



# USC Upstate Code of Student Conduct

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### I. Introduction

The University community is committed to fostering a campus environment that is conducive to the transmission of truth, academic inquiry, a productive campus life, thoughtful study and discourse, and free expression. The student conduct program within the Dean of Students Office is committed to an educational and developmental process that balances the interests of individual students with the interests of the University community.

A community exists on the basis of shared values and principles. At USC-Upstate, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the Code of Student Conduct (Code). These standards are embodied within a set of core values that include integrity, valuing others, knowledge, community, and responsibility.

The Code promotes these core values, and in doing so, the Code puts into practice the Spartan Creed:

- I will practice personal and academic integrity;
- I will respect the dignity of all persons;
- I will respect the rights and property of others;
- I will discourage bigotry, while striving to learn from differences in people, ideas and opinions;

- I will demonstrate concern for others, their feelings, and their needs for conditions which support their work and development.

Through the Code, USC Upstate affirms the rights and responsibilities of Students as part of the USC Upstate Community.

## **II. Authority**

The Dean of Students is vested with the authority over student conduct by the Chancellor and by the Vice-Chancellor for Student Affairs. The Dean of Students may appoint a Conduct Officer to oversee and manage the student conduct process. The Dean of Students or Student Conduct-designee may appoint administrative hearing and appeals officers as deemed necessary to efficiently and effectively supervise the student conduct process.

The Dean of Students or Dean's Student Conduct-designee will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit (i.e. determined to reach the threshold of violating the Code).

## **III. Definitions**

- A. "Complaining Witness" means any person (or his or her proxy) alleging a violation(s) of the Code. Upstate may designate a Proxy Complaining Witness, or initiate student conduct proceedings without a formal complaint from the victim of an alleged violation of the Code.
- B. "Conduct Officer" means an Upstate Official, who has undergone specialized training, designated by the Dean of Students to determine outcomes in the student conduct process.
- C. "University-Affiliated Student Organization" means any group of persons who have complied with registration requirements by the Office of Student Involvement to be a Registered Student Organization (RSO), and any groups that are seeking but not yet been granted registered status, all athletic teams, and groups who have been dismissed or suspended and are presenting themselves as affiliated with the University.
- D. "Respondent" means a Student or Student Organization alleged to have violated the Code.
- E. "Restorative Action" means any educational or disciplinary measure given in response to a Student's policy violation. Restorative Actions are meant to encourage self-reflection and to deter future violations. Restorative Actions should be connected to the

violation, tailored to meet the Respondent's developmental needs, and intended to repair the harm done.

- F. "Student" means any person who is enrolled at USC Upstate and who has not completed a program of study in which they are enrolled. Student status continues whether or not USC Upstate's academic programs are in session. Student status includes those taking courses for credit or non-credit at USC Upstate, either full-time or part-time, while pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Code are also considered Students.
- G. "Student Conduct Hearing Board (Hearing Board)" means a hearing panel authorized to resolve alleged violations contained in this Code.
- H. "Student Conduct Report" means any document(s) that describes an alleged violation of the Code. Student Conduct Reports may include USC Upstate incident reports, investigative reports, police reports, or verbal, written, or electronic communication.
- I. "Support Person" means an individual who may attend an informal meeting or formal hearing to provide advice, support, or guidance to either the Respondent or the Complaining Witness. A Support Person may not delay, disrupt, or otherwise interfere with a student conduct meeting or hearing. An attorney may serve as a Support Person, although the attorney's participation is limited to the role of Support Person as described herein.
- J. "USC Upstate Activity" means any activity on or off USC Upstate Premises that is aided, approved, sponsored, or supervised by USC Upstate or a Registered Student Organization.
- K. "USC Upstate Community" means the Employees, Students, visitors, volunteers, and members of the public.
- L. "USC Upstate Official" means: 1. Any faculty member; 2. Any staff employee who acts as an academic advisor or has responsibility for students; 3. Any other individual who has administrative responsibilities, including but not limited to, deans, directors, department heads, managers, and supervisors, and resident and assistant resident directors.
- M. "USC Upstate Property" means all property owned, leased, used, or controlled by USC Upstate, and includes adjacent streets and sidewalks.

#### **IV. Rights of Students**

##### **A. Right of Free Expression**

A Student has the right to engage in discussion, to exchange thought and opinion, to speak, write, or print freely on any subject, and to join associations in accordance with the guarantees of federal or state Constitutions. This includes the right to take reasoned exception to the data or views offered in any course of study and to reserve judgment

about matters of opinion. None of these rights override a student's responsibility for learning the content of any course of study for which they are enrolled.

Freedom of expression also includes the right to picket or demonstrate for a cause, provided the Student:

1. Acts in an orderly and peaceful manner;
2. Does not interfere with normal USC Upstate operations;
3. Complies with USC Upstate's regulations governing the time, place, and manner of meetings, demonstrations, and other assemblies.

Students shall not be disciplined for speech protected by the First Amendment to the U.S. Constitution. USC Upstate will endeavor, however, to balance students' rights to free speech with other students' rights to be free from threats and harassment.

