the responding student will notify the Office of the Dean of Students of the names of any advisors/attorneys who may be accompanying the parties at the hearing.
5. The Office of the Dean of Students will ensure that the hearing information and any other available written documentation are shared with the parties at least two working days before any scheduled hearing. In addition, the parties will be given a list of the names of all the

hearing body members in advance. Should any party object to any hearing body member, that party must raise all objections, in writing, to the Office of the Dean of Students immediately. Hearing body members will only be unseated if the Office of the Dean of Students concludes that their bias precludes an impartial hearing of the complaint. Additionally, any member who feels they cannot make an objective determination must recuse themselves from the proceedings.

J. Hearing Procedures

The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student's responsibility to notify the Office of the Dean of Students no less than two days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum two-day notice, or if the responding student fails to appear, the hearing will proceed as scheduled. If the party bringing the complaint fails to appear, the complaint may be dropped unless the College chooses to pursue the allegation on its own behalf because it has sufficient evidence, as determined by the Dean of Students (or designee).

The Chair of the hearing will conduct the hearings according to the following guidelines:

1. Hearings will be closed to the public, unless the respondent or complainant requests that others attend provided that they are not witnesses. 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.
2. In hearings involving more than one responding student, the general procedure will be to hear the complaints jointly; however, the Dean of Students (or designee) may permit the hearing pertinent to each responding student to be conducted separately, either by her own decision or upon the written request of any individual student who desires an individual hearing,. In joint hearings, separate determinations of responsibility will be made for each responding student.
3. The parties have the right to an advisor of their own choosing, including attorneys. Parties may select whomever they wish to serve as their advisor. The advisor may not make a presentation, present legal or oral arguments, or represent the party bringing the complaint or responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair during recess or in writing so as no disruptive to the hearing and suggest questions to their advisee.
4. If the respondent or complainant has any special needs regarding the hearing set-up, the request for accommodation must be relayed to the Dean of Students Office at least two 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 or video conference, written

statement, or other means.

5. The party bringing the complaint, the responding student, and the decisional authority will have the opportunity to question all present witnesses and to question all present parties (directly or through the decisional authority, at the discretion of the decisional authority). Unduly repetitive witnesses can be limited at the discretion of the hearing body Chair. Witnesses will normally be admitted to the hearing only to answer questions, and will leave after questioning. The party bringing the complaint, the responding student, and witnesses may elect to participate by video or audio conference, but may not be compelled to do so.
6. Pertinent records, exhibits, and signed written statements may be accepted as information for consideration by the decisional authority. Formal rules of evidence are not observed and hearsay information is permissible. The decisional authority may limit the number of witnesses presented or may accept written statements instead.
7. 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, they may do so, in their sole discretion.
8. A finding of "in violation" requires a majority vote of the decisional authority if a board, or a single vote if there is no board and is a one-person decisional authority.
9. All procedural questions are subject to the final decision of the decisional authority.
10. After a hearing, the decisional authority will deliberate and determine, by majority vote, that the responding student has violated a code, policy or regulation of the College. An official from the Office of the Dean of Students will be available as a resource during all deliberations. Once a finding is determined, if the finding is that of a violation(s), the decisional authority will determine an appropriate sanction(s). The Office of the Dean of Students is responsible for informing the decisional authority of applicable precedent and any previous conduct violations or other relevant information about the responding student. The decisional authority will prepare a written rationale and deliver it to the Office of the Dean of Students, detailing the recommended finding and the information cited in support of its recommendation. This report should conclude with any recommended sanctions. If expulsion is the recommended sanction, it must be by a unanimous vote. This report should be submitted to the Office of the Dean of Students within two working days of the end of deliberations, but such time may be extended, for good cause shown, in the discretion of the Division of Student Affairs.
11. The Office of the Dean of Students will consider the recommendations of the decisional authority, may make appropriate modifications to the letter and will then render a decision and inform the responding student and party bringing the complaint (if applicable by law or College policy) of the final determination, generally within two business days of the determination by the Decisional Authority, but such time may be extended, for good cause shown, in the discretion of the Division of Student Affairs. Notification will be made in writing and will be delivered by email to the student's College-issued email account. Once emailed, such notice will be presumptively delivered. In cases

of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties the same day, meaning without substantial delay between the notifications to each.

12. There will be a single verbatim record, such as an audio recording, for all formal hearings. Deliberations will not be recorded. The record will be the property of the College and maintained according to the College's record retention policy, thereafter to be purged from the system. The respondent and complainant have the opportunity to review the recording in the Office of the Dean of Students in the event of an appeal.

