

# SOUTHEAST COMMUNITY COLLEGE

*Student Code of Conduct*

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# Southeast Community College

## *Student Code of Conduct*

### Acknowledgement

The Southeast Community College *Student Code of Conduct* is adapted from The NCHERM Group Model Developmental Code of Student Conduct and is used here with permission. (The NCHERM Group Model Code Project, 2013.)

### Preface

The mission of Southeast Community College is to empower and transform its students and the diverse communities it serves. The College provides accessible, dynamic, and responsive pathways to career and technical, academic transfer, and continuing education programs. Student success and completion is maximized through collegiate excellence, exemplary instruction, comprehensive student support services, enrichment programs, and student-centered processes. SCC is committed to a proactive and evidence-based approach that continually assesses and responds to student, community, and employer demand for higher education.

### SCC Philosophy of Student Conduct

The mission of Student Affairs and Conduct is to provide students with clear expectations of conduct; consistent processes when expectations are not met; and interventions and programming that promotes the development of moral and social growth as well as ethical decision-making skills.

A community exists on the basis of shared values and principles. At SCC, all students enrolled are expected to conduct themselves as good citizens of an educational community. Students are expected to obey the laws of the local and state jurisdiction and the college rules and regulations. These standards are embodied within a set of core values that include demonstrating accountability, integrity and respect for others; pursuing excellence in fulfilling responsibilities; being honest, kind and compassionate; and adhering to the principles of diversity.

Students of SCC are diligent and consistently adhere to a high level of conduct, and each member of the SCC community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others. There are times when violations occur and in these situations, students responsible for the violation will receive instruction that is fair and consistent. Due process allows all students the right to be heard and for appeal.

The student conduct process at SCC is intended to provide clear guidance to students who violate conduct expectations, to protect the interests of the SCC college community and to provide opportunities for growth and development. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

The student conduct process is quite different from criminal and civil court proceedings. Student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. No student will be found in violation of College policy without indication that it is more likely than not that a policy violation occurred and any response or sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

## Definitions

**Administrator** – college officials responsible for administration of the *Student Code of Conduct*.

**Administrative Resolution** – determination by the assigned Administrator whether the student conduct matter can be resolved by mutual consent of the parties in a manner acceptable to the Dean of Student Conduct or designee.

**Conduct Committee** – a group of College faculty and staff authorized by the Dean of Students or designee to determine whether a student has violated the *Student Code of Conduct* and to recommend sanctions that may be imposed when a violation(s) has been committed.

**Dean of Students team** – a group comprised of the college Deans of Students and Associate Dean of Students.

**Educational Conference** - provides an opportunity for the responding student to share his/her insight into the alleged incident and misconduct with the assigned Administrator.

**Interim Sanctions** - consequences assigned to students as a result of their disciplinary charges pending *Student Code of Conduct* proceedings.

**Investigator** – individual who presents the allegations and shares evidence that the College has obtained regarding the allegations during Formal Conduct proceedings.

**Party Bringing Complaint** – any person or group who submits a charge alleging that a student violated the *Student Code of Conduct*.

**Preliminary Inquiry** – initial collection of information and initial fact-finding to determine if a *Student Code of Conduct* violation occurred which warrant further investigation.

**Preponderance of evidence** – the standards of proof governing the student conduct system and means that “more likely than not,” a violation of the *Student Code of Conduct* has occurred.

**Responding Student** – any student accused of allegedly violating this *Student Code of Conduct*.

**Responsible Authority** – any College employee who has the authority to take action to redress sexual harassment/misconduct; who has been given the duty of reporting incidents of sexual harassment/misconduct *or* any other misconduct by students to the Title IX coordinator or other appropriate designee; or who a student reasonably believes has this authority or duty.

**Sanctions** - consequences assigned to students as a result of their disciplinary charges.

## Jurisdiction

Students at SCC are provided a copy of the *Student Code of Conduct* at New Student Orientation. The *Student Code of Conduct* in its entirety can also be found at [www.southeast.edu/studentconduct](http://www.southeast.edu/studentconduct). Hard copies are available upon request from the Dean of Students. Students are responsible for having read and abiding by the provisions of the *Student Code of Conduct*.

The *Student Code of Conduct* and the student conduct process applies to the conduct of individual students at all college-owned or controlled property and all College-affiliated student organizations, events and activities on or off campus. The SCC *Student Code of Conduct* applies to any individual enrolled in any credit or non-credit course and thereafter as long as the student has a continuing educational interest in the College.

The *Student Code of Conduct* applies to guests of SCC students whose hosts may be held accountable for the misconduct of their guests. The Code may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of the College may seek resolution of violations of the *Student Code of Conduct* committed against them by members of College community by submitting a report via TIPS or to a College Administrator.

The *Student Code of Conduct* may also apply off-campus when the Dean of Students or designee determines that the student's conduct presents a danger or threat to the health or safety of him/herself or others.

The *Student Code of Conduct* may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The College does not regularly search for this information but may take action if and when such information is brought to the attention of College officials. However, most online speech by students not involving SCC networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

- A true threat, defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals”;
- Speech posted online about the College or its community members that causes a significant on-campus disruption.

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

There is no time limit on reporting violations of the *Student Code of Conduct*; however, the longer someone waits to report an offense, the harder it may become for College officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints and reports are permitted, doing so may limit the College's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible via the online incident reporting system, TIPS, or directly to the Dean of Students or Campus Security.

## Violations of the Law

Alleged violations of federal, state and local laws may be investigated and addressed under the *Student Code of Conduct*. When an offense occurs over which the College has jurisdiction, the College *Student Code of Conduct* process will usually go forward independent of any criminal complaint that may arise from the same incident.

## Investigation Delays

SCC may be delayed or prevented from conducting its own investigation and resolving the allegation because of a criminal investigation. In such cases, the College will only delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. Where the allegation involves a threat to safety, the college may initiate protective action and/or interim sanctions to ensure the safety of others despite an ongoing criminal investigation.