#### B. Protection against Improper Academic Evaluation

Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

#### C. Right to Participate in Institutional Government

As members of the academic community, students should be free, individually and collectively, to express their views on issues of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The University should provide sufficient governing freedom and sufficient financial autonomy for the student government to maintain its integrity of purpose as elected representatives of the student body.

#### D. Right to a Free Student Press

Student publications are free to deal openly and responsibly with issues of interest and importance to the academic community. The editors have the right of editorial freedom without the prior approval of copy and will be protected against dismissal or suspension or other retribution, except for violations of law or USC Upstate policies.

#### E. Right to Privacy in Student Records

1. USC Upstate maintains Student records in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 and the guidelines for implementation. Directory information about a Student is released at the discretion of numerous USC departments upon receipt of a specific request for such information. Information which is Directory information under FERPA concerning a Student will not be released if the Student has filed a request, in writing, with the USC Upstate Registrar, stating the information is to be withheld. USC Upstate's definition of "Directory Information" can be found on the [USC registrar's web page](#).
2. USC Upstate keeps a Student's disciplinary record separate and confidential unless the Student consents in writing to have it disclosed. However, the Dean of Students may disclose the Student's disciplinary record without the Student's consent if required by law or the safety of people or property is involved, or if the information is required by authorized USC Upstate personnel for official use at Upstate. In these circumstances, only the information pertinent to the inquiry may be revealed.
3. The Dean of Students may act without the Student's consent to have a statement of disciplinary suspension or disciplinary expulsion entered on the Student's academic record for the duration of the disciplinary sanction, which would prohibit the Student from registering.
4. A Student's test data and record in the Counseling Center will be kept in the Counseling Center, separate and confidential, unless the Student consents in writing to have it revealed to a designated person or for a designated purpose. Without consent, no information will be revealed except to an appropriate authority and then only when there is a clear and imminent danger to an individual or others, and such information will be limited to that which is directly pertinent to the reduction of that danger.

#### F. Right to Privacy

1. A Student has the right to be free from unreasonable searches and seizures of person and possessions while on USC Upstate property unless said search and seizure is conducted in accordance with state and federal laws. In cases of imminent danger or when there are reasonable grounds upon which to believe it is necessary to conduct a search immediately in order to protect life or property, searches may be conducted in the presence of the Dean of Students or another University Official acting as the Dean of Students' authorized representative.

2. University Health Service health records and information are maintained in accordance with the Health Insurance Portability and Accountability Act (HIPAA). Health records are strictly confidential and are not released to anyone without the Student's knowledge and signed authorization. Student health records are maintained separately in a confidential file. If it becomes apparent in the course of treatment that the Student is likely to cause injury to self or others, pertinent information regarding the specific situation to this extent may be revealed for protection of the Student or others, and such information will be limited to that which is directly pertinent to the reduction of that danger.

G. Rights of Students and Student Organizations Involved in the Student Conduct Process

1. To be treated fairly in the student conduct process.
2. To review information contained in the Student Conduct Report, with all personally identifying information of other Students removed (if appropriate).
3. Receive written advance notice of any meetings in which a student is entitled to participate
4. For Respondents, to be provided written notice of any allegation or formal charge of the misconduct, as well as a description of the alleged behavior.
5. To present relevant information verbally or in writing on their behalf
6. To ask reasonable questions and challenge, either verbally or in writing, the allegation(s), formal charge(s), or information provided during a student conduct meeting;
7. To have up to two (2) Support Persons present at any meeting or hearing;
8. To not speak or to not answer any question during a student conduct meeting. Refusal to do so is not considered an admission of responsibility or guilt for an alleged violation.
9. To request that a Hearing Officer or Hearing Board member be removed from the hearing based on a conflict of interest or bias.
10. To know the identity of persons speaking or providing written information for a Hearing Board or as part of a complaint.
11. For Respondents, to be presumed not responsible for a violation of the Code. The burden of proving a violation of the Code is on Upstate.
12. Receive written notice of an outcome of a hearing, including any restorative actions / sanctions.
13. To appeal any decision of the Hearing Board to the Vice Chancellor for Student Affairs pursuant to the guidelines provided in section VI. of the Non-Academic Student Conduct Procedures.

## **V. Scope (Jurisdiction) of the Code**

### **A. Timing**

Each Student is responsible for his or her conduct from the time of orientation at USC Upstate through the actual awarding of a degree. The Code applies to the times including times when USC Upstate is not conducting classes. USC Upstate may impose discipline for violations that occur before the degree is awarded but which are not discovered until after the degree is awarded. If a Student withdraws while a student conduct matter is pending, the student conduct matter must be resolved prior to reenrollment.

### **B. Location**

The Code applies to behavior that occurs on or off USC Upstate Premises. The Code applies at off-campus facilities of Registered Student Organizations, at USC Upstate-sponsored or approved activities, and at non-USC Upstate activities. The Code applies at all USC Upstate locations, including where USC Upstate is extended to distance education, such as study abroad, service trips, experiential learning opportunities, and athletic, club sport, and other group travel. The Code may also be applied to behavior conducted online, via email or through electronic mediums in cases where the behavior is not protected by freedom of expression. USC Upstate does not regularly search for online information but may act if such information is brought to the attention of USC Upstate Officials.

