

CODE OF STUDENT CONDUCT

Policy 10.1
BOT 1972; Rev: 5-17-05; 3-19-13
BOT REV 8-18-15

Applies to: Students

I. Purpose

Standards of student behavior at Rhodes State College are intended to protect the College's educational process and promote an environment of both mutual respect and respect for the rights of others. The Rhodes State College Code of Student Conduct is intended to explain the rules for standards of student behavior and responsibility, prohibited conduct, and the due process rights provided to all students.

II. Policy Statement

Rhodes State College shall take appropriate action to protect the safety and well-being of the College community. The College will maintain disciplinary regulations and procedures, set forth in writing, to provide students general notice of prohibited conduct and due process.

III. Definitions

As used in the Code of Student Conduct, the following terms and definitions apply:

- A. Advisor**
A person (attorney or non-attorney) providing advice or guidance to the accused student during the hearing.
- B. Code**
The written regulations of the College as found in the Code of Student Conduct and department/unit standards of behavior, as set forth in department/unit handbooks.
- C. College**
Rhodes State College.
- D. College Premises**
All lands, buildings, and facilities in the possession of, owned, leased, used or operated by Rhodes State College.
- E. Complaint**
A written statement, a Security Incident Report, or other incident reporting forms documenting an alleged violation of the Code of Student Conduct or other published rules applicable to Rhodes State College students.
- F. Crime of Violence**
The offenses listed in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act [20 USC 1092 (f)]; homicide, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug law violations, and illegal weapons possession.

G. Panel

A selected group of faculty, staff and students assigned to hear the Code of Student Conduct cases.

H. Plagiarism

Includes, but is not limited to, the unacknowledged use (intentional or unintentional), by paraphrase or direct quotation, of the published or unpublished work of another person. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

Acknowledgement must be in accordance with course guidelines, and documentation must occur whenever a student uses direct quotations; copies a table, chart, or diagram; constructs a table from data provided by others; paraphrases a passage; summarizes a passage; presents specific examples, figures, or factual information from a specific source and uses it to explain or support his/her judgments. Plagiarism covers the use of print, electronic, filmed, and broadcast material.

I. Student

An individual who has registered for College classes, or is taking classes, either part time or full time. The status of “student” continues to exist until an individual graduates, is dismissed, or has not registered and is not in attendance after the 15th day of the current term.

J. Student Organizations

Student groups that are authorized to operate within the College.

IV. Policy Details

A. Scope of Student Conduct

1. The Code applies to the conduct of students, with or without accommodations. College student organizations, clubs, athletic teams and the student members or participants are also expected to abide by the Code of Student Conduct. Disciplinary action may be taken against the organization as a whole, individual member of the organization, or both.
2. Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation
 - a. In addition to the Code of Student Conduct, all students at the College are subject to the College’s Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation policy (5.2) and accompanying Discrimination Grievance Procedures (#), which are separate from the Code of Student Conduct standards and procedures and are investigated and managed by the Title IX Officer. The College’s Discrimination and Harassment policy covers behaviors related to discrimination, sexual harassment, sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, relationship violence, stalking, and retaliation.
 - b. In cases where the provisions in the Code of Student Conduct and the provisions in the Discrimination and Harassment Policy and accompanying Discrimination Grievance Procedures are different or inconsistent, the Discrimination and Harassment Policy and

Discrimination Grievance Procedures supersede. Therefore, all students are expected to read the Discrimination and Harassment Policy and Discrimination Grievance Procedures, as well as the Code of Student Conduct, to gain a thorough understanding of the expectations and procedures set forth in both processes and the differences between them.

- c. When a student has been found in violation of the Discrimination and Harassment Policy, the Vice President for Student Affairs or designee is charged with imposing disciplinary sanctions. A student found in violation of the Discrimination and Harassment policy does not necessarily preclude an additional finding that the student has engaged in other prohibited conduct in violation of the Code of Student Conduct.
- d. Disciplinary records for Discrimination and Harassment violations are maintained in the same manner as other disciplinary records under the Code of Student Conduct.

B. Jurisdiction

The College has jurisdiction over all conduct violations that occur on all lands, buildings, and facilities in the possession of, owned, leased, used or operated by Rhodes State College. The Code also applies to off-campus student conduct that adversely affects the College and the pursuit of its objectives. The College reserves the right to review and take disciplinary action based on conduct occurring off campus in direct connection with:

- 1. A class assignment;
- 2. Academic course requirements (e.g., clinical settings, internships, field trips);
- 3. Any activity supporting pursuit of a degree;
- 4. Activities officially sanctioned, sponsored, conducted, or authorized by the College or by registered student organizations;
- 5. Any electronic activity, including misuse of College electronic resources, sharing course materials, cyber-bullying, and encompassing all Internet-accessible devices;
- 6. Any activity that causes substantial destruction of property belonging to the College or members of the College community or causes serious harm to the health or safety of members of the College community; or
- 7. An activity in which a student is formally charged by authorities with committing a felony of such nature that the student's continued presence in the College community is harmful to either the student or members of the College community. Any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime of violence.

C. Authority

The responsibility and authority for College student discipline has been delegated by the President to the Vice President for Academic Affairs or designee in cases of academic misconduct and to the Vice President for Student Affairs or designee in cases of non-academic misconduct. The Vice President for Student Affairs or designee is also charged with the responsibility for the promulgation of rules governing student conduct.

