

**2022-  
2023**



# **Student Code of Conduct**

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## **I. Introduction**

The University of South Carolina Beaufort strives to protect this educational community and to maintain social discipline among its students and student organizations. Consistent with its purposes, reasonable efforts will be made to foster the personal and social development of those students who are held accountable for violations of university social regulations.

The purpose of this document is to set forth the specific authority and responsibility of the University in maintaining social discipline, the educational process of determining student and student organization accountability for violating the regulations, and the proper procedural safeguards to be followed in this process. This is done in an effort to ensure fundamental fairness and protect the students and student organizations from unfair imposition of serious penalties and sanctions.

The Student Code of Conduct is the essential component for guaranteeing due process for students at USCB. This policy outlines specific prohibited conduct that can result in the disciplinary process being initiated with a student, group of students, or student organization. In addition, this policy describes procedures for addressing violations of the Student Code of Conduct, including violations by student organizations.

### **Authority and Responsibility**

The Board of Trustees is the governing body of the University and the powers of the President, Chancellor and the faculty are delegated by the Board in accordance with its policies. The student discipline system is administered by the Division of Student Development. Student Government as an elected and representative voice of the student body has the right to comment on any proposed changes and updates pertaining to the Student Code of Conduct.

The Vice Chancellor for Student Development, in turn, designates the Office of Housing and Student Conduct with administrative authority and responsibility for student conduct policies and procedures. This responsibility includes: (a) formulating and implementing conduct-related policies and procedures in cooperation with other appropriate university bodies, and (b) the imposition of sanctions in an efficient, consistent, fair, legal, and educationally meaningful manner. The Office of Housing and Student Conduct may further delegate its adjudicatory responsibility to various student conduct bodies and administrative staff.

The following statements constitute the official record of all general conduct rules and regulations at the University of South Carolina Beaufort. Individual students, groups of students, and student organizations are expected to abide by these regulations and administrators are expected to enforce them. These regulations should be read broadly and are not designed to define prohibited conduct in exhaustive terms. Additional rules and regulations may be promulgated during the year; announcements will be made upon adoption of the changes or additions.

## **II. Student Rights and Responsibilities**

### **Rights**

Students enjoy the same freedoms of speech and peaceable assembly as all citizens, but they are under certain legal obligations in the exercise of these freedoms by virtue of their membership in the university community. Expression may be subjected to reasonable regulations of time, place, number of persons, and form under established regulations. Expression in the form of action that materially interferes with the normal activities of the institution or invades the rights of others is prohibited. The university is pledged to protect lawful exercise of the rights of free speech and assembly and will invoke appropriate legal and disciplinary sanctions when necessary in the pursuit of this goal. Students, no less than other citizens, are entitled to be secure in their personal lodgings, papers, and effects against unreasonable searches and seizures. Searches and seizures by law enforcement personnel incident to investigations or arrests are conducted only under proper warrant. This does not prohibit normal inspections of university housing or other facilities for maintenance, health, or safety purposes.

### **Responsibilities**

The University of South Carolina Beaufort, as an institution of higher education, accepts its obligation to provide for its students, faculty, and staff an atmosphere that protects and promotes its educational mission and guarantees its effective operation. To accomplish these goals, the university requires certain standards of conduct. All students, faculty and staff at the university share the responsibility to respect

- the fundamental rights of others as citizens;
- the rights of others based upon the nature of the educational process;
- the rights of the institution; and
- the rights of everyone to fair and equitable procedures for determining when and upon whom sanctions for violations of university standards should be imposed.

The responsibility for good conduct rests with students as individuals, for both themselves and their guests. Student organizations have similar responsibility for maintaining good conduct among their members and guests and at activities they sponsor. All members of the university community are expected to use reasonable judgment in their daily campus life and to show due concern for the welfare and rights of others.

## **III. Jurisdiction**

### **Enrollment Status**

For the purpose of this policy a "student" is defined as any person who is admitted, enrolled, or registered for study at the University of South Carolina Beaufort for any academic period, and those who attend post-secondary educational institutions other than the University of South Carolina Beaufort and who reside in a USCB residence facility. Persons who are not officially enrolled for a particular term but who have a continuing student relationship with, or an educational interest in, the University of South Carolina Beaufort are considered "students". A person shall also 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, orientation, placement testing, and housing check-in. Individuals who are not currently enrolled at the university remain subject to the disciplinary process for conduct that occurred while they were enrolled.

### **Student Organizations**

Although not all acts of individual group members can or should be attributable to the group, any group or collection of its members acting in concert should be held responsible for its actions. In determining whether a group may be held collectively responsible for the individual actions of its members, all of the factors and circumstances surrounding the specific incident will be reviewed and evaluated. 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 where:

- Members of the group act in concert to violate university standards of conduct.
- A violation arises out of a group-sponsored, financed, or endorsed event.
- A group leader(s) has knowledge of the incident before it occurs and fails to take corrective action.
- The incident occurs on the premises owned or operated by the group.
- A pattern of individual violations is found to have existed without proper and appropriate group control, remedy, or sanction.
- Members of a group act in concert or the organization provides the impetus for violation of university rules and regulations.

Student organizations remain subject to discipline for prohibited conduct that occurs while suspended from the university.