13. If a finding of "in violation" has been rendered by the decisional authority, the decisional authority 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.

L. Status of a Student Pending Final Resolution of a Conduct Case

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

M. Violations Committed during Final Exam Periods, Maymester, or Summer Sessions

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. 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.

N. Notification of Outcomes

The outcome of a campus hearing is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or non-forcible sex offense, the College will inform the alleged victim/party bringing the complaint in writing of the final results of a hearing regardless of whether the College concludes that a violation was committed. Such release of information may only include the alleged student's/responding student's name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, only, the rationale for the outcome will also be shared with all parties to the complaint in addition to the finding and sanction(s).

In cases where the College determines through the student conduct process that a student violated a policy, code or regulation that would constitute a “crime of violence” or non-forcible sex offense, the College may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:

1. Arson
2. Assault offenses (includes stalking)
3. Burglary
4. Criminal Homicide—manslaughter by negligence
5. Criminal Homicide—murder and non-negligent manslaughter
6. Destruction/damage/vandalism of property
7. Kidnapping/abduction
8. Robbery
9. Forcible sex offences
10. Non-forcible sex offences

O. Conduct Sanctions

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

1. Conduct 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.
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.
3. Fines -- previously established and published fines may be imposed.
4. Restitution – compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
5. Conduct 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 conduct 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.
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.

7. Residence Reassignment – Reassignment to another College housing facility.

8. 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 barred status from all residential environments of the College and full payment of the housing contract if the removal is due to a policy, code or regulation infraction. 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.

9. Residence Expulsion – permanent separation of the student from the residential system. This sanction is automatically accompanied by the assignment of a barred 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.

10. Deferred suspension -- a student on deferred suspension is not considered in good standing within the College, and the suspension 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 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. Deferred expulsion -- a student on deferred expulsion (permanent dismissal) is not considered in good standing within the College, and the 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 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.

12. Transcript notation – Some form of notation describing the reason for a particular status indicator, grade, period of separation or dismissal. (See the Honor Code for a description of the XX + grade outcome.)

13. Conduct suspension -- denial of enrollment, attendance, barring of access to campus property, and suspension of 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. This sanction may be enforced with a campus ban action as necessary.

14. Conduct Expulsion – permanent dismissal from the College. This sanction may be enforced with a campus ban action as necessary.

15. Other Sanctions – Additional or alternative sanctions maybe created and designed as deemed appropriate to the offense with the approval of the Office of the Dean of Students, including but not limited to:

- a. written or verbal apology
- b. disciplinary or restorative service 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 required, 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.

P. Appeals

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 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.

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 Conduct/ Honor system and the parties involved.

Appeals shall be filed to the Executive Vice President for Student Affairs in one of two ways:

- 1) By Certified Mail addressed to the EVP for Student Affairs with a copy to the Dean of Students 66 George Street, Stern Student Center, College of Charleston, Charleston, SC 29424 or;
- 2) By email with proof of sending to the EVP for Student Affairs' email address with a copy to the Dean of Students at 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 their position on the appeal with the Executive Vice President for Student Affairs with a copy to the Dean of Students.

If the appeal is not timely or substantively eligible, the original finding and sanction(s) will stand and the decision is final. 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 or Honor Board are the following:

1. There was no reasonable basis in the record for the decision rendered or the sanction imposed;
2. There was a substantive mistake of procedure that likely influenced the outcome of the proceeding; or
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.

The Executive Vice President for Student Affairs will make every attempt to reach a determination within ten 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.

In cases involving appeals by student respondents of violating the Student Honor Code, 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.

In cases involving appeals by persons other than student respondents of violating the Student Honor Code, 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 or official.

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.

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

Q. Conduct Records

All conduct records are maintained by the College for seven (7) years from the time of their creation except those that result in expulsion or are pending cases, which are

maintained indefinitely.

No earlier than one year after the date of sanction completion, a student may request that their conduct record be destroyed. This stipulation does not apply to the XX+grade 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 conduct file after examining the incident, the sanctions, sanction completion, conduct history, evidence of personal development, demonstration of good cause shown, and any other criteria the Executive Vice President deems appropriate.

IV. Conduct and Student Organizations

Student organizations enrich the campus and community by providing a source of intellectual, personal and social development of students through their programs and activities. The College fulfills an important mission by providing procedures and policies for the registration and support of student organizations.