D. Prohibited Conduct

Examples of conduct that will be subject to disciplinary action include, but are not limited to, the following:

1. **Academic Misconduct**

Academic misconduct is defined as any activity that compromises the academic integrity of the College, or subverts the process of education. Academic misconduct includes, but is not limited to:

- a. Violation of course rules as contained in the course syllabus or other information provided to the student by the College and/or a violation of program regulations established by the academic department and made available to students.
- b. Receiving from or providing assistance to a fellow student not authorized by the course instructor prior to, during, or after examinations and/or quizzes; or the possession and/or unauthorized use of materials before or during those examinations and/or quizzes;
- c. Receiving from or deliberately providing assistance not authorized by the course instructor in graded laboratory, clinical, field work, internships, and course assignments;
- d. Submitting plagiarized work;
- e. Submitting substantially the same work for one course that has been previously submitted for another course, without the express permission of the instructor for which the work is being submitted;
- f. Falsification, fabrication, or dishonesty in reporting attendance records, time cards, laboratory results, and/or patient records;
- g. Alteration of grades or marks by a student in an effort to change the earned grade or credit of the student or another student;
- h. Alteration of academically-related College forms or records, or unauthorized use of those forms; or
- i. Engaging in activities that unfairly place other students at a disadvantage, such as taking, hiding or altering resource material, or manipulating a grading system.

2. **Mental or Bodily Harm to Self**
Conduct that causes harm or has the potential to harm one's self. Conduct covered by this offense includes but is not limited to: intentionally inflicting mental or bodily harm upon one's self; taking reckless, but not accidental, action from which mental or bodily harm could result to one's self (e.g., abuse of alcohol or other drugs).
3. **Bodily Harm to Others**
Conduct that causes bodily harm or has the potential to physically harm another. Conduct covered by this offense includes but is not limited to: intentionally inflicting bodily harm upon any person; attempting to inflict bodily harm upon another person; taking any reckless, but not accidental, action from which bodily harm could result to another person; causing any person to believe that the offender may cause bodily harm or engage in violence; sexual misconduct – Please see the College's Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation policy (5.2).
4. **Destruction of Property**
Actual or threatened damage to, defacing of, tampering with, or destruction of College property or property of others, whether done intentionally or as a result of recklessness.
5. **Dangerous Weapons or Devices**
Use, storage, or possession of dangerous weapons or devices including, but not limited to, firearms, explosives, dangerous chemicals, fireworks or other weapons, unless authorized by an appropriate College official or permitted by a College policy.
6. **Dishonest Conduct**
Dishonest conduct, including, but not limited to: knowingly making a false accusation of misconduct; misuse or falsification of College documents, such as forgery, alteration, or improper transfer; submission to a College official of information known by the submitter to be false; and knowingly reporting a false emergency.
7. **Theft/Unauthorized Use of Property**
Theft or attempted theft, or the unauthorized use or possession of College property or services, or the property of others.
8. **Failure to Comply with College or Civil Authority**
Failure to comply with legitimate directives of authorized College officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.
9. **Drugs**
Use, production, distribution, sale, or possession of marijuana, heroin, narcotics, or other controlled substances in a manner prohibited under Local, State and/or Federal law.

10. **Alcohol**
Use, production, distribution, sale, or possession of alcohol in a manner prohibited under Local, State and/or Federal law.
11. **Unauthorized Presence or Use of College Property**
Unauthorized or attempted unauthorized entrance to or presence in or on College premises. Also includes unauthorized possession, use, or duplication of keys or other methods of controlled access such as ID or access cards or codes.
12. **Disorderly or Disruptive Conduct**
Disorderly or disruptive conduct that unreasonably interferes with College activities including teaching, research, administration; or other activities conducted, sponsored, or permitted by the College on or off campus, at clinical or internship sites, or in the community.
13. **Bullying and/or Hazing**
Performing, requiring, or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation into or continued membership or participation in any group, organization, or activity that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of bullying and/or hazing does not constitute neutral acts; they are violations of this rule.
14. **Violation of College Rules**
Violation of other published College regulations, policies or rules; rules for athletic teams; rules for student groups or organizations as outlined in the Student Organization Handbook; or violations of Local, State, or Federal laws.
15. **Riotous Behavior**
Riotous behavior is the participation in a demonstration, riot, or activity with the purpose to commit or incite any action that presents a clear and present danger to others, causes physical harm to others, or damages property. This rule shall not be interpreted as prohibiting peaceful demonstrations, peaceful picketing, a call for a peaceful boycott, or other forms of peaceful dissent. Prohibited behavior in the context of a demonstration, riot, or activity includes but is not limited to:
 - a. Knowingly engaging in conduct designed to incite another to engage in riotous behavior;
 - b. Actual or threatened damage to or destruction of College property or property of others, whether done intentionally or with reckless disregard;
 - c. Failing to comply with a directive to disperse by College officials, law enforcement or emergency personnel; and
 - d. Intimidating, impeding, hindering, or obstructing a College official, law enforcement or emergency personnel in the performance of their duties.