### **Location of Incidents**

Students should be aware that educational institutions are not sanctuaries beyond the reach of the criminal laws of the communities and states wherein such institutions exist. While the rules and regulations of the University of South Carolina Beaufort are not meant to duplicate general laws, there are some aspects in which the lawful interests of the institution as an academic community coincide with the broader public interests treated in general laws. Students, groups of students, or student organizations, who commit offenses against the laws of municipalities, states, or the United States, are subject to prosecution by those authorities and may be subject to disciplinary action under university rules when their conduct violates institutional standards. The university's disciplinary process may be initiated prior to, simultaneously with, or following criminal/civil proceedings off campus and any disciplinary sanctions reached under the university's process will not be re-evaluated based on the results of a criminal/civil legal proceeding. Students or student organization conduct proceedings and actions are not subject to challenge or postponement on the grounds that criminal or civil charges involving the same/similar incident have been dismissed, reduced, or are pending in criminal/civil court.

The university may take disciplinary action for a violation of the Student Code of Conduct when the offense takes place on university premises or at university sponsored, endorsed, supported or related events which occur off campus, or when an offense which occurs off campus may adversely affect any interest of the university.

### **Alleged Violations of Criminal Law**

Students who are arrested by any law enforcement agency are required to inform the Office of Housing and Student Conduct of such matters within 72 hours of the arrest. Students arrested may be subject to university disciplinary action when their conduct violates university standards. Failure to report this information to the Office of Housing and Student Conduct will result in a "Failure to Comply" charge and may result in further disciplinary action.

## **IV. Definitions**

**Advisor:** An advisor is one person of a student's choosing and at the student's financial expense who may accompany a student throughout the conduct process. They may consult with the student but not speak on the student's behalf or participate actively in the process.

**Appeal:** An appeal is a written request for review of a hearing and findings, based on specific grounds.

**Appellate Officer:** An appellate officer is an employee of the University of South Carolina Beaufort, external to the Housing and Student Conduct staff, designated by the Vice Chancellor of Student Development to review and respond to appeals.

**Charge(s):** A potential violation of the Student Code of Conduct

**Complainant:** Any individual who has reported a potential violation of the Student Code of Conduct.

**Conduct/Hearing Officer:** A conduct or hearing officer is an individual designated by the Director of Housing and Student Conduct to adjudicate cases involving allegations of conduct violations.

**Conduct Referral/Complaint:** A report or complaint that alleges violations of the Student Code of Conduct by a student(s) or student organization(s).

**Day:** A university business day is one in which both the university is open and classes are in session. This excludes university holidays, Saturday and Sunday, Reading Day and final exam periods.

**Decision/Finding:** The final disposition as to whether the preponderance of the evidence meets the standard of "Responsible" or "Not Responsible" for an alleged violation of the Student Code of Conduct.

**Formal Hearing:** A meeting between a conduct/hearing officer and a student to discuss the alleged code violation and adjudicate potential violations of the Student Code of Conduct.

**Informal Hearing:** A meeting between a conduct/hearing officer and a student to

discuss the alleged code violation, explain university process, and potentially adjudicate violations of the Student Code of Conduct.

**Notice:** Written notice of the alleged violations of the Code. Notice will be presumed to have been furnished when the notice is sent to the student's USCB email address.

**Preponderance of the Evidence:** The standard of proof utilized in all hearings and appeals to resolve Student Code of Conduct charges. This determination is made based on the information available to determine if it is more likely than not that a violation occurred.

**Respondent:** Any student or student organization alleged to have violated the Student Code of Conduct.

**University Official:** An employee of the university including faculty members and staff members. Student employees may be considered university officials when acting in the performance of their duties.

**University Property/University Facilities:** University property or university facilities are any location, either permanent or temporary, owned or leased by USCB, and includes satellite campuses and offices. This includes, but is not limited to, the buildings, grounds, and the surrounding perimeters, including the parking lots, field locations, classrooms, alternate work or class locations, and university owned or leased vehicles.

**Witness:** A person who was present during the incident and observed what occurred; or in limited circumstances, a person to whom a respondent or complainant interacted with regarding the incident. Character witnesses are not generally considered relevant.

## **V. Prohibited Conduct**

This section establishes the rules and regulations all students and student organizations of the University of South Carolina Beaufort are expected to follow under the duty and corollary powers inherent in educational institutions to protect their educational purposes through the setting of standards of student conduct and scholarship and through the regulation of the use of university facilities.

Students and student organizations have a right to expect enforcement of these rules and regulations. The university also has the right to expect students and student organizations to abide by them as befits the responsibilities of students as members of the university community. Knowledge of these rules and regulations can prove most beneficial to students and student organizations in utilizing and protecting their guarded rights. It is important to add, however, that unfamiliarity with institutional regulations or rules is no ground for excusing infractions.