## Attempted Violations

In most circumstances, the College will treat attempts to commit any of the violations listed in the *Student Code of Conduct* as if those attempts had been completed.

## False Reports

The College will not tolerate intentional false reporting of incidents. It is a violation of the *Student Code of Conduct* to make an intentionally false report of any policy violation.

## Amnesty

### 1. For Victims

SCC provides amnesty to victims who may be hesitant to report to College officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.

### 2. For Those Who Offer Assistance

To encourage students to offer help and assistance to others, SCC pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Dean of Students, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options may be explored in lieu of conduct proceedings or sanctions.

### 3. For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the College may be offered amnesty for their minor violations. Educational options may be explored in lieu of conduct proceedings or sanctions.

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

#### 4. Drug and/or Alcohol Use

SCC believes that students who have a drug and/or alcohol dependency problem deserve help. If any College student brings their own use, addiction, or dependency to the attention of College officials **independent of** the threat of drug tests or conduct sanctions and seeks assistance; a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the assistance plan by the student. Failure to follow the action plan may nullify the amnesty protection and campus conduct processes may be initiated.

## Standards of Conduct

### ARTICLE 1. Honesty and Integrity

Students should act in a manner that demonstrates honesty and integrity. Violations include:

1. **Falsification.** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments.
2. **Academic Dishonesty.** Acts of academic dishonesty as outlined in the *Academic Integrity* guidelines.
3. **Unauthorized Access or Entry.** Unauthorized access to any College building; unauthorized possession, duplication or use of means of access to any college/university building (i.e. keys, cards, etc.); failing to timely report a lost College identification card or key; or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from an SCC building.
4. **Collusion.** Action or inaction with another or others to violate the *Student Code of Conduct*.
5. **Taking of Property.** Intentional and unauthorized taking of College-owned or controlled property or the personal property of another, including goods, services and other valuables.
6. **Damage and Destruction.** Intentional, reckless and/or unauthorized damage, defacing, vandalizing or destruction of College-owned or controlled property or the personal property of another.
7. **Information Technology and Acceptable Use.** Violating Copyright Infringement & Responsible Computing policy (See *Copyright Infringement & Responsible Computing* for further information)

### ARTICLE 2. Accountability and Respect for Others

Students should act in a manner that demonstrates accountability and respect for others. Violations include:

1. **Disruptive Behavior.** Substantial disruption of College operations including obstruction of teaching, research, administration; other College activities both on and off campus; and/or



other authorized non-College activities which occur on campus. Examples of disruptive behavior that impact the teaching and learning environment, both in and out of the classroom include:

- a. Dominating conversations, digressing excessively from subject matter and interrupting faculty and/or students.
  - b. Inappropriate or unauthorized use of electronic devices, cell phones, or pagers (such as repeatedly allowing cell phones to ring, answering cell phones or allowing pagers to beep).
  - c. Sleeping in class that caused a disturbance.
  - d. Persistent tardiness or leaving early (without permission, if timeliness is an expectation).
  - e. Repeatedly leaving and entering the classroom without appropriate rationale or authorization if such permission is required.
  - f. Eating/drinking in class when such behavior is not permitted.
  - g. Persistent speaking outside of classroom expectations.
  - h. Making loud and distracting noises.
  - i. Poor personal hygiene and offensive body odor.
  - j. Use of profanity.
  - k. Intoxication.
2. **Weapons.** Possession, use, or distribution of explosives, guns, or other weapons or objects intended to be used to cause damage to property or harm to persons including the storage of any item that falls within the category of a weapon in a vehicle parked on College-owned or controlled property.

#### Definitions/ Examples of Prohibited Items

- a) Firearms – Any weapons designed or readily converted to expel any projectile by the action of an explosive. Examples include: pistol, revolver, starter gun, rifle, shotgun, short rifle, and short shotgun.
- b) Weapons – Any knife with a blade over three and one-half inches in length. Examples include: daggers, dirks, knives, and stilettos, or other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds.
- c) Fireworks and Explosive Materials – Any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Examples include: common fireworks (firecrackers, bottle rockets, sparklers, ground/ aerial/whistling devices); ammunition; black powder; gun powder, other explosive or combustible articles.
- d) Dangerous Instruments – Any air or gas-powered pistol or rifle, including paintball/ BB/pellet or tranquilizer guns/rifles; knuckles and brass or iron knuckles; bow and arrow, or any other projectile weapon or device; atomic, radiological, chemical, bacteriological, or biological materials.

Exceptions: These prohibitions apply to everyone (i.e., employees, students, invitees, and visitors) except:

- a) Law Enforcement Officials carrying or using weapons in conjunction with their official duties; and

- b) Use of prohibited items is permitted if/when an approved part of the regular course of instruction or college- approved activity.

3. **Complicity.**

- a) Complicity with or failure of any student to address known or obvious violations of the *Student Code of Conduct* or law;
- b) Complicity with or failure of any organized group to address known or obvious violations of the *Student Code of Conduct* or law by its members.

4. **Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:

- a) Intentionally or recklessly causing a fire which damages College or personal property or which causes injury.
- b) Failure to evacuate a College-owned or controlled building during a fire alarm;
- c) Improper use of College fire safety equipment; or
- d) Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on College property. Such action may result in a local fine in addition to College sanctions;

### ARTICLE 3. Kindness and Compassion

Students should act in a manner that demonstrates kindness and compassion. Violations include:

1. **Harm to Persons.** Physical, mental or verbal abuse to others or self on College owned or controlled property or at College sponsored or supervised functions, or conduct which threatens or endangers the health and safety of such persons.
2. **Threatening Behaviors:**
  - a) **Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
  - b) **Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.
3. **Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.
4. **Intimate Partner/Relationship Violence.** Violence or abuse by a person in an intimate relationship with another (See *Title IX/Sexual Misconduct Policy* for further information).
5. **Stalking.** Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to fear. (See *Title IX/Sexual Misconduct Policy* for further information).
6. **Sexual Misconduct.** Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation (See *Title IX/Sexual Misconduct Policy* for further information).