### **C. Guests and Visitors**

A Student may be held accountable for the behavior of his or her guests or visitors on USC Upstate Premises. Guests and visitors of USC Upstate may also initiate referrals for potential violations of the Code committed by Students against them.

### **D. Reporting Restrictions**

There is no time limitation on reporting of violations. Those who are aware of an alleged violation(s) of the Code are encouraged to report it promptly to the Dean of Student Office or USC Upstate Police if applicable.

### **E. Being in the Presence of Code Violations**

In some circumstances, a Student who is present while other Students violate the Code and does not report the violation may also be charged with a Code violation.

### **F. Attempted Violations**

In situations where a Student attempts to engage in action that would violate the Code, but fails to do so, USC Upstate may charge a Student with an attempted violation of the Code.

### **G. Amnesty**

#### **1. For Victims**

The University provides amnesty to victims who may be hesitant to report to University 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<sup>1</sup>.

#### 2. For Those Who Offer Help

To encourage students to offer help and assistance to others, University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Dean of Students or the Dean's Student Conduct-designee, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.

#### 3. For Those Who Report Serious Violations

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

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

#### 4. Safe Harbor

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

#### H. Instructional Setting Behavior (Classroom)

The community of scholars at the University of South Carolina Upstate is dedicated to personal and academic excellence. Freedom to teach and freedom to learn depend upon

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<sup>1</sup> Records regarding the provision of amnesty, however, should be maintained.

appropriate opportunities and conditions in the classroom, on campus, and in the larger community.

Faculty members and instructors have authority to set reasonable standards of conduct for classrooms, laboratories, the Library, internships, field placements, and other academic activities. Behavior that seriously interferes with either 1) the instructor's ability to conduct the class, or 2) the ability of other students to profit from the instructional program will not be tolerated. If a student's behavior is disruptive to the instructor, to another student, or to the class as a whole, the instructor may direct the student to leave the classroom for the remainder of the instructional setting period. Decisions regarding disruptive instructional setting behavior rests within the judgment of the instructor, and includes but is not limited to:

1. Persistent late arrivals or leaving early in a manner that disrupts the regular flow of the instructional setting;
2. Talking while the instructor or other Students are talking or speaking in an instructional setting without first obtaining recognition and permission to speak; or
3. Use of electronic equipment such as cell phones, computers, etc., in a manner that disrupts the class or when such equipment is prohibited by the instructor as part of the course syllabus.

If the disruptive behavior continues when the student returns to the instructional setting, the faculty member shall report the incident to the Dean of Students Office. Separations longer than a single instructional setting period require a hearing as outlined in the Code.

#### I. University Housing Policies

1. Misconduct by Students living in USC Upstate owned or controlled residence halls, houses, and apartments is typically addressed by Conduct Officers in University Housing. The standards and regulations for USC Upstate owned or controlled residential facilities are contained in the written rental agreement between the Student and USC Upstate and in the Guide to Residential Living. University Housing investigates alleged violations of the rules and regulations outlined in the rental agreement. Management of such cases is conducted in accordance with established and published procedures. A compilation of all rules established under the rental agreement is available to all residents of the facility to which such rules apply.
2. If the behavior or conduct of the Respondent poses a health or safety risk to self or others or might result in suspension or dismissal from USC Upstate, the case will be referred directly to Dean of Students office. In cases where the alleged violation of the rental agreement might constitute a violation of the provisions of the Code, the Department of Housing and Residential Life may refer the case to the Dean of Students Office.

3. In certain circumstances, where alleged behavior is both a violation of the Guide to Residential Living and a violation of the Code of Conduct, a student may be asked to participate in separate hearing processes.

## **VI. Core Values and Behavioral Expectations**

The University considers the behavior described in the following sub-sections as inappropriate for the University community and in opposition to the core values set forth in this document. These expectations and rules apply to all students. The University encourages community members to report to University officials all incidents that involve the following actions.

***Integrity: University students exemplify honesty, honor and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:***

1. **Falsification.** A student, applicant, or former student knowingly furnishes or possesses false, falsified or forged materials, documents, accounts, records, identification or financial instruments, or verbally provides false or misleading information;
2. **Academic Misconduct.** Acts of academic misconduct as outlined in the *Code of Academic Integrity*;
3. **Unauthorized Access.** Unauthorized access to any University building (i.e. keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any university building or failing to timely report a lost University identification card or key;
4. **Election Tampering.** Tampering with the election of any University-recognized student organization (minor election code violations are addressed by the Student Government Association (SGA));
5. **Taking of Property.** the unauthorized taking of University property or the personal property of another, including goods, services and other valuables;
6. **Stolen Property.** Knowingly taking or maintaining possession of stolen property;

***Community: University students build and enhance their community. Behavior that violates this value includes, but is not limited to:***