### **Alcohol and Other Drug Offenses**

- Alcohol Policy

- No one under the age of 21 may purchase, possess or consume any alcoholic beverages anywhere at the University of South Carolina Beaufort.
  - Aiding or abetting in the sale or transfer of alcoholic beverages to any person under the age of 21 is prohibited.
  - Persons and their guest(s), 21 years of age or older, may possess and consume alcoholic beverages in individual residence hall rooms/apartments on campus when ALL persons present in the apartment are 21 years of age or older.
  - No one under the age of 21 can be present in the room/apartment with any open container of any alcoholic beverage(s).
  - Alcohol is not permitted in lounges, hallways, breezeways, stairwells, parking lots, courtyards and other common areas outside of individual apartments.
  - At no time are kegs or any other common source containers of alcohol allowed and all beverages must be used in individual containers.
  - Any container of alcohol being transported must be sealed and covered while on university premises.
  - Drinking contests/games are prohibited on the USC Beaufort campus.
  - Anyone who appears on campus and is obviously impaired as a result of being under the influence of any substance is in violation of the alcohol policy.
  - Property damage as a result of alcohol or other drug use is a violation of the alcohol policy.
  - No manufacturing, distribution, dispensing, or selling of alcohol of any kind is permitted.
  - Operating or attempting to operate a motor vehicle, bicycle, or other personal transportation device while intoxicated or impaired by alcohol is prohibited.
  - Items used to promote or showcase alcohol, such as but not limited to, shot glass displays, liquor bottle collections, etc. are not permitted.
- Drug Policy
    - The unauthorized possession, use, manufacture, sale, or distribution of any counterfeit, illegal, dangerous, "designer," or controlled drug or other substance is prohibited. This includes prescription medications.
    - Violating any other provision of the Student Code of Conduct while under the influence of any illegal or illegally obtained drug is also a violation of this policy (Refer to the University Drug Policy).
    - The possession of drug paraphernalia is also prohibited (i.e., pipes, bong, blunts).
    - Any diluted, late, missed, forged, or failed university required drug screen will constitute a violation of this policy.
    - Students involved in the vicinity of drug use (i.e., being in the same room or automobile) or the possession of marijuana related paraphernalia, which is defined as, but not limited to, any and all types of equipment, products or materials of any kind which are used, intended for use or designed for using or selling drugs, will face conduct action.
    - Operating or attempting to operate a motor vehicle, bicycle, or other personal transportation device while intoxicated or impaired by drugs is prohibited.

## **Offenses Against People and the Community**

- Disorderly Conduct

Individual or group behavior that is lewd, indecent, or a breach of peace. Such conduct includes, but is not limited to, unwelcome physical contact, or noncompliance with university officials, staff, or law enforcement when acting in the scope of their duties.

- Disruptive Activity

No person or organization may interfere with, disrupt normal activity and operations of, or promote the interference or disruption of students, faculty, administration, staff, or the educational mission of the university, or of the university or its buildings, equipment, or facilities. Any form of expression that materially interferes with such activities and operations or invades the rights of persons may be proscribed or prohibited.

Noncompliance with reasonable time, place, or manner restrictions on expression is considered a violation of this section. Such activity includes, but is not limited to, behavior in a classroom or instructional program that interferes with the instructor or presenter's ability to conduct the class or program, or the ability of others to profit from the class or program.

- Harm to Persons

Actions which result in physical harm, have the potential for physically harming another person, which create conditions that pose a risk of physical harm to another, or which cause reasonable apprehension of physical harm are prohibited. Conduct which threatens to cause harm to persons, or creates hazardous conditions for persons, such as dropping, throwing, or causing objects or substances to fall from windows, doors, ledges, balconies, or roofs is also prohibited.

- Harassment

Conduct that creates or attempts to create an intimidating, hostile, or offensive environment for another person. Such conduct includes, but is not limited to, action(s) or statement(s) that threaten harm or intimidate a person, stalking, voyeurism (or peeping) or any other form of unwanted contact. Voyeurism is defined as viewing, photographing, audio recording, video recording, producing, or creating a digital electronic file or filming another person without that person's knowledge and consent, while the person is in a place where they would have a reasonable expectation of privacy. Gender-based harassment is prohibited and adjudicated according to the University Title IX policy (add link).

- Hazing

Any act, occurring on or off university property, by one person or acting with others, directed against an individual when both of the following apply:

- The person knew or should have known that the act in question would endanger the physical health or safety of the other person, or a reasonable person would appreciate that the act in question would cause immediate or future mental distress for the impacted individual; and
- The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any student group.

Please see the university [hazing policy](#) for more information.

- Possession of Weapons  
The unauthorized possession or use of firearms or weapons of any other kind (including but not limited to knives, slingshots, metal knuckles, razors, paintball guns, BB guns, and air pistols) is prohibited. The use or display of any object or instrument in a dangerous or threatening manner is prohibited. The university Department of Public Safety provides temporary storage of these items with scheduled access by owners.
- Public Exposure  
Any act or attempted act of public nudity or urinating/defecating in public.
- Retaliation  
Retaliation against a person who reports a potential violation under the Code of Conduct, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under the Code of Conduct is prohibited. Retaliation includes but is not limited to threats, intimidation, reprisals and/or adverse actions related to an individual's employment or education. The university will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this institutional rule will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to file a complaint with the university
- Sexual Harassment, Sexual Misconduct, and Interpersonal Violence  
Prohibited behaviors include sexual harassment, sexual misconduct, and interpersonal violence as defined by the university's [Title IX policy](#). The Title IX policy also covers the university process for adjudicating complaints involving sexual harassment, sexual misconduct, and interpersonal violence.
- Skateboarding, Bikes and Skates Policy  
For the safety of everyone, the use of in-line skates, skateboards, scooters, hover boards, bicycles or any similar recreational devices are prohibited within USCB buildings or on/with any signs, tables, or fountains. Bike racks are provided in several locations on campus. Care and caution should be used at all times on campus roadways, walkways and parking areas when using any type of recreational equipment. Pedestrians utilizing the sidewalks have the right of way. This policy applies campus wide.
- Use of Fireworks and Explosive Materials  
The ignition or detonation of anything which could cause damage to persons or property or disruption by fire, smoke, explosion, noxious odors, stain, corrosion, or similar means: Possession of anything in the nature of fireworks, explosives or chemical explosives is prohibited on any property owned or operated by the university or off campus university sponsored events without prior university authorization