7. **Rioting.** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property.

#### ARTICLE 4. Adherence to Principles of Diversity

Southeast Community College is committed to maintaining learning and working environments that are free from all forms of illegal harassment and discrimination. The College will not tolerate harassment or retaliation in the workplace or educational environment whether committed by faculty, staff, or students, or by visitors to the College while they are on College-owned or controlled property or at events conducted, sponsored or sanctioned by the College. Each member of the College community is responsible for fostering civility, for being familiar with this policy, and for refraining from conduct that violates this policy. Violations include:

1. **Discrimination.** Any act or failure to act that is based upon an individual or group's actual or perceived status (race, color, ethnicity, religion, sex, age, marital status, national origin, veteran status, sexual orientation, disability, or other factors prohibited by law) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the College's educational program or activities.
2. **Harassment.** Harassment is any intentional behavior directed to another individual or group that is hostile, humiliating, or demeaning. Harassment, when directed at an individual, may include, but is not limited to: unwanted physical contact; use of epithets, inappropriate jokes, comments or innuendos; obscene or harassing telephone calls, emails, letters, notes or other forms of communication; and any conduct that may create a hostile working or academic environment. Harassment based on an individual's race, color, ethnicity, religion, sex, age, marital status, national origin, veteran status, sexual orientation, disability, or other factors is against SCC policy and against the law.
3. **Sexual Harassment.** Sexual harassment is any unwelcome behavior (verbal, written or physical) that is directed at someone because of the person's sex or gender and that meets one or more of the following conditions:
  - a) Is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's programs and/or activities by creating a hostile, humiliating, demeaning or sexually offensive academic, residential, working or social environment; and/or
  - b) Is based on real or reasonable perceived power differentials and submission to or rejection of such conduct is believed to carry consequences for the student's education or employment.
4. **Retaliatory Discrimination or Harassment.** Any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against one or more individuals for exercising their rights (or supporting others for exercising their rights) under this policy.
5. **Items of Public Display.** SCC does not condone the public display of items (e.g., posters, t-shirt designs, paintings, etc.) which are intended and/or deemed racist, sexist, indecent, illegal, inciting, or oppressive in nature.

## ARTICLE 5. Conduct Demonstrating Lack of Fulfillment to Personal and Academic Responsibilities

Students should act in a manner that fulfills their personal and academic responsibilities. Violations include:

1. **Abuse of Conduct Process.** Abuse or interference with, or failure to comply in, College processes including conduct and academic integrity hearings including, but not limited to:
  - a) Falsification, distortion, or misrepresentation of information;
  - b) Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
  - c) Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
  - d) Harassment (verbal or physical) and/or intimidation of a member of a College *Student Code of Conduct* body prior to, during, and/or following a *Student Code of Conduct* proceeding;
  - e) Failure to comply with the sanction(s) imposed by the *Student Code of Conduct* system;
  - f) Influencing, or attempting to influence, another person to commit an abuse of the campus *Student Code of Conduct*.
2. **Drugs, Alcohol and Controlled Substances.** Prohibits employees and students of the College from unlawfully manufacturing, distributing, dispensing, possessing, using, or being under the influence of a controlled substance, including illegal drugs and alcohol, on College premises, in College-owned or controlled property, at any College sponsored or sanctioned activities (both on and off-campus) where alcohol is not permitted/is prohibited, and in all places where its employees and students work and learn. This campus prohibition includes campus student housing and applies to any person on College grounds, whether they are a member of the College community or not (See *Drug, Alcohol and Controlled Substance Policy* for further information).
3. **Smoking.** The College subscribes to the Nebraska Clean Indoor Air Act. Smoking and chewing of tobacco products are not allowed in any of the SCC buildings, in any College vehicles or outdoor areas designated as non-smoking. Smoking and non-smoking areas on the campuses conform to state law and are clearly marked. Spitting of chewed tobacco products is not permitted within the College facilities. Use of electronic cigarettes and or vaporizer pens is not allowed in SCC buildings or College vehicles.
4. **Failure to Comply.** Failure to comply with the reasonable directives of College officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
5. **Financial Responsibilities.** Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.
6. **Other Policies.** Violating other published College policies or rules, including all Residence Hall and program policies.

7. **Health and Safety.** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.).

## Overview of the Conduct Review Process

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

NOTICE. Once notice is received from any source (victim, Resident Assistant, 3rd party, Responsible Authority, online, etc.), SCC will proceed with a preliminary inquiry and/or may schedule an initial educational conference with the responding student(s) to explain the conduct process and gather information.

### Preliminary Inquiry and/or Educational Conference

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

- a) A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the *Student Code of Conduct*, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code);
- b) A more comprehensive investigation, when it is clear more information must be gathered; or
- c) An educational conference facilitated by the Dean of Students or designee with the responding student.

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

- a) A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter should be closed and records should so indicate;
- b) An administrative resolution to an uncontested allegation (see immediately below);
- c) A decision to proceed with additional investigation and/or referral for a formal Conduct Committee Hearing for resolution.

If a decision on the allegation is made and the finding is that the responding student is not responsible for violating the Code, the process will end. The party bringing the complaint may request that the Dean of Students and/or, if allegation involves a Title IX violation, the Title IX Coordinator reopen the investigation and/or grant a Conduct Committee Hearing. This decision shall be at the discretion of the Dean of Students or designee and/or the Title IX Coordinator, if applicable, in consultation with each other and will only be granted for extraordinary cause.

### Finding accepted; Sanction Accepted

If the College's finding is that the responding student is in violation, and the responding student accepts this finding within five (5) business days; the administrator conducting the initial educational conference will then determine the sanction(s) for the misconduct, which the responding student may accept or reject. If accepted, the process ends.

### Finding accepted; Sanction Rejected

If student accepts the findings, but rejects the sanction, SCC will conduct a sanction-only Conduct Committee Hearing to recommend a sanction to the Dean of Students team. The sanction is then reviewed and finalized by the Dean of Students team and is subject to appeal (see Appeal Review Procedures in Section 12) by any party to the misconduct.

