

# **Erskine College**

## **Student Code of Conduct**

### ARTICLE I: DEFINITIONS

1. The term College means Erskine College.
2. The term “student” includes all persons taking courses at the College. Persons who withdraw after allegedly violating the Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered “students”. This definition is intended to include persons not enrolled for a particular term but who were considered “students” when the conduct at issue occurred and could otherwise return. Such persons would be responsible for complying with the Code of Conduct even between periods of their actual enrollment. Similarly, the Code of Conduct applies to students who have been accepted for admission but who are on campus prior to the beginning of their first semester.
3. The term “faculty member” means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
4. The term “College official” includes any person employed by the College, performing assigned administrative or professional responsibilities.
5. The term “member of the College community” includes any person who is a student, faculty member, College official or any other person employed by the College.
6. The term “organization” means any number of persons who have complied with the formal requirements for College recognition.
7. The term “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).
8. The term “Conduct Board” means any person or persons authorized by the College to determine whether a student has violated the Code of Conduct and to recommend sanctions that may be imposed when a rules violation has been committed.
9. The term “Student Conduct Administrator” means a College official authorized on a case-by-case basis by the College to impose sanctions upon any student(s) found to have violated the Code of Conduct.
10. The term “Appellate Board” means any person or persons authorized by the College to consider an appeal from a Conduct Board’s determination as to whether a student has violated the Code of Conduct or from the sanctions imposed by the Student Conduct Administrator.
11. The term “shall” is used in the imperative sense.
12. The term “may” is used in the permissive sense.
13. The Dean of Students is the person designated by the College to be responsible for the administration of the Code of Conduct.
14. The term “policy” means the written regulations of the College as found in, but not limited to, The *Pilot*, the College web page and computer use policy, and the College Catalogs.

15. The term “Complainant” means any person who submits a charge alleging that a student violated this Code of Conduct. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under this Code of Conduct as are provided to the Complainant, even if another member of the College community submitted the charge itself.

16. The term “Accused Student” means any student accused of violating this Code of Conduct.

## ARTICLE II: STUDENT CODE AUTHORITY

1. The Student Government Association shall determine the composition of the Judicial Council. The Vice President and Dean of the College shall determine the composition of the College Committee on Discipline and Appeals and the President shall determine the Presidential Appeals Committee.

2. The College cabinet shall approve policies for the administration of the student conduct system and procedural rules for the conduct of student conduct hearings that are not inconsistent with provisions of the Code of Conduct.

3. Decisions made by a Conduct Board and/or Student Conduct Administrator shall be final, pending the normal appeal process.

## ARTICLE III: PROSCRIBED CONDUCT

### A. Jurisdiction of the Code of Conduct

The Code of Conduct shall apply to conduct that occurs on College premises, at College sponsored activities, and to off-campus conduct that adversely affects the College Community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Code of Conduct shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending. The Dean of Students shall decide whether the Code of Conduct shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

### B. Conduct—Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct is subject to disciplinary sanctions:

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

a. Furnishing false information to any College official, faculty member, or office.  
b. Forgery, alteration, or misuse of any College document, record, or instrument of identification.

2. Disruption or obstruction of College activities or of authorized non- College activities when the conduct occurs on College premises.

3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.

4. Attempted or actual theft of and/or damage to property of the College or property of a member of the college community or other personal or public property, on or off campus.
5. Hazing, defined as any organization (including athletic teams), residence hall, residence hall floor, or individual to engage in hazing activity of any kind. Hazing is defined as any activity that adversely affects a student's physical, mental, or emotional well-being. The willingness of an individual to participate in a hazing activity in no way reduces the responsibility of those initiating the activity. Listed are examples of hazing that are prohibited. This list is only illustrative and not exhaustive:
  - a. Physical abuse.
  - b. Forced alcohol or other substance consumption.
  - c. Activities deemed socially humiliating or viewed as offensive by members of the Erskine community, such as indecent dress, language, or behavior.
6. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
7. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College premises.
8. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College website.
9. Violation of any federal, state or local law.
10. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.
11. The possession of alcoholic beverages by any Erskine student or guest of any Erskine student anywhere on the Erskine campus or at any function sponsored by any College organization. This includes all residence hall rooms. A residence hall resident is responsible for any violation of the alcohol regulations, including underage possession or consumption that occurs in his or her room while he or she is present. Public display of any alcoholic beverage, drunkenness, or alcohol related misconduct in any area of campus is a violation of the Code of Conduct.
12. Illegal or unauthorized possession of firearms, explosives, other weapons, fireworks, or dangerous chemicals on College premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
13. Failure to abide by residence hall policies.
  - a. Noise-Students are to be considerate of their neighbors and refrain from making excessive noise or creating disturbances at all times.
  - b. Whereas the atmosphere in all residential facilities should be conducive to the educational process at all times, students present in the residence hall are to be especially mindful of this atmosphere during study hours each week night from 7-9 P.M.
  - c. Pets-Because of the health hazards and other problems, pets are not allowed in the residence hall except with the written permission of the Dean of Students. Violation of this policy carries a \$100 fine.
  - d. Residence Hall Meetings-Attendance may be required at residence hall meetings.
  - e. Alcohol-A residence hall resident is responsible for any violation of the alcohol regulations, including underage possession or consumption that occurs in his or her room while he or she is present.