16. **Discipline Proceedings Abuse**
Abuse of any College discipline proceedings, including but not limited to:
- a. Falsification, distortion, or misrepresentation of information during an Administrative Hearing, Discipline Review Panel Hearing or Academic Integrity Panel Hearing;
 - b. Disruption or interference with the orderly conduct of an administrative or Discipline Review Panel proceeding or Academic Integrity Panel;
 - c. Attempting to discourage an individual's proper participation in, or use of, a College discipline proceeding;
 - d. Attempting to influence the impartiality of a member of an administrative or Discipline Review Panel or Academic Integrity Panel prior to, and/or during the course of a discipline review proceeding;
 - e. Harassment (verbal or physical) and/or intimidation of the Administrative Hearing official and/or member of a Discipline Review Panel or Academic Integrity Panel prior to, during, and/or after a discipline review proceeding;
 - f. Failure to comply with one or more sanctions imposed under the Code of Student Conduct; and
 - g. Encouraging another person to commit an abuse of a College disciplinary proceeding.

E. Right to Appeal

A student found to have violated this Code has the right to appeal the decision (**see Code Procedures, Section V**).

CODE OF STUDENT CONDUCT PROCEDURES

I. Academic Judicial Procedures

The following judicial procedures will apply to academic misconduct as outlined in the Policy Details **Section IV.D.(1)**.

A. Initiation of Academic Charges

1. Any member of the College community may file a complaint regarding an alleged academic Code violation to the course instructor, an administrator of the course, or the Vice President for Academic Affairs within thirty (30) calendar days of the alleged violation. The complaint must include factual information supporting the allegation.
2. Upon receipt of the complaint, course instructors shall conduct a preliminary investigation of the allegations included in the complaint. In the absence of sufficient substantive evidence, a complaint will be dismissed.
3. Should the instructor determine that sufficient substantive evidence exists to substantiate the allegations made in the complaint, disciplinary proceedings will be initiated.

B. Notification of Academic Misconduct Charges

1. When a course instructor believes that a student has committed an act of academic misconduct, the course instructor shall schedule a private conference with the student at the earliest opportunity in order to provide the student with written notification of the charges prior to any hearing on the charge.
2. During the conference the student and the course instructor shall fill out the "Academic Honesty Report," (available upon request through the Office of the Vice President for Academic Affairs). This Report shall serve as written notice to the student of the alleged violation and investigation. The Report also details the student's right to either an Administrative Hearing or Academic Integrity Panel Hearing for resolution of academic disciplinary action.

C. Resolution of Academic Disciplinary Actions

A student charged with alleged academic violations of the Code has the right to plead responsible for the charges, and accept the disciplinary sanctions imposed after an Administrative Hearing with the course instructor; or request an Academic Integrity Panel Hearing for resolution of academic disciplinary actions. In either case, a registration hold will be placed on the student's Banner account record until the matter is resolved.

1. Administrative Hearing Procedures

A student who is charged with an alleged academic violation of the Code and who chooses to accept responsibility for the Code violation may request an administrative hearing for resolution of the academic disciplinary actions.

- a. The student shall request in writing to have an administrative hearing as to appropriate disciplinary action by the course administrator/instructor. In such situations, the student shall be informed that he/she waives the right to an Academic Judicial Panel Hearing and its related procedural guarantees.
- b. During the hearing, the student will be provided with:
 - 1) an explanation of the charges;
 - 2) a summary of the information gathered in support of the charges;
 - 3) an opportunity to reflect upon and respond to the charges;
 - 4) an explanation of the applicable disciplinary procedures; and
 - 5) the associated disciplinary sanctions to be imposed for the violation.
- c. If the student agrees to the alleged academic misconduct and the associated sanctions, he/she will sign the Academic Honesty Report to acknowledge commission of academic misconduct and agreement to the associated sanctions. A copy of the signed Academic Honesty Report will be provided to the student and the original shall be forwarded to the Office of the Vice President for Academic Affairs for reference in case of future infractions.
- d. Following an Administrative Hearing, the student retains the right to request an appeal of the disciplinary sanctions, based upon the grounds established under **Section V (Appellate Process)**.

2. **Academic Integrity Panel Hearing**

If the student maintains his/her innocence he/she can request an Academic Integrity Panel Hearing for resolution of the academic disciplinary actions.

- a. Once a student requests an Academic Judicial Panel Hearing, further contact with the student by the course instructor, shall be conducted only in the presence of the department Chairperson or Dean. A Chairperson or Dean who is a member of the Academic Integrity Panel should make arrangements for a substitute Chairperson or Dean to attend any meeting between the student and the course instructor if the topic to be discussed is the alleged academic misconduct.
- b. The course instructor will file the Academic Honesty Report for the alleged academic misconduct. The Academic Honesty Report will include all relevant evidence and original documents, such as an allegedly plagiarized paper, a test, or computer printouts. Sources of plagiarized materials, with the passages plagiarized clearly marked, should also be provided.
- c. The Chairperson of the academic unit in which the alleged academic misconduct occurred will review the course instructor's Academic Honesty Report and then submit it to the Vice President for Academic Affairs or designee.