### Finding Rejected

If the administrator conducting the educational conference determines that it is **more likely than not** that the responding student is in violation, and the responding student rejects that finding in whole or in part, the process moves to a formal Conduct Committee Hearing.

## Formal Hearing

If the responding student contests the findings determined during the preliminary inquiry, additional investigation may then be commenced and/or a hearing may be held when there is reasonable cause to believe that one or more Student Codes of Conduct have been violated. A finding will be determined and is final except in cases that involve Title IX or other discrimination allegations. In those cases, the hearing results serve as a recommendation to the Dean of Students or designee and, where appropriate, the Title IX Coordinator, who review and finalize the finding. If the finding is that the responding student is not responsible, the process ends. Applicable appeals options are described in Section 12 of the Formal Conduct Procedures.

### Review and Finalize Sanction(s).

If the student is found in violation(s), sanctions will be recommended by the Conduct Committee to the Dean of Students Team or designee and Title IX Coordinator when applicable, who will review and finalize the sanctions.

## Formal Conduct Procedures

### 1. College as Convener

Southeast Community College is the convener of every action under this code.

Administrators may act on notice of a potential violation whether a formal allegation is made or not. SCC has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

The campus-specific Dean of Students/Associate Dean of Students assumes responsibility for the investigation of the alleged violation. One member of the Dean of Students team serves as the co-investigator.

In cases involving Title IX violations, the Title IX Coordinator will serve as the lead investigator and appoint co-investigators as needed.

### 2. Group Violations

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s):

- a) Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or implied;
- b) Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- c) Were known or should have been known to the membership or its officers.

Conduct Committee Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

### 3. Investigation

Preliminary investigation usually takes between 1-7 business days to complete to determine if there is reasonable cause to believe that the responding student violated SCC policy and to determine what specific policy violations should serve as the basis for the complaint. If it is determined that a more thorough investigation is required, this can take an additional 5-10 days.

If there is insufficient evidence through the investigation to support reasonable cause, the case will be closed with no further action.

The investigator will make a finding, based on a **preponderance of the evidence** (whether a policy violation is more likely than not) and present the investigation report and findings to the responding student, who may:

- accept the findings,
- accept the findings in part and reject them in part,
- or may reject all findings;

The Investigator will also share the findings and/or update the party bringing the complaint on the status of the investigation and the outcome if appropriate. There may be instances due to anonymity or confidentiality that full disclosure to the complainant regarding the outcome would be inappropriate, however, allowable information will be shared.

### 4. Findings/Educational Conference

The following options describe how to proceed depending on whether the responding student is found responsible and whether the Responding Student accepts or rejects the findings and/or the sanctions either in whole or in part.

- a) The Responding Student is Found "Not Responsible"

Where the responding student is found not responsible for the alleged violation(s), the investigation will be closed. The party bringing the complaint, if any, may request that the Title IX Coordinator and/or Dean of Students, as applicable, review the investigation file to possibly re-open the investigation or convene a hearing. An investigation may also be re-opened if additional information is discovered after the close of the investigation. The decision to re-open an investigation or convene a hearing rests solely in the discretion of the Title IX Coordinator or the Dean of Students in these cases, and is granted only on the basis of extraordinary cause.

b) The Responding Student Accepts a Finding of “Responsible”...

1. The Responding Student Accepts a Finding of “Responsible” and **Accepts** the Recommended Sanctions.

Should the responding student accept the finding that they violated College policy; the campus-specific Dean of Students will determine sanctions for the violation, after consultation with the Dean of Students team. If the responding student accepts these recommended sanctions, the sanctions are implemented by the Dean of Students or designee and the process ends.

***There will be a five business-day period for review between when the responding student learns of the findings and sanctions and when the resolution becomes final. Should the responding student decide to reject the sanctions within that time period, Section 4.c., below, will apply. This outcome is not subject to appeal.***

*Students are notified of findings via conversation with Dean of Students (verbal or electronic) or written notification in cases when responding student is unresponsive to verbal communication attempts.*

2. The Responding Student Accepts a Finding of “Responsible” and **Rejects** the Sanctions Recommended.

If the responding student accepts the “responsible” findings, but rejects the recommended sanctions, there will be a Conduct Committee Hearing on the sanction only.

c) Responding Student Rejects the Findings Completely or In-part

1. Responding Student Rejects the Findings Completely

Where the responding student rejects the finding that they violated College policy, a Conduct Committee Hearing will be convened within seven (7) business days, barring urgent circumstances that require immediate attention.

At the hearing, the investigator(s) will present their report to the Conduct Committee Hearing for review, and the Committee will hear from the parties and any necessary witnesses.

If the Conduct Committee Hearing finds the responding student **not responsible** for all violations, the Dean of Students or designee will inform the parties of this determination and the rationale for the decision in writing within seven (7) business days. This determination is subject to appeal by any party to the complaint. Appeal review procedures are outlined below.

If the Conduct Committee Hearing finds the responding student **responsible** for all violations, it will recommend a sanction/responsive action or confirm original sanction to the Dean of Students or designee, who will confer with the Title IX Coordinator as necessary and, render a decision within seven (7) business days of the hearing and timely notify the parties orally, as well as in writing. An appeal of sanction(s) may be filed by any party to the complaint as detailed below.



## 2. Responding Student Accepts the Findings in Part and Rejects in Part

Where the responding student **rejects in part** the finding that they violated SCC policy, there will be a Conduct Committee Hearing on the disputed allegations within seven (7) business days, barring urgent circumstances. For all findings holding a responding student responsible for a violation, the College will determine appropriate sanctions.

If the Committee finds the responding student **not responsible** on any of the contested allegations, the process ends.