f. Smoking-No smoking is allowed in any building on the Erskine College campus, including, but not limited to, residence halls. This rule forbids smoking in residence hall hallways and personal rooms as well. Students are expected to only smoke outside and away from main entrance and exit doors.

g. Visitation-Except during visiting hours, students are not permitted in residence halls housing members of the opposite sex. Students of the opposite sex are permitted to visit rooms (during visitation hours) if the student whose room they are visiting signs them into the residence hall. Visitation may occur 12:00 p.m. to 12:00 a.m. Sunday through Thursday, 12:00 p.m. to 1:00 a.m. on Friday and Saturday. Students are permitted to assist members of the opposite sex in moving belongings in or out of residence halls during non-visitation hours provided a resident director is contacted for permission. Students should announce that a member of the opposite sex is on the hall. All persons of the opposite sex must enter and exit the residence halls through the front door only. If a member of the opposite sex is helping the resident to move belongings, they may enter and exit through the other doors at the discretion of the RD. During fire drills, the front door policy is not in effect. Each student is responsible for the conduct of their guest or guests. The RD or SLA may require a guest to leave at any time.

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

15. Failure to abide by fire safety policies.

a. Misusing, damaging or tampering with fire safety equipment.

b. Setting or causing to be set any unauthorized fire on or in College property.

c. Possessing or using fireworks, explosives or other incendiary devices on College property without authorization.

d. Making or causing to be made a false fire alarm.

e. Intentionally or recklessly obstructing a fire exit in any College building.

f. Failure to exit a College building when the fire alarm sounds.

g. Failure to maintain an organization's facilities and/or surrounding property creating a potential danger to the health or safety of the occupants or other individuals.

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

17. Theft or other abuse of computer facilities and resources, including but not limited to:

a. Intentional violation of federal and state copyright laws and license agreements is prohibited. The user is responsible for any and all copyright infringements or other illegal acts performed through the use of College computers or network access. (U.S. copyright law is governed by the Copyright Act of 1976, U.S. Code, Title 17.)

b. Browsing, exploring, or making other unauthorized attempts to view data, files, or directories belonging to the College or to other users is forbidden. It is also unacceptable behavior to corrupt files, introduce deviant software such as worms or viruses, or interfere with someone else's legitimate computer use. Possession of software designed to gain unauthorized access will be deemed to constitute an attempt at breaking College computer security.

c. Commercial solicitation, selling, or advertising for purposes not related to College sponsored organizations or activity is not allowed via electronic mail or College-provided Internet access.

d. Each electronic mail account is to be used only by the individual to whom it was assigned.

e. Electronic mail cannot contain obscene or threatening language. Receipt of electronic mail from any source which violates this regulation should be reported to Chief of Campus Police and/or the Director of Information Technology.

f. Use of the Internet or the campus network to access pornographic or obscene material is forbidden.

g. Hardware/software repairs, reconfigurations, modifications, etc., to College-owned computers and peripheral equipment are to be conducted by Information Technology or McCain Library staff members only.

h. Users should help keep down the cost of providing computer resources. Supplies such as toner for laser printers are provided for the College-owned equipment. Printing should be limited to essential work.

18. Abuse of the Student Conduct System, including but not limited to:

a. Failure to obey the notice from a Student Conduct Board or College official to appear for a meeting or hearing as part of the Student Conduct System.

b. Falsification, distortion, or misrepresentation of information before a Student Conduct Board or College official.