## **Offenses Against Property**

- Damage to Property  
Damage to or destruction of property, or actions that have the potential for such damage or destruction is prohibited. Conduct which threatens to damage, or creates hazardous conditions such as dropping, throwing, or causing objects or substances to fall from windows, doors, ledges, balconies or roofs and the placing of trash, garbage, etc. in areas not designated for such is also prohibited. This includes, but is not limited to, unauthorized application of graffiti, paint, etc. to property or removal of window restrictors, security screens, etc.
- Fire Hazard  
No person shall start a fire or create a fire hazard on university property without university authorization. This regulation is also intended to prohibit the possession and/or use of candles, torches, incense burners, other open flame apparatus, as well as extension cords and other devices or materials which may create a fire hazard if used without authorization or in unauthorized areas including, but not limited to, residence hall rooms. Hover boards are considered a risk to fire safety and are not permitted in university housing. The University of South Carolina Beaufort prohibits the use, possession, or storage of electronic skateboards including self-balancing hover boards/scooters, and other similar equipment in all university-managed residence halls.
- Misuse of Fire Alarms and Safety Equipment  
No person shall make, or cause to be made, a false fire alarm, or emergency report of any kind. No person shall tamper with, damage, disable or misuse fire safety equipment including, but not limited to, fire extinguishers, fire hoses, fire alarms and fire doors. Tampering with or disabling any fire safety equipment in a residence hall may result in your immediate removal from university housing and a fine.
- Misuse of Keys  
No person may use or possess any university key without proper authorization. No student is allowed under any condition to have a university key duplicated. (Note to resident students: Loaning a residence hall room key to a person not assigned to that room may be considered a violation of this regulation).
- Misuse of Telephones and/or other Communication Technology  
No student shall misuse or abuse or assist in the misuse or abuse of communication equipment at the university. Such activity includes, but is not limited to, using any form of communication equipment to harass or threaten any person or persons, or using any form of communication equipment to disrupt the normal operations or activities of any person, organization, or the university. Communication equipment includes, but is not limited to, electronic mail, pagers, voicemail, computers, printers, cellphones, laptops, etc.
- Theft or Misappropriation  
Theft of any kind, including seizing, receiving, or concealing property or services with knowledge that it has been stolen, is prohibited. Sale, possession, or

misappropriation of any property or services without the owner's permission is also prohibited.

- Unauthorized Presence/Use of University Facilities  
Unauthorized entry into, presence in or use of university facilities equipment or property which has not been reserved or accessed through appropriate university officials is prohibited.
- Unauthorized Sale of Textbooks  
The sale of a textbook by any student who does not own the book is prohibited without prior written authorization from the owner of the book. Books that are found should be turned in to the lost and found located at the information desks on both campuses.

### **Offenses Against the University**

- Computer Misuse  
In addition to adhering to the university's "Responsible Use of Data, Technology, and User Credentials" (UNIV 1.52), misusing university computing resources by intentionally making, receiving, accessing, altering, using, providing or in any way tampering with files, discs, programs, passwords, messages or other computer users without their permission is prohibited. Using computer resources to harass others or in ways that violate institutional computer use policies is prohibited.
- Failure to Comply with Official Requests  
Students and student organizations are expected to comply with and respond appropriately to the reasonable and lawful requests of university officials in the performance of their duties. Students are expected to appear at disciplinary hearings to respond to allegations or testify as a witness when reasonably notified to do so. A failure to properly comply with or complete a sanction or obligation resulting from a disciplinary hearing or adjudication may also be considered failure to comply with an official request.
- Failure to Comply with University Policies and Procedures  
Failure to abide by any published university policy or procedure is prohibited.
- Fraud or Lying  
Lying or fraudulent misrepresentation in, or with regard to, any transaction with the university, whether oral or written, is prohibited, including but not limited to misrepresenting the truth before a hearing of the university or knowingly making a false statement orally or in writing to any university official which materially interferes with university processes or procedures.
- Involvement in a University Violation  
Presence during any violation of the Student Code of Conduct and/or other university policies in such a way as to condone, support, or encourage that violation. Students who anticipate or observe a violation of university policy are expected to remove themselves from participation and are encouraged to report the violation.

- Misuse of Documents  
Forgery, alteration, or misuse of any document, record, or officially issued identification is prohibited, including, but not limited to, furnishing false information or withholding material information from the university processes or procedures.
- Visitation/Guest Policies  
Students and student organizations will be held responsible for the conduct of their guests and are expected to inform them of all university regulations.

### **Other Prohibited Conduct**

- Compliance with General Laws  
Students or student organizations involved in alleged violations of any federal, state, or local laws may be subject to disciplinary action. Disciplinary action imposed by the university may precede and/or be in addition to any penalty imposed by an off-campus authority.
- Gambling  
Participation in any form of illegal gambling.
- Misuse of University Student Identification Cards  
Lending a university student ID card to anyone for reasons not authorized by the University Student Identification Card Policy, failing to present a student ID card when requested by a university official acting in the performance of their duties, or possessing or using a fraudulent ID card, may subject the owner and/or the holder to disciplinary action ([Refer to University Student Identification Card Policy](#)).
- Tobacco-free Policy  
The University of South Carolina Beaufort (USCB) is deeply committed to the well-being of our students, faculty, staff and visitors. To provide a safe, healthy environment in which our community can flourish, and in accordance with the university's commitment to public health and sustainability, USCB will be a completely tobacco-free campus.
  - The use of tobacco products is prohibited on university property. No ashtrays, receptacles or smoking shelters will be permitted.
  - The use of tobacco products is prohibited in university-owned, operated or leased vehicles.
  - The use of tobacco products is prohibited in personal vehicles parked on university property.
  - The university discourages the use of tobacco products by all covered individuals on properties adjacent to the campus. For the complete Tobacco-free Policy, please visit: <https://campuslife.uscb.edu/student-development/student-life/tobacco-free-campus/index.html>