## 5. Special Hearing Provisions for Sexual Misconduct, Discrimination and Other Complaints of a Sensitive Nature

All hearings under this sub-section will be conducted only by committee members trained on Title IX regulations, policies and protocol. For sexual misconduct, discrimination and other complaints of a sensitive nature, whether the alleged victim is serving as the party bringing the complaint or as a witness; alternative testimony options may be provided, such as placing a privacy screen in the hearing room or allowing the alleged victim to testify from another room via audio or audio/video technology. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the responding student.

The past sexual history or sexual character of a party **will not be admissible** by the other parties in hearings unless such information is determined to be relevant by the Committee Hearing Chair. All such information sought to be admitted by a party or the College will be presumed irrelevant until a showing of relevance is made, in advance of the hearing, to the Chair. Demonstration of pattern, repeated, and/or predatory behavior by the responding student, in the form of previous findings in any legal or campus proceeding, or in the form of previous good faith allegations, will always be relevant to the finding, not just the sanction. The parties will be notified in advance if any such information is deemed relevant and will be introduced in the hearing.

The party bringing any complaint alleging sexual misconduct, other behavior falling within the coverage of Title IX and/or a crime of violence will be notified in writing of the outcome of a hearing, any sanctions assigned and the rationale for the decision.

## 6. Interim Action

Under the *Student Code of Conduct*, the Dean of Students or designee and/or Title IX Coordinator, if applicable, may impose restrictions and/or separate a student from the college community pending the scheduling of a campus hearing on alleged violation(s) of the *Student Code of Conduct* when any of the following conditions exist:

- a) A student represents a threat of serious harm to others
- b) A student is facing allegations of serious criminal activity
- c) In order to preserve the integrity of an investigation
- d) In order to preserve College property and/or to prevent disruption of, or interference with, the normal operations of the College.

Interim actions can include separation from the institution or restrictions on participation in the campus community for no more than ten (10) business days pending the scheduling of a Conduct Committee Hearing on alleged violation(s) of the *Student Code of Conduct*. A student who receives an interim suspension may request a meeting with the Dean of Students or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the College may still proceed with the scheduling of a Conduct Committee Hearing.

During an interim suspension, a student may be denied access to College housing and/or College campus/facilities/events. As determined appropriate by the Dean of Students or designee, this restriction may include classes and/or all other College activities or privileges for which the student might otherwise be eligible. At the discretion of the Dean of Students or designee and with the approval of, and in collaboration with, the appropriate Instructional Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

## 7. Hearing Options & Preparation

Except in a complaint involving failure to comply with the summons of the Dean of Students or designee, no student may be found to have violated the *Student Code of Conduct* solely as a result of the student's failure to appear for a hearing. In all such instances, Conduct Committee Hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by Conduct Committee members and the Dean of Students or designee.

Students who deny a violation for which a Conduct Committee Hearing will be held will be given a minimum of seven (7) business days to prepare unless all parties wish to proceed more quickly. Preparation for a formal hearing is summarized in the following guidelines:

- a) Notice of the time, date and location of the hearing will be in writing and may be delivered by one or more of the following methods: in person by the Dean of Students or designee; mailed to the local or permanent address of the student as indicated in official College records; or emailed to the student's College-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.
  1. If a student cannot attend the hearing, it is that student's responsibility to notify the Dean of Students or designee no less than three (3) business days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum three (3) business day notice, or if the responding student fails to appear; the hearing will proceed as scheduled. If the party bringing the complaint fails to appear, the complaint may be dropped unless the College chooses to pursue the allegation on its own behalf, as determined by the Dean of Students.
- b) The Dean of Students or designee will select members of the Conduct Committee Hearing and appoint one Conduct Committee Hearing member as the Chair for the hearing.
- c) If there is an alleged victim of the conduct in question, the alleged victim may serve as the party bringing the complaint or may elect to have SCC administration serve as the party bringing the

complaint forward. Where there is no alleged victim, SCC administration will serve as the party bringing the complaint forward.

- d) If a responding student fails to respond to notice from the Dean of Students or designee, the Dean of Students or designee may initiate a complaint against the student for failure to comply with the directives of a College official and give notice of this offense. Unless the student responds to this notice within two (2) business days by answering the original notice, an Educational Conference may be scheduled and held on the student's behalf. As a result, the student may be administratively withdrawn from attending classes or a disciplinary hold may be placed on their College account, deeming them ineligible to register for courses or College housing until such time as the student responds to the initial complaint.
- e) The Dean of Students or designee will ensure that the hearing information and any other available written documentation is shared with the parties at least two (2) days before any scheduled hearing. In addition, the parties will be given a list of the names of all the Conduct Committee members in advance. Should any party object to any Conduct Committee member, that party must raise all objections, in writing, to the Dean of Students or designee immediately. Conduct Committee Hearing members will only be unseated if the Dean of Students or designee concludes that their bias precludes an impartial hearing of the complaint. Additionally, any Conduct Committee member who feels they cannot make an objective determination must recuse themselves from the proceedings.

## 8. Conduct Hearing Procedures

The Dean of Students or designee, the Chair and the Conduct Committee Hearing will conduct hearings according to the following guidelines:

- a) Hearings will be closed to the public.
- b) Admission to the hearing of persons other than the parties involved will be at the discretion of the Conduct Committee chair and the Dean of Students or designee.
- c) In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the Dean of Students or designee may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.
- d) The parties have the right to an advisor/advocate of their own choosing, including attorneys. Typically, advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor. The advisor **may not** make a presentation or represent the party bringing the complaint or responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair and suggest questions to their advisee.
- e) The party bringing the complaint, the responding student, the Conduct Committee, and the Dean of Students or designee will have the privilege of questioning all present witnesses and questioning all present parties, at the discretion of the Chair.
  - 1. Unduly repetitive witnesses can be limited at the discretion of the Conduct Committee Chair and/or the Dean of Students or designee.
  - 2. The Conduct Committee Chair and/or the Dean of Students or designee may limit the number of character witnesses presented or may accept written affidavits of character instead.