- d. Upon receipt of the Academic Honesty Report from the appropriate chairperson, the Vice President for Academic Affairs or designee, on behalf of the Academic Integrity Panel, will review the Academic Honesty Report, and if necessary conduct his/her own investigation . Whether or not to conduct an investigation is left to the discretion of the Vice President for Academic Affairs or designee.
- e. A student suspected of academic misconduct in a particular course, whether acknowledging involvement or not, shall be allowed to continue in the course without prejudice pending action by the Academic Integrity Panel. If the course ends before the Panel has acted, the course instructor shall assign the student the grade of incomplete.

D. Notice of Hearing - Academic Integrity Panel

1. Written Notice

In the event a Panel Hearing is required, the student accused of academic violations shall receive a written notice. The notice may be hand delivered or mailed to the last known address of the student, either by certified mail or first class mail, no fewer than ten (10) calendar days prior to the hearing. The notice will include the charges; date, time and location of the hearing; information on the hearing procedures; and a copy or location of the Code of Student Conduct.

2. Request for Postponement

The accused student may request a postponement of the scheduled hearing for good cause, or a hearing separate from other persons who may have been involved in the charges. A request for a postponement of the hearing for good cause and/or a separate hearing must be made in writing, include supporting rationale, and be received in the office of the Vice President for Academic Affairs or designee, at least two (2) calendar days before the scheduled hearing. The Vice President for Academic Affairs or designee is responsible for ruling on the request.

E. Hearing Procedures – Academic Integrity Panel

Hearings are conducted in order to review the facts and circumstances of the charges in order to determine whether or not a violation of the Code occurred. Although the procedural requirements are not as formal as those existing in criminal or civil courts of law, to ensure fairness the following procedures will apply:

1. Case File Review

Unless otherwise precluded by the Family Education Rights and Privacy Act (FERPA) and accompanying regulations, a student charged with misconduct may review witness statements and other documentation relative to the charge(s) by sending a written request to the office of the Vice President for Academic Affairs at least three (3) calendar days prior to the scheduled hearing date.

2. Attendance of Accused Student

Because the most accurate and fair review of the facts can best be accomplished when all parties are present, the accused is expected to attend and participate. If an accused student chooses not to attend his/her hearing, he/she will be deemed to have waived the right to personally appear, the charge(s) will be reviewed as

scheduled on the basis of the information available, and a decision will be made. Although no inference may be drawn against a student for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the accused student to attend the hearing or answer the charges.

3. **Attendance Limitations**

Attendance at hearings is limited to those with information relative to the charges or those requested to attend by the student, or Academic Integrity Panel Chair. The Panel Chair will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.

4. **Advisor**

The accused student and/or the College may have an advisor present at the hearing. The advisor may only counsel the student and/or the College and may not actively participate in the hearing, unless clarification is needed as determined by the Academic Integrity Panel Chair.

5. **Witnesses and Supporting Documentation**

- a. The accused and/or the College may submit notarized written statements, absent other clear evidence of authenticity; may invite relevant witnesses to attend, may ask questions of witnesses called by others, and will be notified of potential witnesses to be called.
- b. Witnesses shall not attend the entire hearing, but will be called to present information by the Academic Integrity Panel Chair at the appropriate time.
- c. Pertinent records and supporting documentation may be accepted as information for consideration by the Academic Integrity Panel at the discretion of the Chair.
- d. The Chair may accommodate concerns for the personal safety, well-being, and/or fears of confrontation during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, videoconferencing, videotape, and other means, where and as determined by the Vice President for Academic Affairs to be acceptable.

6. **Consultants**

- a. In cases requiring special expertise, the Vice President for Academic Affairs or designee may appoint individuals with relevant expertise to serve as consultants to the Academic Integrity Panel.
- b. The consultants may be present and provide information as called upon during the hearing, but will not vote.

7. **Academic Integrity Panel Quorum**

- a. A quorum of the Academic Integrity Panel must be present to conduct a hearing, unless the student waives the quorum rule in writing. At the conclusion of the hearing, the panel members shall determine, by a majority vote, whether the accused student has violated each section of the Code with which the student is charged.
- b. In the event of a tie vote regarding a particular charge or charges, the Panel will continue to deliberate with regard to the charge or charges that were the subject of the tie vote. If the Panel determines that exhaustive deliberations have occurred and a majority vote cannot be reached regarding the particular Code charges, the student will be found not in violation of the charges for which the majority vote could not be reached.

8. **Written Record**

At the conclusion of the hearing, the Panel Chair will submit a written record, of the Panel's disposition and suggested sanctions to the Vice President for Academic Affairs or designee within ten (10) calendar days.

9. **Notification of Sanctions**

No more than thirty (30) calendar days after receipt of the written hearing record the Vice President for Academic Affairs or designee shall review the hearing record and notify the student(s) of his/her decision and, where applicable, imposed sanction (**see Section III**). If the student has been found to have violated the Code, the letter shall inform the student of his/her right to appeal under the Code procedures, pursuant to **Section V**.

II. Non-Academic Judicial Procedures

The following judicial procedures will apply to non-academic misconduct as outlined in the Policy Details **Section IV.D.(2-16)**.