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

d. Institution of a student conduct code proceeding in bad faith.

e. Attempting to discourage an individual's proper participating in, or use of, the student conduct system.

f. Attempting to influence the impartiality of a member of a Student Conduct Board prior to, and/or during the course of, the Student Conduct Board proceeding.

g. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Board prior to, during, and/or after a student conduct code proceeding.

h. Failure to comply with the sanction(s) imposed under the Code of Conduct.

i. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

### C. Violation of Law and College Discipline

1. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of Dean of Students. Determinations made or sanctions imposed under this Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

2. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because

of his or her status as a student. If the alleged offense is also being processed under the Code of Conduct, the College may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the College community. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

## ARTICLE IV: STUDENT CONDUCT PROCESS

### A. Process

1. Any member of the College community may file charges against a student for violations of the Code of Conduct. A charge shall be prepared in writing and directed to the Dean of Students. Any charge should be submitted as soon as possible after the event takes place, preferably within seventy-two (72) hours.
2. The Student Conduct Administrator may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings. If the charges are not admitted and/or cannot be disposed of by mutual consent, the Student Conduct Administrator may later serve in the same matter as the Student Conduct Board or a member thereof. If the student admits violating institutional rules, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).
3. All charges shall be presented to the Accused Student in written form. A time shall be set for a Student Conduct Hearing, not less than five nor more than fifteen calendar days after the student has been notified. Maximum time limits for scheduling of Student Conduct Board Hearings may be extended at the discretion of the Student Conduct Administrator.
4. Student Conduct Board Hearings shall be conducted by a Conduct Board according to the following guidelines:
  - a. Student Conduct Board Hearings normally shall be conducted in private.
  - b. The Complainant and the Accused Student shall be allowed to attend the entire portion of the Student Conduct Board Hearing at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Hearing shall be at the discretion of the Student Conduct Board and/or its Student Conduct Administrator.
  - c. In Student Conduct Board Hearings involving more than one Accused Student, the Student Conduct Administrator, in his or her discretion, may permit the Student Conduct Board Hearings concerning each student to be conducted either separately or jointly.
  - d. The Accused Student and the Student Conduct Board may arrange for witnesses to present pertinent information to the Student Conduct Board. The College will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the College and/or Accused Student at least two weekdays prior to the Student Conduct Board Hearing. Witnesses

will provide information to and answer questions from the Student Conduct Board. Questions may be suggested by the Accused Student to be answered by each other or by other witnesses. This will be conducted by the Student Conduct Board with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the Student Conduct Board.

f. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by a Student Conduct Board at the discretion of the chairperson.

g. All procedural questions are subject to the final decision of the chairperson of the Student Conduct Board.

h. After the portion of the Student Conduct Board Hearing concludes in which all pertinent information has been received, the Student Conduct Board shall determine (by majority vote if the Student Conduct Board consists of more than one person) whether the Accused Student has violated each section of the Student Code which the student is charged with violating.

i. The Student Conduct Board's determination shall be made on the basis of whether it is more likely than not that the Accused Student violated the Code of Conduct.

j. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Code of Conduct proceedings.

5. There shall be a single verbatim record, such as a tape recording, of all Student Conduct Board Hearings before a Student Conduct Board (not including deliberations). Deliberations shall not be recorded. The record shall be the property of the College.

6. If an Accused Student, with notice, does not appear before a Student Conduct Board Hearing, the information in support of the charges shall be presented and considered even if the Accused Student is not present.

7. The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Dean of Students to be appropriate.

## B. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:

a. Warning—A notice in writing to the student that the student is violating or has violated regulations.

b. Probation—A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.

c. Loss of Privileges—Denial of specified privileges for a designated period of time.

d. Fines—Established and published fines may be imposed.