- f) Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Committee and the Dean of Students or designee.
- g) Formal rules of evidence are not observed.
- h) All procedural questions are subject to the final decision of the Dean of Students (or designee) or Conduct Committee Chair.
  - 1. After a Conduct Committee hearing, the Conduct Committee will deliberate and determine, by majority vote, whether it is **more likely than not** that the responding student has violated the *Student Code of Conduct*. The Dean of Students or designee will be present and available as a resource during all deliberations. Once a finding is determined, if the finding is that of a policy violation, the Conduct Committee will determine an appropriate sanction(s).
  - 2. The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations
  - 3. The Conduct Committee Chairperson will prepare a written deliberation report detailing the recommended finding, how each member voted, the information cited by the Conduct Committee Hearing in support of its recommendation, and any information the Conduct Committee Hearing excluded from its consideration and why, and any recommended sanctions.
  - 4. The Dean of Students (or designee) will consider the recommendations of the Conduct Committee Hearing, may make appropriate modifications to the Conduct Committee Hearing's report and will then render a decision and inform the responding student and party bringing the complaint (if deemed necessary by the Conduct Committee Hearing and Dean of Students or designee) of the final determination within seven (7) business days of the hearing.
    - i. Notification will be made in writing and may be delivered by one or more of the following methods: in person by the Dean of Students or designee; mailed to the local or permanent address of the student as indicated in official College records; or emailed to the student's College-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.
    - ii. **In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.** See "*Notification of Outcomes*" section for additional information.
  - 5. There will be a single verbatim record, such as an audio recording, for all Committee hearings. Deliberations will not be recorded. The record will be the property of the College and maintained according to the College's record retention policy.

## 9. Parental Notification

The College reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. SCC may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

## 10. Notification of Outcomes

The outcome of a campus hearing is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions.

- a) **As allowed by FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or forcible or nonforcible sex offense, SCC will inform the alleged victim/party bringing the complaint in writing of the final results of a hearing regardless of whether the College concludes that a violation was committed.** Such release of information may only include the alleged student’s/responding student’s name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, only, the rationale for the outcome will also be shared with all parties to the complaint in addition to the finding and sanction(s).
- b) In cases where SCC determines through the student conduct process that a student violated a policy that would constitute a “crime of violence” or nonforcible sex offense, the College may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:
  1. Arson
  2. Assault offenses (includes stalking)
  3. Burglary
  4. Criminal Homicide—manslaughter by negligence
  5. Criminal Homicide—murder and nonnegligent manslaughter
  6. Destruction/damage/vandalism of property
  7. Kidnapping/abduction
  8. Robbery
  9. Forcible sex offences
  10. Non-forcible sex offences

## 11. Failure to Complete Conduct Sanctions

All students, as members of the SCC community, are expected to comply with conduct sanctions within the timeframe specified by the Dean of Students or designee. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension or expulsion from SCC.

## 12. Appeal Procedures

When a party wishes to present for consideration new evidence or challenge the sanction, an appeal request of the decision of the Conduct Committee Hearing may be filed in writing to the Dean of Students or designee within three (3) business days of the notice of the outcome to the hearing, barring urgent circumstances.

All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision when appropriate by procedure or law.

The Dean of Students or designee will refer the request(s) to the Vice President of Student Services who will conduct an initial review to determine if the appeal request meets the limited grounds and is timely.

- If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final.
- If the appeal has standing, the Vice President of Student Services remands the appeal to the original decision-maker(s), typically within 3-5 business days. Where the original decision-maker may be unduly biased by a procedural or substantive error, a new Conduct Committee will be constituted to reconsider the matter. The Vice President of Student Services will have final authority to approve all those serving on the panel.

Full rehearings by the Conduct Committee Hearing are not permitted.

In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. **The original decision-maker or new Conduct Committee will limit its review to the new evidence or sanction challenges presented.**

All decisions of the original decision-maker or new Conduct Committee are to be made within seven (7) business days of submission to the Panel and are final, as are any decisions made by the original hearing body, Dean of Students or Title IX Coordinator as the result of reconsideration consistent with instructions from the Vice President of Student Services.

The presumptive stance of SCC is that all decisions made and sanctions imposed by the original decision-maker are to be implemented during the appellate process. At the discretion of the Dean of Students, and in consultation with the Title IX Coordinator when necessary, implementation of sanctions may be stayed pending review only in extremely urgent circumstances.

### Grounds for Appeal Requests

Appeals requests are limited to the following grounds:

- a) A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- b) New evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction needs to be considered. A summary of this new evidence and its potential impact must be included;
  1. Failure to provide information during or participate in an investigation or a hearing, even resulting from concern over pending criminal or civil proceedings, does not make evidence “unavailable” at the time of the hearing.
  2. The Dean of Students or designee is expected to consult with the chair of the original panel to inquire as to whether the new evidence would, in the opinion of the Chair, have substantially impacted the original finding or sanction.
- c) The sanctions imposed are substantially outside the parameters or guidelines set by the College for this type of offense or the cumulative conduct record of the responding student.

### Conduct Sanctions

One or more of following sanctions may be imposed upon any student for any single violation of the SCC *Student Code of Conduct*:

**Verbal Warning:** An official verbal notice that the student has violated College policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the College. A written letter summarizing the verbal meeting will be provided to the student.

**Written Disciplinary Warning:** An official written notice that the student has violated College policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the College.

**Disciplinary Probation:** The student is put on official notice that, should further violations of College policies occur during a specified probationary period, the student may face additional sanctions. Regular probationary meetings may also be imposed.

**Disciplinary Suspension:** Separation from the College for a specified period of time not to exceed one year, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Students. During the suspension period, the student is banned from college-owned or controlled property, functions, events and activities without prior written approval from the Dean of Students. This sanction may be enforced with a trespass action as necessary.

**Disciplinary Expulsion:** Permanent separation from the College. The student is banned from college-owned or controlled property and the student's presence at any College-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. Readmission to the College will not be granted.