A. Initiation of Non-Academic Charges

1. Any member of the College community may file a complaint regarding an alleged non-academic Code violation to the Vice President for Student Affairs or designee within thirty (30) calendar days of the alleged violation. The complaint must include factual information supporting the allegation.
2. In cases where the alleged activity may involve a violation of criminal law in addition to a violation of the Code, the information should be provided to the Vice President for Student Affairs or designee and the appropriate law enforcement agency.
3. Upon receipt of the complaint, the Vice President for Student Affairs, or designee, shall review the allegations included in the complaint. In the absence of sufficient substantive evidence, a complaint will be dismissed.
4. Should the Vice President for Student Affairs, or designee, determine that sufficient, substantive evidence exists to substantiate the allegations made in the complaint, an investigation and disciplinary proceedings will be initiated.

B. Notification of Non-Academic Misconduct Charges

1. Written Notice

The Vice President for Student Affairs or designee shall notify the student, in writing, that an investigation will be conducted. The written notice will include a request that the student make an appointment with the Vice President for Student Affairs or designee by a specified date to discuss the matter.

2. Request for Postponement

Upon completing the preliminary investigation, and if warranted, the Vice President for Student Affairs or designee shall prepare a written notice of charges to be sent to the student. The student will be notified of the charges and of his/her rights to either an Administrative Hearing or Discipline Review Panel Hearing for resolution of non-academic disciplinary action.

C. Resolution of Non-Academic Disciplinary Action

A student charged with alleged non-academic violations of the Code has the right to plead responsible for the charges, and accept the disciplinary sanctions to be imposed after an Administrative Hearing with the Vice President for Student Affairs or designee; or request a Discipline Review Panel Hearing for resolution of disciplinary actions

1. Administrative Hearing Procedures

A student who is charged with an alleged non-academic violation of the Code and who chooses to accept responsibility for the Code violation may request an administrative hearing for resolution of the non-academic disciplinary actions.

- a. The student shall request in writing to have an administrative decision as to appropriate disciplinary action/sanctions made by the Vice President for Student Affairs or designee. A signed Administrative Decision Form serves as the written request of the student. In such situations, the student shall be informed that he/she waives the right to a Discipline Review Panel Hearing and its related procedural guarantees.
- b. During the hearing, the student will be provided with:
 - 1) an explanation of the charges;
 - 2) a summary of the information gathered in support of the charges;
 - 3) an opportunity to reflect upon and respond to the charges; and
 - 4) an explanation of the applicable disciplinary procedures.
- c. The signed Administrative Decision Form (student's acknowledgment of the violation), along with all relevant evidence and original documents are maintained in the Office of the Vice President for Student Affairs for reference in case of future infractions.
- d. Following an Administrative Hearing, the student retains the right to request an appeal of the disciplinary sanctions, based upon the grounds established under **the appellate process Section V.1.c.**

2. Discipline Review Panel Hearing – Non-Academic Charges

If the student maintains his/her innocence he/she has the right to request a hearing for resolution of the academic disciplinary actions..

- a. The Vice President for Student Affairs or designee will be schedule a hearing with the Discipline Review Panel.
- b. Students suspected of non-academic misconduct, whether acknowledging involvement or not, will, absent extenuating circumstances, be allowed to continue at the College pending action by the College Discipline Review Panel.
- c. If more than one student is involved in committing an act of non-academic misconduct, the students may be subject to a group Discipline Review Panel hearing or individual hearings based upon the circumstances of the alleged academic non-academic misconduct.

D. Notice of Hearing – Discipline Review Panel Hearing

1. In the event a hearing is required, the student accused of non-academic violations of the Code shall receive a written notice. The notice may be hand delivered or mailed to the last known address of the student, either by certified mail or first class mail, no fewer than ten (10) calendar days prior to the hearing. The notice will include the charges; date, time and location of the hearing; information on the hearing procedures; and a copy or location of the Code of Student Conduct.
2. The accused student may request a postponement of the scheduled hearing for good cause, or a hearing separate from other persons who may have been involved in the charges. A request for a postponement of the hearing for good cause and/or a separate hearing must be made in writing, include supporting rationale, and be received in the office of the Vice President for Student Affairs or designee, at least two (2) calendar days before the scheduled hearing. The Vice President for Student Affairs or designee is responsible for ruling on the request.

E. Hearing Procedures – Discipline Review Panel

Hearings are conducted in order to review the facts and circumstances of the charges in order to determine whether or not a violation of the Code occurred. Although the procedural requirements are not as formal as those existing in criminal or civil courts of law, to ensure fairness the following procedures will apply:

1. Case File Review

Unless otherwise precluded by the Family Education Rights and Privacy Act (FERPA) and accompanying regulations, a student charged with misconduct may review witness statements and other documentation relative to the charge(s) by sending a written request to the office of the Vice President for Student Affairs at least three (3) calendar days prior to the scheduled hearing date.