- e. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - f. Discretionary Sanctions—Community/College service assignments, essays, or other related discretionary assignments.
  - g. Suspension—Separation of the student from Erskine for a definite period of time, after which the student is eligible to return. The student will be withdrawn from all classes and a suspension notation will be made on the student’s academic record. Conditions for readmission will be specified. The academic record notation can be removed at the discretion of the Vice President for Student Services if all conditions are met.
  - h. Expulsion—Permanent separation of the student from Erskine College. A permanent expulsion notation will be made on the student’s academic record.
2. More than one of the sanctions listed above may be imposed for any single violation.
  3. Other than College expulsion, disciplinary sanctions shall not be made part of the student’s permanent academic record, but shall become part of the student’s disciplinary record. In situations involving both an Accused Student(s) (or group or organization) and a student(s) claiming to be the victim of another student’s conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Accused Student(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.
  4. The following sanctions may be imposed upon groups or organizations:
    - a. Those sanctions listed above in article IV.
    - b. Loss of selected rights and privileges for a specified period of time.
    - c. Deactivation. Loss of all privileges, including College recognition, for a specified period of time.
- C. Interim Suspension
- In certain circumstances, the Vice President for Student Services or the Dean of Students may impose a College or residence hall suspension prior to the Student Conduct Board Hearing before a Student Conduct Board.
1. Interim suspension may be imposed only: 1) to ensure the safety and well-being of members of the College community or preservation of College property; b) to ensure the student’s own physical or emotional safety and well-being; or c) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.
  2. During the interim suspension, a student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Vice President for Student Services or the Dean of Students may determine to be appropriate.
  3. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Student Conduct Board Hearing, if required.
- D. Appeals

## Cases Originating from Judicial Council or the Dean of Students

The student or organization may appeal the decision from a Conduct Board hearing. Appeal information will be included with the written decision issued to a student. Appeal forms are available in the Office of Student Services. All appeals must be in writing and submitted to the Office of Student Services within three (3) college business days of receipt of the decision. The purpose of appeal procedures is to provide the student with the opportunity to bring forward questions regarding substantive or procedural errors that occurred during the process. The appeal process is not intended to grant a new hearing at a higher level. Dissatisfaction with a decision is not grounds for an appeal.

All levels of appeal described in these procedures involve written appeals only. Students neither meet with nor make oral presentations to the appellant officer. There may be times, however, when the appellant body requests a meeting in order to gather further information relative to the matters associated with the appeal.

Appeals must be based on substantive or procedural errors that are allegedly or believed to be prejudicial and were committed during the process or if new evidence not presented at the hearing is discovered. These errors should be addressed in the written appeal and are described as follows:

1. Procedural errors - when the published procedures of the judicial process were not followed and the error(s) egregiously violated the student's rights.
2. Substantive errors - when the evidence presented at the hearing was not sufficient to justify the decision reached or if the sanction(s) imposed is (are) unreasonably harsh based upon the circumstances of the case and the prior record of the student.
3. New evidence - when information, existing at the time of the hearing, was not available or known to exist at the time of the hearing.

When an appeal is received in the Office of Student Services, it will be forwarded to the Chair of the College Discipline and Appeals Committee (CDA) for review. In addition to the written appeal, the Dean of Students or the Judicial Council Chair will provide all documents and evidence presented at the hearing or pertinent to the case.

The Chair of the CDA shall determine the method of reviewing these materials and the body will make one of the following determinations:

1. Find no error and uphold the original decision.
2. Find that errors did occur and reverse the decision.
3. Uphold the original finding, but modify the sanction(s).
4. Find that errors did occur and send the case back to the Office of Student Services for a new hearing.

The Chair of the CDA will notify the student, in writing, of the committee's decision. The case materials, including a copy of the decision, will be returned to the Office of

Student Services. The decision of the CDA is considered final and, if applicable, all imposed sanctions take effect.

#### Further Review for Cases Resulting in Suspension or Expulsion

Students may apply for further review by the President of the College only if one of the following sanction(s) was issued by the original hearing body AND upheld by the College Discipline and Appeals Committee (CDA):

1. Suspension from the College
2. Expulsion from the College

If these conditions exist, the student may submit a written request for further review and submit it to the Office of the President within three (3) business days of receiving the decision of the CDA.

Any request for Presidential review must be based on procedural or substantive error(s) made by either the original hearing body or the CDA and must involve the sanctions listed above. A review by the President is not considered a matter of right, but is within the sound discretion of the President. If the application for review is granted, the case will be sent to the Presidential Appeals Committee (PAC) to make a recommendation. Following review of the committee's recommendation, the President will issue a decision. This is the final appellate proceeding and, if applicable, all imposed sanctions take effect after the President issues a decision.

#### Cases Originating from the College Discipline and Appeals Committee

If a case originates from the College Discipline and Appeals Committee the appeal will be heard by the Presidential Appeals Committee. The grounds for appeal, the appeals process, and the possible determinations remain the same. The decision of the PAC is considered final and all imposed sanctions will take effect.

### ARTICLE V: INTERPRETATION AND REVISION

A. Any question of interpretation or application of the Conduct Code shall be referred to the Dean of Students or his designee for final determination.

B. The Conduct Code shall be reviewed every year under the direction of the Dean of Students.