7. **Disruptive Behavior.** Substantial disruption of University operations including obstruction of teaching, research, administration, other University activities, and/or other authorized non-University activities which occur on campus;
8. **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;
9. **Unauthorized Entry.** Misuse of access privileges to University premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a University building;
10. **Trademark.** Unauthorized use (including misuse) of University or organizational names and images;
11. **Damage and Destruction.** Intentional, reckless and/or unauthorized damage to or destruction of University property or the personal property of another;
12. **IT and Acceptable Use.** Violating the University Acceptable Use and Computing Policy, found online at: <https://www.uscupstate.edu/campus-services/information-technology/service-directory/computing-tips/>
13. **Gambling.** Gambling as prohibited by the laws of the State of South Carolina. (Gambling may include raffles, lotteries, sports pools and online betting activities);
14. **Weapons.** Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than 3 inches, including the storage of any item that falls within the category of a weapon in a vehicle parked on University property;
15. **Tobacco.** Smoking or tobacco use in any area of campus is prohibited as found online at: <https://www.uscupstate.edu/faculty-staff/policies/tobacco-free-campus-policy/>;
16. **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 University or personal property or which causes injury.
  - b) Failure to evacuate a University-controlled building during a fire alarm;
  - c) Improper use of University fire safety equipment; or

- d) Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a local fine in addition to University sanctions;

**17. Ineligible Pledging or Association.** Pledging or associating with a student organization without having met eligibility requirements established by the University.

**18. Animals.** Animals, with the exception of Service Animals (animals that perform disability related tasks/jobs) and Emotional Support animals that are approved by the Office of Disability Services or Human Resources, are not permitted in campus building except as permitted by law. See the [Animals on Campus](#) policy for full details.

**19. Transportation Devices.** Transportation devices (i.e., bicycles, scooters, hover boards, mopeds, motorcycles, any fuel-operated machines, etc.) are prohibited within University buildings, residence halls, or tennis courts, and in high traffic pedestrian areas (i.e, front entry ways of buildings).

- Bicycles, scooters, and mopeds are to be stored in the racks outside the building and may not be placed in stairwells or chained to stair rails, fences, or posts.
- Motorcycles must be parked outside in accordance with Upstate Parking regulations

Additionally, skateboards and other devices may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to University property caused by these activities.

***Social Justice: Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing university community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:***

**20. Discrimination.** Discrimination includes disparate treatment discrimination and disparate impact discrimination as defined by the Policy Against Discrimination, Harassment & Sexual Misconduct.

**21. Harassment.** Harassment includes hostile environment and quid pro quo as defined by the [Policy Against Discrimination, Harassment & Sexual Misconduct](#).

**22. Retaliatory Discrimination or Harassment.** Any adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant or supporter of a participant in a civil rights grievance proceeding or other protected activity under this Code.

### **23. Bystanding**

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

**24. Abuse of Conduct Process.** Abuse or interference with, or failure to comply in, University 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 campus conduct body prior to, during, and/or following a campus conduct proceeding;
- e) Failure to comply with the sanction(s) imposed by the campus conduct system;
- f) Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

***Respect: University students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:***

**25. Harm to Persons.** causing physical harm or endangering the health or safety of any person.

### **26. 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.

**27. Bullying and Cyberbullying.** 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.

**28. Hazing.** Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in

a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent and/or failing to discourage and/or failing to report those acts may also violate this policy. (See <https://www.uscupstate.edu/campus-life/office-of-student-involvement/fraternity-sorority-life/>);

**29. Relationship Violence.** Relationship Violence includes dating violence and domestic violence as defined by the [Policy Against Discrimination, Harassment & Sexual Misconduct](#).

**30. Stalking.** Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear. The Policy Against Discrimination, Harassment & Sexual Misconduct is also applicable when stalking is based upon a person's sex.

**31. Sexual Misconduct.** Sexual Misconduct includes sexual assault, relationship violence, stalking, sexual exploitation, and sexual harassment (university definition and/or Title IX) as defined by the Policy Against Discrimination, Harassment & Sexual Misconduct.

**32. Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts. University theatrical productions that require student nudity in a rehearsal and/or performance are exempted from this violation.

***Responsibility: University students are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:***

**33. Alcohol.** Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the University's Alcohol Policy (<https://www.uscupstate.edu/campus-life/health-education> for further information);

**34. Drugs.** Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the University's Drug Policy. This includes the misuse, sale or distribution of prescription or over-the-counter medication (See <https://www.uscupstate.edu/campus-life/health-education> for further information);

**35. Failure to Comply.** Failure to comply with the reasonable directives of University 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;

**36. 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.

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

**38. Violations of Law or other USC Upstate Policies.** Any conduct or activity that violates a federal, state or local law, or other USC Upstate policy including but not limited to Housing & Residence Hall policies, Parking & Traffic policies, Facilities Use policies, and Computing Use policies.

## **VII. Restorative Actions (Sanctions)**

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

- A. *Warning*: An official written notice that the student has violated University 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 University.
- B. *Restitution*: Compensation for damage caused to the University 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.
- C. *Fines*: Reasonable fines may be imposed. Fines are specified to include the costs for enrolling in online courses related to the violations.
- D. *Community/University Service Requirements*: For a student or organization to complete a specific supervised University service.
- E. *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.
- F. *Confiscation of Prohibited Property*: Items whose presence is in violation of University policy will be confiscated and will become the property of the University. Prohibited items may be returned to the owner at the discretion of the Dean of Students, Director of Housing & Residence Life, Student Conduct-designee, and/or University Police.
- G. *Behavioral Requirement*: This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, purchasing a gift for an aggrieved party, etc.
- H. *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.