2. **Attendance of Accused Student**

Because the most accurate and fair review of the facts can best be accomplished when all parties are present, the accused is expected to attend and participate. If an accused student chooses not to attend his/her hearing, he/she will be deemed to have waived the right to personally appear, the charge(s) will be reviewed as scheduled on the basis of the information available, and a decision will be made. Although no inference may be drawn against a student for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the accused student to attend the hearing or answer the charges.
3. **Attendance Limitations**

Attendance at hearings is limited to those with information relative to the charges or those requested to attend by the student, or Discipline Review Panel Chair. The Chair will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.
4. **Advisor**

The accused student and/or the College may have an advisor present at the hearing. The advisor may only counsel the student and/or the College and may not actively participate in the hearing, unless clarification is needed as determined by the Discipline Review Panel Chair.
5. **Witnesses and Supporting Documentation**
 - a. The accused and/or the College may submit notarized written statements, absent other clear evidence of authenticity; may invite relevant witnesses to attend, may ask questions of witnesses called by others, and will be notified of potential witnesses to be called.
 - b. Witnesses shall not attend the entire hearing, but will be called to present information by the Discipline Review Panel Chair at the appropriate time.
 - c. Pertinent records and supporting documentation may be accepted as information for consideration by the Discipline Review Panel at the discretion of the Panel Chair.
 - d. The Panel Chair may accommodate concerns for the personal safety, well-being, and/or fears of confrontation during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, videoconferencing, videotape, and other means, where and as determined by the Vice President for Students Affairs to be acceptable.
6. **Consultants**
 - a. In cases requiring special expertise, the Vice President for Student Affairs or designee may appoint individuals with relevant expertise to serve as consultants to the Discipline Review Panel.

- b. The consultants may be present and provide information as called upon during the hearing, but will not vote.

7. **Discipline Review Panel Quorum**

- a. A quorum of the Discipline Review Panel must be present to conduct a hearing, unless the student waives the quorum rule in writing. At the conclusion of the hearing, the panel members shall determine by a majority vote whether the accused student has violated each section of the Code with which the student is charged.
- b. In the event of a tie vote regarding a particular charge or charges, the Panel will continue to deliberate with regard to the charge or charges that were the subject of the tie vote. If the Panel determines that exhaustive deliberations have occurred and a majority vote cannot be reached regarding the particular Code charges, the student will be found not in violation of the charges for which the majority vote could not be reached.

8. **Written Record**

At the conclusion of the hearing, the Panel Chair will submit a written record, of the Panel's disposition and suggested sanctions to the Vice President for Student Affairs or designee within ten (10) calendar days.

9. **Notification of Sanctions**

No more than thirty (30) calendar days after receipt of the written hearing record the Vice President for Student Affairs or designee shall review the hearing record and notify the student(s) of his/her decision and, where applicable, imposed sanctions (**see procedures Section III**). If the student has been found to have violated the Code, the letter shall inform the student of his/her right to appeal under the Code procedures, pursuant to the appellate process, **Section V**.

III. College Sanctions and General Guidelines

College Sanctions are imposed for both academic and non-academic violations. Sanctions to be imposed by the College, for either type of violation are varied and should be commensurate with the violation(s) found to have occurred.

A. Determination of Sanctions

In determining the sanction(s) to be imposed for either academic or non-academic violations, consideration should be given to mitigating circumstances and/or aggravating factors, including, but not limited to:

1. Past misconduct by the student;
2. Provocation by the subject of the conduct that constituted the violation;
3. Failure of the student to comply fully with previous sanctions;
4. Potential and/or actual harm caused by the violation;
5. Degree of intent and motivation of the student in committing the violation;and

6. Severity and pervasiveness of the conduct that constituted the violation.

Note: Impairment resulting from voluntary use of alcohol or drugs, other than is medically necessary, shall be considered an aggravating, and not a mitigating, factor.

B. Sanctions and Related Actions

One or more of the following courses of action may be taken when a student has been found to have violated the Code.

1. **Disciplinary Warning**

A disciplinary warning to a student represents a formal written admonition for a specific conduct violation. A student under warning shall continue to exercise all rights and privileges of the College as a student in good standing.

2. **Disciplinary Probation**

Disciplinary probation is a sanction imposed for a specific period of time and may include conditions restricting the student's privileges or eligibility for and participation in activities. Such privileges and eligibility are automatically restored upon completion of the probationary period if the student has complied satisfactorily with all conditions and has refrained from further Code violations.

3. **Suspension**

Suspension is a sanction that terminates the student's enrollment, separating the student from the College for a period not to exceed two (2) full semesters (including summer session) following the effective date of the imposition of the suspension. Readmission at the end of the suspension period may require satisfactory completion of specified stipulations to be met.

- a. **Interim Suspension**

- 1) When the Vice President for Student Affairs or designee has reasonable cause to believe that a student has violated the Code and that the student's presence on College premises or at a College-related or registered student organization activity poses a significant risk of substantial harm to the health or safety of others or to property, the student shall be required to vacate the College premises immediately or at a time determined by the Vice President for Student Affairs.
- 2) In addition the student shall be denied all privileges afforded a student and is not permitted to participate in or complete academic coursework.
- 3) The Interim Suspension will be confirmed in writing and shall remain in effect until the conclusion of a full hearing, without undue delay, typically, within 1-5 calendar days after the issuance of the Interim Suspension.

- 4) The student shall also be entitled to the same appeal process that other students receive as described in the Code procedures, pursuant to the appellate process, **Section V**.

b. Continued Suspension

Following a Discipline Review Panel Hearing for a student on Interim Suspension, the student may be continued on suspension for an indefinite period of time, if the Vice President for Student Affairs or designee determines that the student's behavior poses an imminent danger of causing physical harm to self or to others; or his/her behavior directly and substantially disrupts or impedes the lawful activities of other members of the campus community, including faculty, staff, students, visitors, and guests of the College.