As a guiding principle, groups will be held responsible for the acts of their members when those acts grow out of or are in any way related to group life. Isolated violations of individuals should not be chargeable to the group, but evidence of group conduct exists when one or more of the questions below are answered in the affirmative:

- Would a reasonable person understand the behavior to fall within the scope of the organization's activity?
- Was the behavior committed by one or more members and sanctioned by the organization and/or its officers?
- Was the behavior committed by one or more members during the course of an activity financed by the organization and/or on property owned by the organization?
- Was the behavior committed by one or more members and supported by its members?
- Did the officers have prior knowledge the incident would take place?
- Did the members lie about the incident?
- Was there a pattern of member(s) violations of College policies or codes found to have existed without proper and appropriate organization control, remedy, or sanction?

Amnesty Stipulations

a. Individuals who have experienced hazing and who truthfully report will likely not be individually charged with a violation of this regulation.

b. Individuals who have knowledge of hazing activities, but who did not participate, and truthfully report the organization, team, or group, will likely not be individually charged in relation to that particular incident.

c. Any organization, team, or group that seeks assistance in hazing education/prevention and positive new member activities in efforts to prevent hazing from occurring within, even if past behaviors have included hazing, will likely not be charged with a past violation of this regulation.

d. Any organization, team or group that self-reports a hazing behavior to an appropriate College Official or the Department of Public Safety will likely be given the opportunity to change those behaviors without immediate threat of being charged with a violation of this regulation. An organization or group that self-reports shall identify those individuals responsible for the hazing behaviors. If evidence is presented in subsequent semesters that hazing behaviors have continued within the organization, that organization may be held responsible for past behaviors.

Cases involving student organizations are not considered confidential under the Family Educational Rights and Privacy Act (FERPA); therefore, the College does not protect the confidentiality of the conduct records regarding the conduct of student organizations.

A. Student Organization Discipline Procedures

When the College of Charleston receives information regarding alleged violations of the Student Code of Conduct, Honor Code, or other policy violation, one of two processes may be employed: The Partnership Process or the Honor Board Process. Each process is outlined below, and, each begins with the same first two steps. Steps 3 and onward are unique to either the Partnership Process or Honor Board Process. A general timeline for each process is included, although the Division of Student Affairs may extend the time in exceptional circumstances or for good cause shown.

The opportunity to participate in the Partnership Process may be revoked based on egregiousness of offense/allegation.

If organization is subject to additional process, that process may begin only after the Office of the Dean of Students has concluded its process.

Barring exigent circumstances (e.g., conclusion of semester, academic breaks, prolonged investigations, etc.), the Office of the Dean of Students will make earnest attempts to maintain the integrity of the specified timelines for each step of a process. Should the Office of the Dean of Students anticipate a potential derivation from specified timelines, the organization will be notified.

1. Incident report is received by the Office of the Dean of Students, Fraternity and Sorority Life (FSL), Public Safety, informant, self-report, or other source.
2. Notification letter of allegation(s) and invitation to meet with an official from the Office of the Dean of Students and/or other selected officials, functional area staff member,

and functional area student representative is sent within three business days of receipt of information. In cases involving dangerous misconduct and/or death/injury, the Office of the Dean of Students may issue a cease and desist of all organizational activities; local/regional/national advisor(s) receive same notification. Notification letter may outline the potential violation(s) of CofC policy and/or the CofC Student Code of Conduct.

B. Partnership Process

1. Organization officers and advisor on file meet in the Office of the Dean of Students with selected officials, functional area student representative and a functional area staff member within three business days of receipt of notification letter. Group discusses internal investigation process/strategy.

Written report of internal findings due to the selected officials and functional area staff member within five business days of meeting. The written report should be detailed and specific, including names of individuals to be held accountable. A sample report will be provided to the organization as a suggestion on how to format the final submission.

If the organization does not accept responsibility, obstructs the process, provides false/inaccurate information, omits information, or misses a deadline or meeting, the process automatically moves to Step 3 of the Honor Board Process.

2. Organization officers and advisor meet in the Office of the Dean of Students with the selected officials, functional area staff member, and functional area student representative to discuss information discovered through internal investigation and recorded in the written report. Organization accepts responsibility and prepares an initial draft of Organizational Enhancement Plan (OEP) where appropriate. Organization may be subject to additional sanctions by the selected officials and/or functional area staff member.

If information points to an individual or group of individuals and is not adequate to support organizational charges, the organization is found *Not Responsible* and the Office of the Dean of Students proceeds with individual charges. Names of individual students must be provided to proceed.

Case materials (e.g., incident report, meeting notes, internal investigative report, etc.) are kept on file in the Office of the Dean of Students for record keeping purposes, in accordance with the college's normal records retention policies. Student organizations do not retain the same FERPA protections as individual students. Therefore, case materials may be disclosed if a Freedom of Information Act (FOIA) request is submitted. All information identifying individual students would be redacted if such a request is received and before release of case materials.