**Restitution:** Compensation for damage caused to the College or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.

**Fines:** Fines for violations of the College and/or Housing Handbook and Contract may be imposed.

**College Service or Behavioral Requirements:** Student will be required to complete a specific supervised College service or activity including, but not limited to, community service, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.

**Loss of Privileges:** The student will be denied specified privileges for a designated period of time.

**Confiscation of Prohibited Property:** Items whose presence is in violation of College policy will be confiscated and will become the property of the College. Prohibited items may be returned to the owner at the discretion of the Campus Administration or Campus Safety and Security.

**Educational Program:** Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.

**Housing Probation:** Official notice that, should further violations of Residence Life or College policies occur during a specified probationary period, the student may immediately be removed from College housing. Regular probationary meetings may also be imposed.

**College Housing Reassignment:** Reassignment to another College housing facility. Residential Life personnel will decide on the reassignment details.

**College Housing Suspension:** Removal from College housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to College housing may be specified. Under this sanction, a student is required to vacate College housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Residential Service Manager. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for College housing, the student must gain permission from the Dean of Students. This sanction may include restrictions on visitation to specified buildings or all College housing during the suspension.

**College Housing Expulsion:** The student's privilege to live in, or visit, any College housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.

**Eligibility Restriction:** The student is deemed "not in good standing" with the College for a specified period of time. Specific limitations or exceptions may be granted by the Dean of Students and terms of this conduct sanction may include, but are not limited to, the following:

- a) Ineligibility to hold any office in any student organization recognized by the College or hold an elected or appointed office at the College; or
- b) Ineligibility to represent the College to anyone outside the College community in any way including: participating in the study abroad program, attending conferences, or representing the College at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
- c) Deactivation, de-recognition, loss of all privileges (including status as a College registered group/organization), for a specified period of time for group/organization violations.

**Other Sanctions:** Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Dean of Students or designee.

## Disciplinary Records

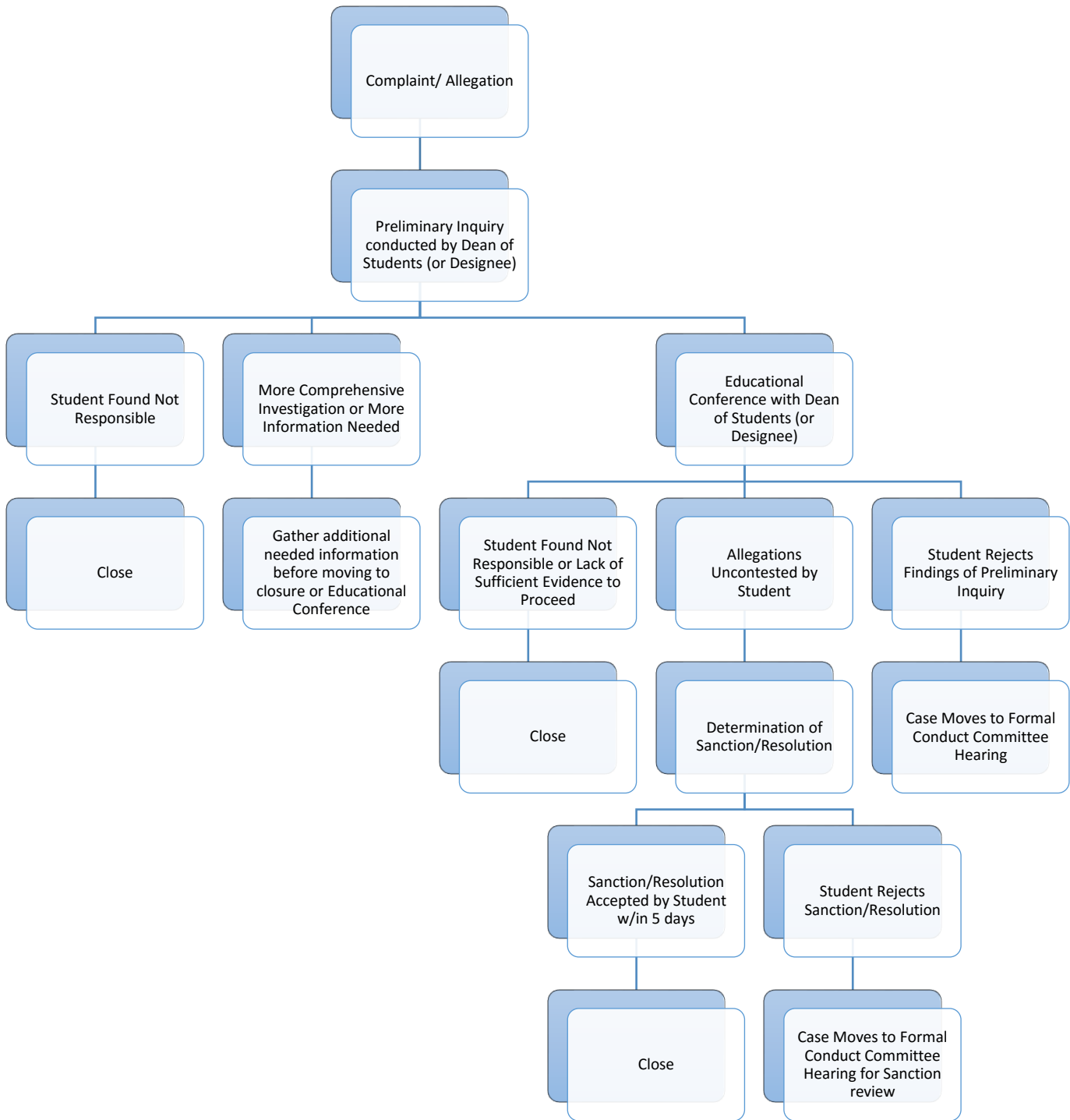
All conduct records are maintained by the Dean of Students seven (7) years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, which are maintained indefinitely.