## **VI. Additional University Policies**

The Student Code of Conduct is intended to include other rules, regulations, and policies issued by the university that pertain to students and student organizations. Violations of these policies are actionable under the Student Code of Conduct when the violation warrants a process or sanction beyond what is available in these policies. Additional policies include but are not limited to the following:

[Hazing Policy](#)

[Housing Policies](#)

[Identification Card Policies](#)

[Responsible Use of Data, Technology, and User Credentials Policy](#)

[Student Organization Policies](#)

[Sexual Harassment, Sexual Misconduct, and Interpersonal Violence](#)

[University Level Policies](#)

## **VII. Student Conduct Process**

The following is a format of rights, responsibilities, and procedures to be used in assuring fundamental fairness in disciplinary proceedings involving one or more students or student organizations accused of an infraction of the Student Code of Conduct. 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 procedures used in particular cases are determined at the sole discretion of the Office of Housing and Student Conduct.

### **Step 1: Submitting a Conduct Referral/Complaint**

Any student, faculty member, staff member, community member, or concerned party may submit a complaint, known as a "conduct referral," to the Office of Housing and Student Conduct. While there is no time limit for referrals, the Office of Housing and Student Conduct encourages people who plan to bring a complaint against a USCB student to do so as quickly and prudently as possible.

The Office of Housing and Student Conduct will review the conduct referral to determine if there is information regarding behavior that may violate the Student Code of Conduct and thus warrants resolution within the conduct system. This review may include a meeting with the person(s) who submitted the complaint and/ or an investigation to gather additional information.

Potential outcomes of the review include the following:

- A determination that interim measures should be imposed in order to maintain safety or order.
- A determination that an investigation is needed to gather additional information to identify an appropriate avenue for resolution.
- A determination that the matter should be referred to another office or process.
- A determination that there may be a potential violation of the Student Code of Conduct and that an informal hearing is the appropriate avenue for resolution.
- A determination that there may be a potential violation of the Student Code of Conduct and that a formal hearing is the appropriate avenue for resolution.
- A determination that the complaint may not involve a potential policy violation but is related to a conflict; in this case, the Office of Housing and Student Conduct may offer voluntary mediation.
- In some cases, at the Office of Housing and Student Conduct's discretion, students will be invited to participate in an educational conversation about the concerns raised in the complaint, even when the Office of Housing and Student Conduct determines that adjudication is not appropriate.
- A determination that there is insufficient information to pursue the complaint.
- A determination that the behavior alleged, even if proven, would not violate the Student Code of Conduct.

## **Step 2: Resolution**

After reviewing a conduct referral, the Office of Housing and Student conduct will determine an appropriate resolution process from among the following:

### Informal Hearing

An informal hearing is a resolution option in which the respondent meets with a hearing officer to discuss an incident and collaborates with the hearing officer to determine whether they violated a policy and, if so, what sanctions may be appropriate. If the respondent agrees to the resolution, they waive the right to a formal hearing, and the resolution is final. If an agreement cannot be reached, the respondent has the option to move forward to a formal hearing with a new hearing officer. If a respondent fails to attend an informal hearing after receiving proper notice, a registration hold may be placed on your account and the case will be heard in their absence.

### Formal Hearing

In a formal hearing, the hearing officer(s) determines whether the respondent violated policies in the Student Code of Conduct, along with appropriate sanctions, if necessary. In formal conduct hearings, the respondent is entitled to the following general provisions:

- The right to be notified in writing of their rights in the disciplinary process.
- The right to be notified in writing of the charges with sufficient time to prepare for a hearing. In the event that additional charges are brought, a further written notice must be forwarded to the student(s) or student organization(s). The charged student(s) or student organization(s) may waive the right to separate written notice of additional charges in order to expedite the hearing process.
- The right to be notified of the date, time, and place of formal hearings at least three (3) University business days prior to the hearing.

- The right to know the nature and source of the evidence used in a hearing process. This includes the right to review all documents and exhibits to be introduced at a hearing as well as a list of witnesses asked to testify at the hearing, upon the student's request.
- The right to present evidence on one's own behalf.
- The right to elect not to appear at the hearing, in which case the hearing shall be conducted in the absence of the charged party(ies).
- The right to refuse to answer any questions or make a statement.
- The right to present questions for the witnesses to answer. The hearing officer may rule on relevance of these questions.
- The right to be accompanied by an advisor throughout the hearing process. The advisor, with the written permission of the charged student(s) or student organization(s), may:
  - Advise the accused regarding preparation for the hearing;
  - Accompany the accused to all disciplinary proceedings;
  - Have access to evidence to be introduced at the hearing.