- I. *Restriction of Visitation Privileges*: May be imposed on a resident or non-resident student. The parameters of the restriction will be specified by the Office of Housing and Residence Life.
- J. *University Housing Probation*: Official notice that, should further violations of Residence Life or University policies occur during a specified probationary period, the student may immediately be removed from University housing. Regular probationary meetings may also be imposed.
- K. *University Housing Reassignment*: Reassignment to another University housing facility. Housing and Residential Life personnel will decide on the reassignment details.
- L. *University Housing Suspension*: Removal from University housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to University housing may be specified. Under this sanction, a student is required to vacate University housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Housing and Residence Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for University housing, the student must gain permission from the Director of Housing and Residence Life (or designee). This sanction may include restrictions on visitation to specified buildings or all University housing during the suspension.
- M. *University Housing Expulsion*: The student's privilege to live in, or visit, any University/College housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
- N. *University Probation*: The student is put on official notice that, should further violations of University policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
- O. *Eligibility Restriction*: The student is deemed "not in good standing" with the University for a specified period of time. Specific limitations or exceptions may be granted by the Dean of Students or Student Conduct-designee 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 University or hold an elected or appointed office at the University; or
  - b) Ineligibility to represent the University to anyone outside the University community in any way including: participating in the study abroad program, attending

conferences, or representing the University at an official function, event or intercollegiate competition as a player, manager or student coach, etc.

- P. *University Suspension*: Separation from the University for a specified minimum period of time, 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 or the Dean's Student Conduct-designee, and in consultation with the Director of Housing and Residence Life when the student resides in Housing. During the suspension period, the student is banned from university 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. **This sanction will be noted as a Conduct Suspension on the student's official academic transcript.**
- Q. *University Expulsion*: Permanent separation from the University. The student is banned from university property and the student's presence at any University-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. **This sanction will be noted as a Conduct Expulsion on the student's official academic transcript.**
- R. *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 the Dean's Student Conduct-designee.

The following sanctions may be imposed upon University Affiliated Student Organizations found to have violated the *Code of Student Conduct*:

- 1) One or more of the sanctions listed above; and/or
- 2) Deactivation, de-recognition, loss of all privileges (including status as a University registered group/organization), for a specified period of time.

### **VIII. Code Interpretation, Revision, Procedures**

Any question of interpretation of the *Code of Student Conduct* will be referred to the Vice Chancellor for Student Affairs, whose interpretation is final. The *Code of Student Conduct* will be updated under the direction of the Dean of Students with a comprehensive revision process being conducted every five (5) years. Revisions will include the input of the Student Services committee on behalf of Faculty Senate. The Chancellor, with the advice of the Vice Chancellor for Student Affairs, is authorized to develop and adopt procedures for the management of the Code. (See Appendix)

## **Appendix: Non-Academic Student Conduct Procedures**

- I. Introduction
- II. Initiating the Student Conduct Process
- III. Interim Suspension
- IV. Informal Resolution Options
- V. Formal Resolution Options
- VI. Appeals

### **I. Introduction**

These procedures are designed to provide fair and unbiased management of the Code of Student Conduct (Code). The procedures outlined below cover the standards of conduct as described in the Code.

These procedures do not apply to cases involving the [Policy Against Discrimination, Harassment & Sexual Misconduct](#). Reports of discrimination, harassment, and sexual misconduct should be made directly to the Civil Rights & Title IX Coordinator.

### **II. Initiating the Student Conduct Process**

#### **A. Reports and Investigations**

1. The Dean of Students Office accepts reports of alleged Code violations from any person. All referrals must be submitted in writing. The referral should contain as much information as possible to enable USC upstate to address the complaint.
2. Reports of Discrimination, Harassment and Sexual Misconduct should be made directly to the Civil Rights & Title IX Coordinator.
3. Upon receipt of a report, the Dean of Students or Conduct Officer assigned to the case by the Dean of Students, will conduct an investigation to determine if there is enough information to support an alleged violation of the Code, and if so, which violations occurred.
4. The Dean of Students may ask the Respondent to appear at an investigative meeting to discuss the report or gather additional information.
5. If the Dean of Students or Conduct Officer decides the report lacks merit, the report will be dismissed. Appropriate parties will be informed in writing within

ten (10) business days of the dismissal or a timeline for determining the merit of the complaint.

6. Violations of the Code also may be violations of the law. USC Upstate encourages Complaining Witnesses to make reports to both local law enforcement agencies and USC Upstate. Because the standard of proof required in criminal law is different from the standard of proof required in the Code and USC Upstate policy, the result of any criminal investigation does not influence the student conduct process. A criminal investigation will not take the place of a USC Upstate investigation, although a criminal investigation may supplement a USC Upstate investigation. USC Upstate will not wait for the conclusion of a criminal investigation to begin conducting its own investigation or to take interim measures to protect USC Upstate or any member of the USC Upstate Community or when necessary to initiate hearing procedures as outlined below.
7. When a report could result in suspension or expulsion, or when a restorative conference is inappropriate, the Dean of Students may send the report directly to a Hearing Board for a formal hearing.