3. Organizational Enhancement Plan further developed by organization officers with assistance from advisor, selected officials, functional area representative and functional area student representative. Organization officers must confirm acceptance of plan by all members within five business days. Signed final draft of OEP is sent to the selected

officials and functional area staff member for final review. Final outcome may include an organizational status which is mutually agreed upon in the OEP.

If the organization does not accept responsibility and/or the accountability outcome, process moves to Step 3 of the Honor Board Process

4. Within five business days, the Office of the Dean of Students formalizes institutional accountability outcome (sanctions) with organizational leadership and advisor in a signed final OEP.

5. If the organization misses any deadlines or violates the OEP, or is charged with any further violations (including failure to comply), the organization will participate in the Honor Board process and may incur additional charges.

C. Honor Board Process

1. The Office of the Dean of Students assembles investigation team to conduct member interviews. The timeline for the investigation will be determined by the interviewers and shared with the organization. Additionally, a Cease and Desist Order may be issued based on the egregiousness of the allegation or possible continued threat to the health and safety of others.

- a. Organization may waive this step after reviewing materials offered by the Office of the Dean of Students
- b. Waiver must be submitted in writing via email to the Office of the Dean of Students

2. Investigation provides information (“*reasonable cause*”) that supports charges being brought against the organization (Proceed to Step 3).

OR Investigation provides information that does not support charge(s) being brought against the organization. Honor Board Process ends.

3. The Office of the Dean of Students meets with organization to deliver letter/packet to organization of alleged violation(s); offer for a Pre-hearing meeting will be made, but is not required.

4. Organization returns response form within three business days. Honor Board Chair schedules hearing and sends hearing notice. If organization does request a pre-hearing meeting, Honor Board chair schedules the meeting to be held at least three business days prior to the hearing to review the hearing process, script, confirm case materials, and any witnesses. This meeting does not serve to replace the actual hearing and no resolution will be provided during this meeting.

5. Organization appears before Honor Board to determine responsibility and/or sanctions

6. Resolution through Honor Board Process

- a. Organization found In Violation by Honor Board (proceed to Step 7).
- b. Organization found Not in Violation of all charges. The Honor Board process ends.

7. The Office of the Dean of Students will consider the recommendations of the decisional authority, may make appropriate modifications to the letter and will then render a decision and inform the student organization (and party bringing the complaint if applicable by law or College policy) of the final determination, generally within two business days of the hearing, subject to extension, in the discretion of the Division of Student Affairs, for good cause shown. Notification will be made in writing and will be delivered by email to the student organization leadership's College-issued email account(s). Once emailed, such notice will be presumptively delivered. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.

8. A student organization has the right to appeal to the Executive Vice President for Student Affairs within five days of receipt of outcome letter (See Appeal section of the Student Handbook).

D. Sanctions

The following conduct sanctions may be imposed upon student organizations when they have been found in violation of the Student Code. All sanctions may be imposed individually or in combination. Conduct sanctions are imposed for the purpose of holding student organizations accountable for their actions and the actions of their guest(s), whether on campus or at any organizational event. Failure to satisfactorily complete a conduct sanction may result in more severe sanctions. More than one sanction may be imposed for any single violation.

1. Reprimand: An official statement to the student organization explaining that it has violated a College policy, Code, or regulation. Any further misconduct could result in additional disciplinary action.
2. Restitution: When an organization has damaged or destroyed College or personally owned property the organization may be required to make restitution, or receive additional educational sanctions.
3. Restriction of Privileges: Restrictions placed upon a student organization which limits College privileges for a specified period of time. These limitations may include, but are not limited to, the following:
 - a. Denial to represent the College in any capacity.
 - b. Denial to maintain an office or other assigned space on College property.

- c. Denial to receive or retain College funds.
- d. Denial to participate in intramural sports.
- e. Denial to sponsor, co-sponsor and/or participate in any social event or other activity.
- f. Denial to sponsor any speaker or guest on campus.
- g. Denial of rush or membership recruitment activities.
- h. Denial of having alcohol at organizational events.
- i. Denial of the use of College vehicles.
- j. Denial of the use of College facilities.
- k. Denial of advertising on campus for organizational activities.
- l. Denial of soliciting and/or selling any items on campus.

4. Conduct Probation: A specified period of review, observation and/or restrictions during which a student organization is under official warning that its misconduct was very serious. Subsequent violations of College rules, regulations, codes or policies could result in more severe sanctions, including suspension or dismissal of recognition. During the probationary period, a student organization is deemed "not in good standing" with the College and may be subject to specific limitations upon its behavior or College privileges.