### **Additional Rights of Victims of Violent Crimes**

Alleged victims of violent crimes as defined by federal statute are afforded the following rights:

- The right to be notified in writing of their rights in the disciplinary process.
- The right to have an advisor of their choosing accompany them throughout their participation in the disciplinary process. The advisor, with the written permission of the alleged victim, may:
  - Advise the alleged victim regarding preparation for the hearing;
  - Accompany the alleged victim to all disciplinary proceedings;
  - Have access to evidence to be introduced at the hearing.
- The right to submit a victim impact statement to the Judicial Board for consideration.
- The right to have past behavior excluded from the determination process.
- The right to accommodations in giving testimony consistent with providing a safe atmosphere, and consistent with the rights of the accused.
- The right to be notified in writing of the final determination and any sanction imposed as result of the disciplinary process.

NOTE: Advisors are not permitted to participate directly in the hearing process, or to speak for the charged student(s) or student organization(s).

In addition to witnesses who may be called by respondents participating in formal hearings, hearing officers may also call witnesses whom they believe are relevant for determining outcomes in a given case. The outcome of a formal hearing is final unless it qualifies for appeal, as outlined in the appeals section of this document. If a respondent or complainant fails to attend a formal hearing after receiving proper notice, a registration hold may be placed on your account and the case will be heard in their absence.

### Mediation

This option is reserved for situations where all of the immediate parties in the incident agree to have a conflict resolved in this fashion, and the option is considered appropriate

by the Director of Housing and Student Conduct or designee. Failure to fulfill the terms of a mediation agreement could lead to reactivation of the charges as well as additional disciplinary action.

#### Educational Conversation

An educational conversation is a discussion between a student and hearing officer in the Office of Housing and Student Conduct regarding behavior that does not rise to the level of a policy violation but is, nevertheless, inappropriate or having a negative impact on the student or others or, if it continues, may become a policy violation. These conversations are educational and supportive in nature and are intended to help the student reflect and to connect them with resources, when needed.

#### **Additional Info**

##### Standard of Proof

The standard of proof utilized in all hearings and appeals to resolve Student Code of Conduct charges shall be that of "preponderance of evidence". This determination is made based on the information available to determine if it is more likely than not that a violation occurred.

## **VIII. Sanctions**

The following disciplinary sanctions may be imposed upon students found responsible for a violation of the Student Code of Conduct. All sanctions may be imposed either singularly or in combination. The purposes of imposing sanctions are twofold: one, to protect the university community from behavior which is detrimental to the community and/or the educational mission of the university; and two, to assist students in identifying acceptable parameters and consequences of future behavior. The sanction(s) imposed is(are) intended to correspond with the severity or frequency of violations, as well as the student's willingness to recommit to good citizenship through behaviors that fall within the Student Code of Conduct of the university. Sanctions imposed by any of the hearing authorities noted (not including Emergency Action) may not be implemented until the internal University appeal process or time period for an appeal has been exhausted.

### **Sanctions - Individual Students**

#### Written Warning

An official reprimand that makes the misconduct a matter of record in university files. Any further misconduct could result in further disciplinary action.

#### Conduct Probation

A period of review and observation during which a student is under an official warning that subsequent violations of university rules, regulations, or policies are likely to result in a more severe sanction including suspension or expulsion from the university. While on conduct probation, a student may be considered to be "not in good standing" and may face specific limitations on his or her behavior and/or university privileges (see Conditions/Restrictions).

### Suspension

Denial of enrollment, attendance, and other privileges at the university for a specified period of time. Permission to apply for readmission upon termination of the period may be granted with or without conditions/restrictions. Students may be required to complete a period of conduct probation upon their return to the university. NOTE: Any student suspended or expelled for disciplinary reasons must vacate the campus within the period of time noted in the notice of suspension. The student may not return to campus or university property during the term of the suspension without prior written permission by the Director of Housing and Student Conduct.

### Expulsion

Dismissal from the university without the ability to apply for re-admittance.

### Conditions/Restrictions

Limitations upon a student's behavior and/or university privileges for a period of time, or an active obligation to complete a specified activity. This sanction may include but is not limited to: restricted access to the campus or parts of campus, denial of the right to represent the university in any way, and/or denial of housing or parking privileges.

### Fines and Restitution

An order may be issued to make restitution or to pay a fine when a student has engaged in conduct including but not limited to; the damage or destruction of property, the theft or misappropriation of property, fraudulent behavior, violations of the alcohol and/or drug policies, or violations of the fire safety policies. Such property may belong to an individual, group, or the university. Restitution may be in the form of financial payment, community service, or other special activities designated by the hearing authority. Additional fines may be assessed as a punitive measure.

### Educational, Community, and Well-Being Activities

Assignments or activities designed to provide opportunities for reflection, learning, and growth as well as to connect the student with resources to support their well-being and personal and academic success.

### Housing Sanctions

These sanctions include Written Warning, Conditions, Restitution, Housing Probation, Relocation, and Removal, as described in Housing policies.

### **Sanctions - Student Organizations**

The following disciplinary sanctions may be imposed upon student organizations when they have been found responsible for violating the Student Code of Conduct. All sanctions may be imposed either individually or in combination. Disciplinary sanctions are imposed for the purpose of holding student organizations and their membership accountable for their actions and the actions of their guest(s), whether on campus or at any organization sponsored function.

### Written Warning

An official written reprimand making the misconduct a matter of record in university files for a specified period of time. Any further misconduct could result in more severe disciplinary action.