#### B. Notice and Administrative Measures

1. If a determination is made that a violation of the Code has occurred, the Dean of Students or Conduct Officer will notify the Respondent via a Notice of Alleged Code Violation (Notice). The Notice will include a summary of the complaint, the alleged policy violations, the date and time of the hearing, and any interim measures. The Notice will be sent to the Respondent no less than two (2) business days prior to a scheduled meeting.
2. Notices will be sent to the Respondent's official USC Upstate email address. For Registered Student Organizations, the Notice will be emailed to the organization's primary representative (typically the President on file with the Office of Student Involvement). Failure to read and comply with the Notice is not grounds for an appeal.
3. The Dean of Students Office schedules meetings and formal hearings. The time and date of the meeting or formal hearing is determined by each party's class schedule and the availability of the Conduct Officer, Hearing Board members, and witnesses. A meeting or formal hearing will only be rescheduled for good cause as determined by the Dean of Students. Prior to any student conduct

meeting or hearing, the Respondent and Complaining Witness may contact the assigned Conduct Officer or Dean of Students to arrange to review all information relevant to the allegations.

### **III. INTERIM SUSPENSION**

#### **A. Interim Suspension**

In certain circumstances, the Vice Chancellor for Student Affairs (VCSA) may impose an interim suspension from USC Upstate Premises upon receiving a complaint and prior to the completion of the student conduct process. An interim suspension may be imposed to:

1. Ensure the safety and well-being of members of the USC Upstate Community or preserve USC Upstate property;
2. Ensure the Student's own physical or emotional safety and well-being; or
3. Ensure that normal operations of USC Upstate are not disrupted.

#### **B. Notice of Interim Suspension**

Upon taking such action, the VCSA or authorized representative will immediately notify the Student in writing of the interim suspension, including the reasons for the interim suspension and appeal rights.

#### **C. Appeal of Interim Sanction**

A Student may appeal the interim suspension to the Vice Chancellor for Student Affairs in writing within seven (7) business days. The interim suspension remains in effect during any appeal. If requested in the written appeal, a Student will be given an opportunity to appear personally before the Vice Chancellor within three (3) business days of submitting the appeal. Only the following issues may be discussed at the appeal:

1. The reliability of the information concerning the Student's conduct, including the matter of his or her identity; or
2. Whether the conduct and surrounding circumstances reasonably indicate the continued presence of the Student on USC Upstate Premises poses a substantial and immediate threat to him or herself or to others, or to the stability and continuance of normal USC Upstate functions.

#### D. Prompt Disciplinary Hearing

A Student under interim suspension will be given an opportunity for a prompt disciplinary hearing within the USC Upstate student conduct process.

### IV. Informal Resolution Options

#### A. Student Conduct Meeting

1. Respondents may be provided an option for an informal meeting to resolve the allegations. Meetings are closed meetings that permit the Respondent to discuss the referral informally with the Dean of Students/Conduct Officer and others as appropriate. During the meetings, the Dean of Students/Conduct Officer and the Respondent discuss the referral and determine if it is more likely than not the Respondent violated the Code or any other USC Upstate policy.
2. After reviewing the referral and meeting with the Respondent, if the Conduct Officer determines sufficient information does not exist to prove an alleged violation, the Conduct Officer may dismiss the referral.
3. If the Conduct Officer determines sufficient information does exist to prove an alleged violation, and the Respondent **accepts responsibility** for the alleged violation, the Conduct Officer and the Respondent will discuss restorative actions. The Respondent can either:
  - a. Agree to fulfill the restorative action as discussed in the meeting; or
  - b. Disagree with the proposed restorative actions/sanctions and request a restorative a formal hearing on the issue of appropriate restorative actions/sanctions only.
4. If the Conduct Officer determines sufficient information does exist to prove an alleged violation, and the Respondent **does not accept responsibility**, the case will be referred for a formal hearing.
5. An agreement by the student as to either responsibility or the restorative action reached during the student conduct meeting may not be appealed.

#### B. Restorative Conference

1. A restorative conference provides an opportunity for interaction between the Respondent and any harmed party or Complaining Witness but also may involve the community in the decision-making process. Community participants may be anyone in the community concerned about the behavior. The goal is to provide everyone a voice in the process and bring understanding to all parties. Restorative conferences also allow for collaboration in deciding what is to be done about the incident in question and also to address any underlying problems that led to the incident.
2. Participation in a restorative conference is voluntary. All parties must willingly agree to attend. The Respondent must have previously accepted responsibility for the behavior in question in order for a restorative conference to occur. Annual training for restorative conference facilitators is provided by the Office of Student Conduct. Restorative conferences may or may not result in additional restorative actions, depending on the outcome of the conference.
3. If a resolution is not met through the restorative conference, the student conduct process will resume, and a formal hearing will be scheduled to determine restorative actions.