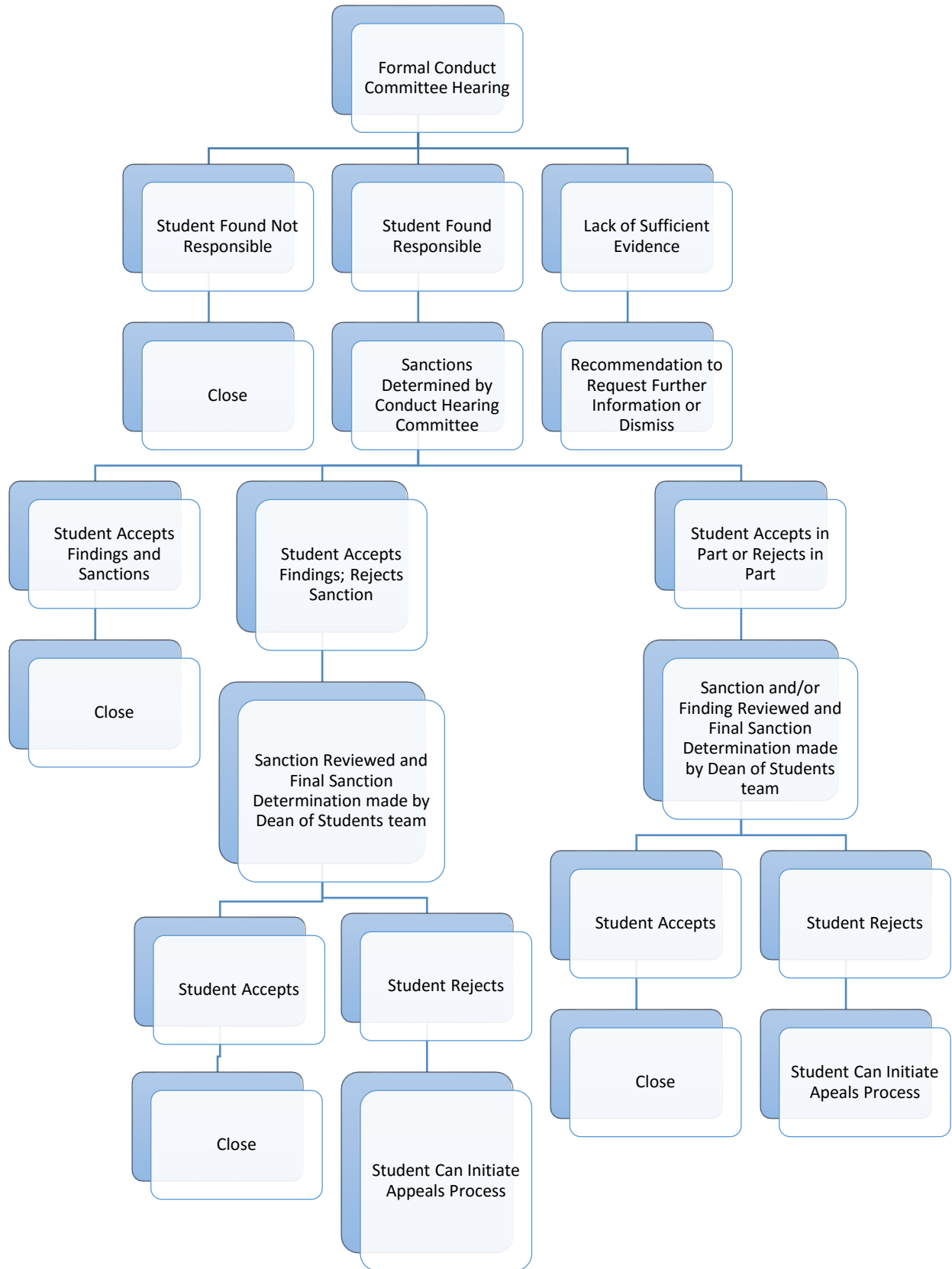
## Implementation

This *Student Code of Conduct* was implemented on July 1, 2017.



# Student Conduct Process Flow Chart





## Links to College Policies

**Academic Integrity** (2017-18 College Catalog; pg. 40) -

[https://www.southeast.edu/pdfs/programs/catalog-files/2017-18/01\\_studentinformation.pdf](https://www.southeast.edu/pdfs/programs/catalog-files/2017-18/01_studentinformation.pdf)

**Copyright Infringement & Responsible Computing** - <https://www.southeast.edu/copyright-infringement-and-responsible-computing/>

**Drug, Alcohol and Controlled Substance Policy** <https://www.southeast.edu/drug-alcohol-and-controlled-substance-policy/>

**FERPA** - <https://www.southeast.edu/consumer-information/>

**Firearms, Weapons and Dangerous Instruments** (2017-18 College Catalog; pg. 15) -

[https://www.southeast.edu/pdfs/programs/catalog-files/2017-18/01\\_studentinformation.pdf](https://www.southeast.edu/pdfs/programs/catalog-files/2017-18/01_studentinformation.pdf)

**ADA Grievance Procedures for Students** - <https://www.southeast.edu/pdfs/about-scc/diversity/ada-grievance-process.pdf>

**Harassment/Discrimination Prohibition Policy** -

[https://www.southeast.edu/about\\_scc/diversity/guidelines\\_and\\_procedures/discriminatory\\_harassment/](https://www.southeast.edu/about_scc/diversity/guidelines_and_procedures/discriminatory_harassment/)

**Title IX/Sexual Misconduct Procedures and Guidelines** (2017-18 College Catalog; pg. 12) -

[https://www.southeast.edu/pdfs/programs/catalog-files/2017-18/01\\_studentinformation.pdf](https://www.southeast.edu/pdfs/programs/catalog-files/2017-18/01_studentinformation.pdf)

**Smoke-free Buildings/Vehicles Policy** (2017-18 College Catalog; pg. 16) -

[https://www.southeast.edu/pdfs/programs/catalog-files/2017-18/01\\_studentinformation.pdf](https://www.southeast.edu/pdfs/programs/catalog-files/2017-18/01_studentinformation.pdf)