### Conduct Probation

A period of review and observation during which a student organization is under an official warning that their misconduct was very serious. Subsequent violations of university rules, regulations, or policies could result in a more severe sanction including suspension. During the probationary period, a student organization is deemed "not in good standing" with the University and may be subject to one or any combination of the following conditions and/or restrictions: denial of the right to represent the university; denial of the right to maintain an office or other assigned space on university property; denial of the privileges of:

- receiving or retaining funding;
- participating in intramurals;
- sponsoring any social event;
- sponsoring any speaker or guest on campus;
- participating in any social event;
- cosponsoring any social event or other activity;

### Suspension

Suspension means denial of rights and privileges of a registered organization for a specified period of time. Any organization whose registration is suspended or revoked must cease all organizational activities upon receipt of the notice of revocation or suspension. Any member of a suspended organization may not hold an appointed or elected office with that organization's governing body for the duration of the organization's period of suspension. Balances of all organizational funds granted by the Senate Finance Committee are to be surrendered to the custody of the Senate Finance Committee. Office or housing space assigned by the university shall be vacated within five (5) workdays (an organization under emergency suspension may be required to vacate space more quickly) from the date the notice of suspension is issued. Space vacated due to suspension may be reassigned to other eligible university organizations. Permission to reapply for registration as a student organization may be granted with or without qualifications. Office or housing space assigned prior to suspension will not automatically be reassigned. The organization may reapply for a space assignment, subject to availability. Suspended organizations will automatically be placed on probationary status for a minimum of one academic year following their renewed registration.

### Permanent Revocation of Organizational Registration

"Permanent revocation" of the organization's registration means revocation without permission to apply for new registration. Any organization whose registration is permanently revoked must cease all organizational activities upon receipt of the notice of permanent revocation. Any member of an organization whose registration has been permanently revoked shall relinquish any appointed or elected office held with that organization's governing body. Balances of all organizational funds granted by the Student Government Senate Finance Committee are to be surrendered to the custody of the Senate Finance Committee. Office or housing space assigned by the university shall be

vacated within five (5) workdays (an organization under emergency suspension may be required to vacate space more quickly) from the date the notice of suspension is issued. Space vacated due to suspension may be reassigned to other eligible university organizations.

#### Conditions/Restrictions

Limitations upon a student organization's privileges for a period of time or an active obligation to complete a specified activity or activities. This sanction may include, for example, denial of housing or social privileges, etc.

#### Fines and Restitution

An organization may be ordered to make restitution or to pay a fine when the organization has engaged in conduct including but not limited to; the damage or destruction of property, the theft or misappropriation of property, fraudulent or disruptive behavior, or violations of the alcohol and/or drug policies. Such property may belong to an individual, group, or the university. Restitution may be in the form of financial payment, public service, or other special activities designated by the hearing authority. Additional fines may be assessed as a punitive measure.

#### Educational, Community, and Well-Being Activities

Assignments or activities designed to provide opportunities for reflection, learning, and growth as well as to connect the student with resources to support their well-being and personal and academic success.

### **Failure to complete sanctions**

Students are expected to complete their conduct sanctions, including educational sanctions, within the timeframe and guidelines specified by their hearing officer. Failure to complete sanctions may result in additional conduct action and sanctions.

## **IX. Appeals**

Decisions of the Director of Housing and Student Conduct or their designee, may be appealed by a student/student organization found responsible for a violation to the Vice Chancellor for Student Development or their designee. Appeals must be made of the decisions or outcomes of judicial cases, not the assigned sanctions. The reasons for an appeal are limited to the following:

- The original hearing officer committed a procedural error in hearing the case which significantly prejudiced the findings; and/or
- new evidence, which could not have been available at the time of the hearing, and which is material to the outcome of the case, is available.

All appeals must be made in writing within five (5) university business days of receipt of the original written decision to the Office of Housing and Student Conduct who will submit it to the Vice Chancellor for Student Development. After review, the Vice Chancellor for Student Development or their designee may either: (a) affirm the finding(s) of the original hearing authority, in which case the decision is final; or (b) remand the case to the

original hearing authority for further proceedings with directives to attend to procedural errors or new evidence.

### **Format of appeal**

The appeal is a written request submitted by the student for a review of the original case. The student should include which grounds for appeal they believe apply and any information the student wants considered should be included in the written document. The burden is on the appealing student or student organization to demonstrate why the finding should be altered.

The Vice Chancellor of Student Development or designee shall send written notification of the decision regarding the appeal to the appealing party within fifteen (15) university business days of receiving the appeal barring special circumstances requiring an extension of this time limit. A copy of the decision will be sent to the original hearing officer and the Director of Housing and Student Conduct. The decision of the Vice Chancellor of Student Development or designee in all appellate matters is the final decision for the University.

## **X. Interim Measures**

The university may impose interim measures upon a student or student organization when there is reason to believe, based upon available evidence, that the student/student organization poses an immediate threat to the safety, health or welfare of persons, property, or the orderly operation of the university. This action is warranted by potential or threatened danger or disruption and indicated only when the serious nature or immediacy of the threat requires immediate action. The action is interim in nature, pending the outcome of disciplinary procedures. In cases determined to warrant immediate action, The Director of Housing and Student Conduct or a designee shall contact the Assistant Vice Chancellor for Student Development to initiate an emergency action.

Emergency action authorized by this policy includes:

### Interim Measures, Individual Students

This action may result in a suspension of enrollment status and/or require a student to leave university property immediately and not return during the specified period. This action may place a limitation on a student's eligibility to enjoy certain privileges or participate in or attend certain events (or certain kinds of events) without the suspension of enrollment status. This action may prohibit a student's presence on university property or certain facilities or impose conditions that must be met in order for that student to enjoy certain privileges, participate in activities, or attend events.