## **V. FORMAL RESOLUTION**

### **A. Formal Hearings**

If an informal resolution is not reached, or in cases where the Director or Conduct Officer referred the matter because potential outcomes include disciplinary suspension or expulsion from USC Upstate, the case will be scheduled for a formal hearing. Hearings are closed meetings that permit USC Upstate and the Respondent to address the alleged violation or restorative actions with a Hearing Board. Only individuals with a legitimate role in the hearing process are permitted to attend or participate in a hearing. The Hearing Board will determine if an individual has a legitimate role in the hearing process.

### **B. Hearing Boards**

The Vice Chancellor for Student Affairs solicits volunteers from employees and students to serve on Hearing Boards. Annual and ongoing training is provided by the Dean of Students office. When a student conduct matter is referred to a Hearing

Board for a formal hearing, the Dean of Students will determine which Hearing Board will address the allegation(s). The Dean of Students will determine the appropriate Hearing Board based on the nature of the allegation(s), whether the allegation(s) is/are grounds for disciplinary suspension or expulsion, whether the allegation(s) is/are grounds for suspension or revocation of Registered Student Organization status, and other relevant factors. The Dean of Students will notify the Respondent, Complaining Witness(es), and Hearing Board members of the individuals selected for the Hearing Board at least 3 days in advance of the hearing.

#### 1. USC UPSTATE Community Member Hearing Board

- a. The USC Upstate Community Hearing Board is a three (3) person Hearing Board composed of individuals selected by the Dean of Students from the employees, and students as follows:
  - i. One (1) faculty employee;
  - ii. One (1) staff employee; and
  - iii. One (1) undergraduate or graduate Student in good disciplinary standing and enrolled full-time. Students appointed to the USC UPSTATE Community Member Hearing Board are selected by an application and interview process. A Student member must be a full-time Student in good disciplinary standing with a cumulative grade point average of 2.5 or above.
- b. Members serve one-year (1-year) terms, which may be renewed. The Dean of Students will designate one (1) member of the USC UPSTATE Community Member Hearing Board as Chair each time the Hearing Board is convened. The Chair is a voting member of the Hearing Board.

#### C. Hearing Procedures

Hearings must be conducted by a Hearing Board according to the following procedures:

1. A party may request that a member(s) of a Hearing Board be excluded from the hearing based on a conflict of interest or bias. The request to exclude a member of a Hearing Board must be made in writing via email to the Dean of Students at least two (2) business days prior to the scheduled hearing. Requests must state the exact nature of the request and reason(s) the requestor believes the Hearing Board member cannot be impartial. The Dean of Students will decide if the Hearing Board member should be excluded, and

if so, assign a new Hearing Board member. The Dean of Students will notify the parties accordingly. The Complaining Witness, Respondent, and their support person(s) if any, are allowed to attend the entire portion of the hearing during which the Hearing Board receives information (excluding deliberations). Admission of any other individual to the hearing is at the discretion of the Chair of the Hearing Board.

2. A party may request to postpone the hearing for reasonable cause. A written request must be submitted to the Dean of Students, which includes the reason for the request, no later than two (2) business days prior to the scheduled hearing unless unforeseen circumstances occur. The Dean of Students, in consultation with the Chair, may accept or deny the request after considering the nature of the request and the incident at hand.
3. At the discretion of the Dean of Students, in hearings involving more than one (1) Respondent the hearings concerning each Respondent may be conducted either separately or jointly. Joint hearings will only be conducted upon agreement of the Respondents and upon execution of an appropriate FERPA waiver.
4. The burden of proving a violation of the Code is on USC Upstate. The Respondent is presumed to be not responsible until determined otherwise.
5. The Hearing Board's determination will be made based on the preponderance of evidence standard. Preponderance of Evidence means that it is more likely than not (at least 50.1% certain) that the Respondent is responsible for the alleged act.
6. The Respondent is responsible for presenting their own information at the hearing. If the Respondent chooses not to participate, or fails to appear before a Hearing Board, the Hearing Board may review the available information and makes a determination in the Respondent's absence.
7. The Dean of Students office will provide to the Hearing Board:
  - a. The Student Conduct Report;
  - b. A written summary detailing the meetings with both parties;
  - c. A written summary of the available information; and
  - d. The reason the case is before the Hearing Board.

8. In advance of the hearing, the Dean of Students Office will provide to the Respondent:
  - a. The Student Conduct Report;
  - b. A written summary detailing the meetings with both parties;
  - c. A written summary of the available information; and
  - d. The reason the case is before the Hearing Board.
  
9. The Conduct Officer responsible for the case will appear at the hearing to explain the Student Conduct Report and respond to questions from the Hearing Board.
  
10. The Complaining Witness and the Respondent may be assisted by up to two (2) Support Person(s) of their choice and at their own expense. Support Persons(s) are not permitted to speak or to participate directly in the hearing. A Student should select a Support Person(s) whose schedule allows attendance at the scheduled date and time for the hearing. Delays of a meeting or hearing are not normally allowed because of the scheduling conflicts of a Support Person.
  