5. Suspension of Organizational Recognition: The denial of privileges of a recognized organization for a designated period of time, which will be no less than one semester. Any organization whose recognition is suspended must:

- a. Cease all organizational activities.
- b. Vacate any appointed or elected office with that organization's governing body for the duration of the organization's period of suspension.
- c. Surrender balances of all organizational funds granted by Student Government.
- d. Vacate office or housing space assigned by the College from the date of the notice of suspension. Space vacated due to suspension may be reassigned to other eligible College organizations. In the case of housing, individual members will be reassigned provided space is available. There will be no individual College Housing contract cancellations.

6. Dismissal of Organizational Recognition: Permanently excludes the organization from the College without any recourse to reapply for recognition. Any organization whose

recognition is permanently revoked must:

- a. Cease all organizational activities.
- b. Vacate any appointed or elected office.
- c. Surrender balances of all organizational funds granted by Student Government.
- d. Vacate office or housing space assigned by the College from the date of the notice of dismissal. Space vacated due to dismissal may be reassigned to other eligible College organizations. In the case of housing, individual members will be reassigned provided space is available. There will be no individual College Housing contract cancellations.

7. Interim Suspension of Organizational Recognition: An interim suspension may be imposed, by the Dean of Students or the Executive Vice President for Student Affairs or their designee prior to the beginning of the administrative process. The interim suspension may be imposed in cases where:

- a. The alleged action of the student organization may pose a threat to the well-being of the College or any of its members, or to preserve College property;
- b. The student organization poses a threat of disruption or interference with the normal operations of the College.

During any interim suspension, the organization shall be required to discontinue with all organizational activities. The organization will be denied access to all College activities and privileges for which the organization might be eligible. In certain circumstances, organizational leadership may be restricted from communication with the organizational membership or students may be required to vacate organizational housing units.

Prior to imposing an interim suspension, every effort will be made to give the student organization an opportunity to respond to the charge(s). Following the imposition of an interim suspension, the opportunity for an administrative hearing as described above will be provided as expeditiously as possible, generally five business days after the interim suspension unless the student organization waives the time deadline or there are extenuating circumstances or other good cause shown.

A decision reached by the Dean of Students or designee about an interim suspension by be appealed by the student organization to the Executive Vice President for Student Affairs within two working days of the transmittal of the decision. Such appeals shall be writing and shall cite the name of the case; the grounds for the appeal and the relief requested. The conditions of the interim action shall be imposed while any appeal is under review.

A student or organization that fails to complete or comply with any sanctions may be

subject to additional measures from the Office of the Dean of Students.

Appendix A

Definitions

The term “College” means College of Charleston.

The term “student” is defined as any person who is admitted, enrolled or registered for study at College of Charleston for any academic period, irrespective of whether they are on campus or not. Persons who are not officially enrolled for a particular term, but who have a continuing student relationship with the College are considered students. A person shall be considered a student during any period, which follows the end of either the spring or fall semester, which the student has completed, including Maymester or summer, until the last day for registration for the following semester. A person shall be considered a student during any period while the student is under suspension from the institution or when the person is attending or participating in any activity preparatory to the beginning of school including, but not limited to, the Bridge Program, Spectra, or I-Charleston. A student may also include an individual in either a credit, non-credit, degree seeking or non- degree seeking classification.

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).

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

The term “Policy” means any published policy of the College or any of its divisions.

The term “regulation” means any published regulation or rule of the college or any of its divisions.

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

The term “member of the College community” includes any person who is a student, College official, trustee, faculty, staff, or volunteer, 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.

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

The term “organization” means any registered student organization, whose registration has been accepted and officially recognized by the College.

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

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

The term “business 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.

The term “day” means a calendar day.

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

The term “Respondent” means a student or organization against whom a complaint has been filed under these codes.

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

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.

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.

The term “organization” means a number of persons who are associated with each other and has registered with the College as a student organization.

The term “group” means a number of persons who are associated with the College and each other, but who have not registered, or are not required to register, as a student organization (e.g. athletic teams, musical or theatrical ensembles, academic or administrative units, clubs). possession of or owned, rented, used, or controlled by the College.

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administrative units, clubs).

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
Policy 12.4.3 Student Life Alcohol Policy
Policy 12.4.4 Good Samaritan Policy
Policy 12.4.5 Student Life Drug Policy
Policy 12.4.6 Student Sexual Misconduct Policy
Policy 12.4.7 Parental Notification Policy
Policy 12.4.8 Off-Campus Jurisdiction

Issue Date:6/29/16 Date of Policy Review:10/1/2020	Next Review Date:10/03/2025
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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: 10/1/2020