Under the terms of a continued suspension, the student:

- 1) Will be required to leave College premises immediately upon notification;
- 2) Will not be allowed to return to the College premises without authorization from the College official who ordered the suspension;
- 3) Will be eligible to receive a refund of tuition and fees for the term of separation in accordance with the "Refund Schedule" established by the College;
- 4) Will have the grade "AW" (Administrative Withdrawal) entered upon his/her official College transcript for any courses not completed during the term of separation (the "AW" grade will not be calculated in the student's GPA); and
- 5) Will have a registration hold placed upon his/her file to prevent future unauthorized registration at the College.

4. Disciplinary Dismissal

Disciplinary dismissal is a sanction by which the student is involuntarily separated from the College for three (3) full semesters (including summer session) or more following the effective date of the imposition of the dismissal.

- a. A student receiving a Disciplinary Dismissal shall be required to vacate the College premises immediately or at a time determined by the Vice President for Student Affairs.
- b. In addition the student shall be denied all privileges afforded a student and is not permitted to participate in or complete academic coursework.
- c. Upon reinstatement, a student may be required to meet other conditions imposed by the Vice President for Student Affairs such as eligibility to participate in specified student activities; or periodic contact with a designated College staff member.

5. **Revoke Admission**

The student loses admitted status to the College. Admission may be revoked as a result of fraud, misrepresentation, or other violations of college rules and policies prior to or after enrollment. A permanent notation will be made on the student's transcript indicating that the "admission was revoked" and the date of action. The Vice President for Student Affairs shall review all recommendations for revocation of admission.

6. **Expulsion**

The student is permanently separated from the College, may not be present on the College premises, or in attendance at College-sponsored events.

- a. Permanent notification will appear on the student's transcript indicating the student has been "Involuntarily Separated from the College."
- b. The Vice President for Academic Affairs shall review recommendations for expulsion that are for academic misconduct cases, and the Vice President for Student Affairs shall review recommendations for expulsion that are for non-academic misconduct cases.

7. **Revoke Degree**

The student loses the right to claim a degree from the College. The awarded degree will be removed from the student's transcript and a permanent notation will be made on the transcript indicating that "the degree has been revoked," the degree involved, and the date of the action. The Vice President for Academic Affairs shall review all recommendations for degree revocation.

8. **Other Sanctions**

Other sanctions may be imposed by the Disciplinary Review Panel or Vice President for Student Affairs or the Academic Integrity Panel or Vice President for Academic Affairs, whichever is applicable to the violation, as deemed appropriate for the student and the conduct violation in question. These may be imposed singularly or in combination with any of the aforementioned sanctions listed in **Section III. A**. Other sanctions can be assigned as the recommended sanctions or as conditions to another sanction. Examples include, but are not limited to:

- a. Research assignments;
- b. Community service projects;
- c. Special workshop participation;
- d. Restitution for property damage or misappropriation of College property or services, or the property of any person;
- e. Restriction of access to specified campus facilities and/or property;
- f. Referral to medical resources or counseling personnel;
- g. Removal from class.

9. **Sanctions of Student Clubs and Organizations**

Student clubs or organizations may lose privileges or registration for violation of the Code or the regulations contained within the Student Organization Handbook.

Upon issuance of a sanction(s), an electronic discipline file is created by the office of the appropriate Vice President. The file will be consulted in determining sanctions for any further proven code violation by the student.

IV. **Hearing Panels**

A. **Academic Integrity Panel**

The Academic Integrity Panel exists to protect academic standards and integrity of the College and is responsible for adjudicating allegations of academic misconduct referred by the Vice President for Academic Affairs.

1. **Hearing Officer Role**

The Hearing Officer shall investigate or establish procedures for investigation in all reported cases of student academic misconduct and serves as a Council ex-officio member without the authority to vote.

2. **Panel Chair Role**

The Panel Chair shall manage the Academic Integrity Panel Hearing in accordance with **Section I.E.** and coordinate the writing and submission of the report to the Vice President for Academic Affairs.

3. **Panel Membership**

The Academic Integrity Panel members are appointed annually in the spring and training is conducted prior to October 1. Training content is housed in the Office of the Vice President for Academic Affairs. The Academic Integrity Panel membership includes:

- a. Up to five (5) regular faculty members to be appointed by the Vice President for Academic Affairs in consultation with the President of the Rhodes State College Faculty Association;
- b. One (1) or two (2) Rhodes State College students appointed by a Rhodes State Student Government Association (SGA) officer or, when the SGA is not functioning, appointed by the Vice President for Student Affairs. Student appointments shall be for a one-year term beginning with the fall term. To be eligible for appointment, a student must possess a minimum 2.5 cumulative grade point average and be under no current disciplinary sanction from the College. Students may be reappointed to subsequent terms.
- c. One (1) Academic Chairperson to be appointed by the Vice President for Academic Affairs in consultation with the President of the Rhodes State College Faculty Association; and
- d. A quorum for a hearing shall be no fewer than four (4) voting panel members and include no less than one (1) student and three (3) faculty members.

B. College Discipline Review Panel

The College Discipline Review Panel is responsible for adjudicating allegations of non-academic misconduct referred by the Vice President for Student Affairs. The Discipline Review Panel members are appointed annually in the spring and training is conducted prior to October 1. Training content is housed in the Office of the Vice President for Student Affairs. The Discipline Review Panel roles and membership includes:

1. Hearing Officer Role

The Hearing Officer shall investigate or establish procedures for investigation in all reported cases of student non-academic misconduct and serves as a Council ex-officio member without the authority to vote.