11. The Dean of Students Office is responsible for assisting the Hearing Board in arranging for witnesses who are members of the USC Upstate Community to present information during the hearing when reasonably possible. Arranging for the attendance of witnesses who are not members of the USC Upstate Community is the responsibility of the party who seeks the witness' testimony. Witnesses participate in a hearing to provide information to and answer questions from the Hearing Board regarding the personal knowledge they have of the incident at hand.
  
12. The Dean of Students office will make reasonable accommodations to address concerns for the personal safety, well-being, or fears of confrontation of the Complaining Witness, Respondent, or other witness during the hearing. Accommodations include providing separate facilities, using a visual screen, or permitting participation by telephone, videophone, closed circuit television, video conferencing or other appropriate means as determined by the judgment of the Director.
  
13. The parties may suggest questions to the Chair in writing to be answered by witnesses. The Chair will determine if the questions are relevant and appropriate. At the discretion of the Chair, the Hearing Board may accept

pertinent records, exhibits, and written statements (including student impact statements) as information for consideration by the Hearing Board.

14. The Chair is responsible for maintaining order and determining the sequence of events during a hearing. The Chair may direct any person who fails to comply with procedures during the hearing or disrupts/obstructs the hearing to leave the hearing.
15. The Chair is responsible for making final decisions on all procedure or evidence questions but may consult with the Conduct Officer or other appropriate USC Upstate Official before making a final.
16. If Respondent has not accepted responsibility, after receiving all pertinent information, the Hearing Board will determine whether the Respondent has violated any Code section. If the Hearing Board determines the Respondent has violated the Code, the Hearing Board will recommend restorative actions to the Dean of Students. The Chair will provide a written rationale for the decision and recommend appropriate restorative actions to the Dean of Students. If the Hearing Board determines the Respondent has not violated any Code section, the Hearing Board recommends to the Dean that no actions be taken and the case is dismissed.
17. If Respondent has previously accepted responsibility, after receiving all pertinent information, the Hearing Board will recommend restorative actions to the Dean of Students. The Chair will provide a written recommendation of any restorative actions and the rationale for the recommendation to the Dean of Students.
18. The Hearing Board may reconvene a hearing at a later time or date to collect additional information before making a final determination regarding the outcome of any hearing, including recommended restorative actions.
19. The decision and restorative action(s) are ultimately determined and imposed by the Dean of Students; however, the Dean of Students must consider the recommendation of the Hearing Board in determining responsibility for the alleged policy violation and imposing restorative actions. The Dean of Students is not limited to the decision or restorative actions recommended by members of the Hearing Board and can accept, modify, or reject the recommended decision and, if applicable, restorative actions. The Dean of Students will provide a written outcome to the

Respondent via the Student's USC Upstate email address no more than seven (7) business days following a hearing, unless circumstances exist that would delay issuance of the written outcome. The written outcome must describe the rationale for the decision and any restorative actions imposed.

20. The Dean of Students is not limited to the decision or restorative actions recommended by members of the Hearing Board.

21. All hearings will be recorded, with the exception of the deliberation portion. The record is the property of USC Upstate.

## **VI. APPEALS**

### **A. Appeal**

1. A Respondent may appeal the Hearing Board's decision and restorative to the Vice President for Student Affairs if the restorative action/sanction is social suspension, disciplinary suspension, or disciplinary expulsion.
2. A Respondent and their Support Persons have the right to review the hearing file, including any recording of the hearing, in preparation for filing an appeal.
3. The written appeal will be submitted to the VCSA within seven (7) business days of the receipt of the decision rendered by the Hearing Board.

### **B. Jurisdiction and Grounds for Appeal**

The VCSA has appellate jurisdiction over non-academic student conduct cases. The appeal is not a new hearing, but rather a review of the original hearing. The appeal is limited to the following issues.

1. A procedural error occurred that significantly impacted the outcome of the hearing (e.g. substantial bias, material deviation from established procedures, etc).
2. To consider new information that was unavailable at the time of the original hearing or investigation that could substantially impact the original finding or sanction.

3. The restorative actions/sanctions imposed are substantially disproportionate to the severity of the violation.

C. Notification of Appeal

If the Respondent files an appeal, the VCSA will notify the Dean of Students and provide the Dean of Students an opportunity to file a response. If the Dean of Students files a response to the appeal, the response must be filed within five (5) business days of the appeal.

D. Appeal Record

In consideration of an appeal, the VCSA will conduct a review of the existing documentation and record, including but not limited to:

1. The hearing file;
2. The written recommendations of the Hearing Board;
3. The recording or transcript of the formal hearings;
4. The letter of appeal; and
5. Written response from the Dean of Students Office, if any.

E. VCSA Decision

Upon review of all of the information, the VCSA has the authority to do one of the following:

1. Uphold the findings and recommendation made by the Hearing Board;
2. In cases of suspension or expulsion, modify the restorative actions/sanctions; or
3. Remand the case back to a Hearing Board.
  - a. If a case is remanded for issues of procedural error, the Dean of Students will appoint a new Hearing Board to reconsider the case;
  - b. If a case is remanded based on new information, the Dean of Students will instruct the original hearing Board to resume the hearing.

The VCSA decision will be communicated to the Respondent, Dean of Students, and when appropriate, the Complaining Witness. The decision by the VCSA is final and binding upon all parties involved.