Additionally, any student who, by virtue of their behavior (including being a threat to self or others), shows an inability to live in a group setting, maintain appropriate classroom behavior, participate appropriately in activities, abide by USCB policies and/or refuses intervention may have interim measures implemented, including but not limited to removal from housing, interim suspension from the university, or commitment to a behavioral contract.

### Interim Measures, Student Organization

This action may suspend or restrict a student organization for an interim period of time pending the outcome of disciplinary proceedings when there is reasonable cause to believe that the continued activities of the organization and its members may pose an immediate threat to the safety, health or welfare of persons, property, or the orderly operation of the university. During the time of suspension, the organization may be required to cease all organizational activities and vacate any assigned university space immediately upon written notice.

When interim measures are taken against a student or student organization, the student or student organization representative is given notice explaining the nature, reason for, and duration of the action, as well as any conditions that may apply. A student or student organization notified of such action shall, upon written request, be given an opportunity to meet with the Assistant Vice Chancellor for Student Development or their designee within five (5) business days from the date of the request. This meeting shall be held to consider only the following issues related to the emergency action; the reliability of information alleging misconduct and whether the conduct or surrounding circumstances reasonably indicate the student's presence on campus or continued unrestricted participation in campus affairs or the organization's unrestricted activities would pose an immediate threat to the safety, health, or welfare of persons or property and/or interfere with the orderly operation of the university. It is not the purpose of the meeting to hear evidence concerning guilt or innocence related to pending or possible charges against the student.

The Behavioral Intervention Team, through the Assistant Vice Chancellor for Student Development, may additionally require a student to engage in a cooperative, committed relationship with an appropriate outside counseling or psychiatric agency before continuing as a student at the university.

The university may also require that a student provide information from an outside counselor, counseling agency, or psychiatrist indicating the student's ability to continue at the university. The Assistant Vice Chancellor for Student Development in consultation with the Director of Counseling and Accessibility Services will make a determination regarding the student's status.

Any student or student organization who has interim measures in place and violates the stated conditions during the specified period shall be subject to further separate action. Permission to alter interim measures for a specific purpose must be requested and obtained in writing or by telephone from the Assistant Vice Chancellor for Student Development or a designee prior to any conduct contrary to the restrictions.

### **Appeal**

Should a student wish to appeal an interim measure/emergency action decision of the Assistant Vice Chancellor for Student Development, the appeal must be made in writing to the Vice Chancellor for Student Development within five (5) University business days of the receipt of the decision. All decisions sent to the student via US mail will be considered received in three (3) business days. The decision of the Vice Chancellor for Student Development is the University's final decision.

Following the imposition of emergency action, standard university disciplinary procedures shall be provided as expeditiously as possible.

## **XI. Student Conduct Records**

### **Parental Notification**

Parental Notification Guidelines (regarding violations of alcohol and drug policies)

In keeping with federal legislation, the University of South Carolina Beaufort (USCB) and the Office of Housing and Student Conduct have adopted the following:

Parents/guardians may be notified when the following circumstances apply:

- The student is under 21 years old at the time of offense.
- This student is found "Responsible" for a violation of the University's drug or alcohol policies, and:
  - The student is placed on either university or housing probation. This places the student on notice that any additional offense may affect either of these privileges, or
  - The resulting sanction(s) affects the student's availability to live on campus or attend the University (e.g., housing removal/relocation, suspension, or expulsion).

Because not all Student Code of Conduct violations involve alcohol or drug policies and result in this level of sanctioning, parents will not automatically be notified when their student becomes involved in the disciplinary process. The University, however, reserves the right to notify a student's parents or legal guardian whenever the first two criteria alone are met. Additionally, if parents would like information regarding their student's disciplinary history or status at the university from the Office of Housing and Student Conduct, they can request that their student sign a Waiver of Confidentiality Form allowing the Office of Housing and Student Conduct to release that information. These forms are available at:

The USCB Office of Housing and Student Conduct  
One University Boulevard  
Bluffton, SC 29909  
843-208-8722

Note: If your student meets the legal standard for "independent status" (e.g., for tax purposes), then parents will not be notified without the student's expressed written consent.

### **Retention of Student Discipline Records - Office of Housing and Student Conduct**

The student records of cases which have been resolved with a sanction less than suspension or expulsion will be maintained in the Office of Housing and Student Conduct for six years from the last day of the spring semester of the academic year of the offense. Students graduating before that time may petition the Office of Housing and Student

Conduct in writing to request that their records be destroyed upon graduation. Records may be retained by the university beyond the normal six-year period in special circumstances, including, but not limited to, situations when off-campus legal action is taken by any party(ies) involved. When a date for purging records has been reached, records in all formats are to be destroyed. (NOTE: Statistical database may be retained but all information that would identify an individual will be removed.) Records where the discipline sanction was suspension or expulsion will be maintained for a period of at least ten (10) years from the date of the last incident.

Type of Records - Records subject to this policy include, but are not restricted to the following:

- Housing information and documentation, which have been forwarded to the Office of Housing and Student Conduct for retention or action
- Department of Student Life information and documentation which have been forwarded to the Office of Housing and Student Conduct for information or action
- USCB Department of Public Safety Incident and Reports forms which have been forwarded to the Office of Housing and Student Conduct for information or action
- Records of disciplinary proceedings.