2. Panel Chair Role

The Panel Chair shall manage the Discipline Review Panel Hearing and coordinate the writing and submission of the report to the Vice President for Student Affairs.

3. Panel Membership

a. The College Discipline Review Panel membership includes:

- 1) One (1) Division Dean or chairperson appointed by the Vice President for Student Affairs and serving as the Panel Chair;
- 2) One (1) or two (2) faculty members recommended to the Vice President for Student Affairs by the Vice President for Academic Affairs;
- 3) One (1) or two (2) professional or administrative staff members assigned to Student Affairs and appointed by the Vice President for Student Affairs; and
- 4) One (1) or two (2) Rhodes State College students appointed by a Rhodes State Student Government Association (SGA) officer or, when the SGA is not functioning, appointed by the Vice President for Student Affairs. Student appointments shall be for a one-year term beginning with the fall term. To be eligible for appointment, a student must possess a minimum 2.5 cumulative grade point average, be under no current disciplinary sanction and in good standing with the College.

b. A quorum for a hearing shall be no fewer than four (4) voting panel members and shall include no less than one (1) student member.

V. Appellate Process

A. Right to Appeal

A student found to have violated this Code has the right to appeal the decision from the Administrative Hearing, Discipline Review Panel Hearing, or Academic Integrity Panel Hearing.

1. Unless an interim suspension is issued, a student may continue to attend classes and exercise other rights and privileges of a registered student during the appeal process, but the College reserves the right to impose the sanction(s) retroactively to the date of notice of sanction(s) letter issued by the appropriate Vice President or designee.
2. A registration hold will be placed on a student's Banner account record pending completion of the appeal.
3. An appeal must be based upon one or more of the following grounds:
 - a. Procedural error;
 - b. Misapplication or misinterpretation of the Code rule alleged to have been violated;
 - c. Findings of facts not supported by a preponderance of the evidence;
 - d. Discovery of substantial new facts that were unavailable at the time of the hearing; or
 - e. That the disciplinary sanction imposed is grossly disproportionate to the violation committed.
 - f. An appeal of a decision must be submitted in writing and postmarked or hand delivered to the appropriate Vice President or designee within ten (10) calendar days after the date on which the College mailed the student the Notification of Sanctions letter.

B. Appropriate Appeal Officers

1. Student appeals regarding the administrative hearing decision will be submitted to the appropriate Vice President for decision.
2. Student appeals regarding the College Discipline Review Panel or Academic Integrity Panel hearing decision shall be submitted to the appropriate Vice President for decision.

C. Appeal Proceedings

The appropriate Vice Presidents, as appeal officers, shall manage the appeal as follows:

1. The Vice President shall dismiss any appeal which is not based upon one or more of the grounds set forth in **Section V.A.(3)**.
2. The Vice President may decide the appeal based upon a review of the hearing record alone.
3. The Vice President may request additional written information or an oral presentation from relevant person(s) and then decide the appeal based upon the enhanced record.

D. Possible Dispositions by the Appeal Officer

After a review of the hearing record, the Vice President, as appeal officer may pursue the following:

1. Uphold the Administrative Hearing, ruling and/or sanctions;
2. Uphold the Discipline Review Panel or Academic Integrity Panel ruling and/or sanction;
3. Dismiss the Discipline Review Panel or Academic Integrity Panel ruling and/or sanction; and/or
4. Impose a lesser sanction or greater sanction.

VI. Maintenance and Confidentiality of Student Conduct

A single record consisting of written notes, tape recording, or other medium selected by the Discipline Review Panel or Academic Integrity Panel will be made of all hearings. Such record will remain the property of the College. A completed file for each case of misconduct shall be maintained in the office of the appropriate Vice President or designee. Once the case is resolved, the file will be maintained for a period not to exceed six (6) years or otherwise in accordance with the College's **Records and Retention Manual**.

Materials relating to a disciplinary action are confidential and only available, pursuant to the Family Educational Rights and Privacy Act (FERPA 20 U.S.C. §1232g. et.seq.) regulations, guidelines and standards.

VII. Extensions of Time

The Vice President for Student Affairs or Vice President for Academic Affairs, in consultation with other appropriate parties as needed, may extend the timelines set forth in the Code for good cause. A request for extension for good cause must be made in writing by the requesting party, include supporting rationale, and be received in the office of the appropriate Vice President, at least two (2) calendar days before the deadline the party is seeking to extend.

VIII. Revisions and Amendments

The Rhodes State College Code of Student Conduct is an official publication of the College as approved by the Board of Trustees. All petitions for revision and amendment of the Code should be submitted through the Office of the Vice President for Student Affairs for consideration by the appropriate governing bodies and recommendation to the President. Proposed revisions to the Code shall be reviewed, in draft form, by the President, Vice President for Student Affairs, Vice President for Academic Affairs, and the appropriate student governing body before being presented for approval to the Shared Governance Councils of Academic and Student Affairs. Revisions must have the approval of the College Board of Trustees, and no revision shall become effective until printed notice of such revision is made available to students. Revisions made to this Code of Student Conduct Policy and Procedure since the date of its publication are available in the Office of the Vice President for Student Affairs.