



NEWBERRY
COLLEGE

**THE NEWBERRY COLLEGE
STUDENT CODE OF
CONDUCT**



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Newberry Colleges is a member of the Network of the ELCA Colleges and Universities (NECU). NECU institutions share a common calling of “equipping graduates who are called and empowered to serve the neighbor so that all may flourish.” Although their mission statements vary, these institutions are committed to providing students of all backgrounds an excellent education and preparing them to use their unique strengths to contribute to the flourishing of people and our planet.

These commitments are rooted in educational reforms and a specific notion of calling or vocation promoted by Martin Luther in the 16th century. At a time when education was limited to the wealthy or to monks, nuns, and priests, Lutheran reformers claimed that all are called to use their unique gifts and strengths to love others, seek justice, and contribute to the common good. This simple but powerful concept of vocation led to a radical idea at the time: everyone should have access to education.

NECU institutions are called to offer a unique environment where students, faculty, and staff are not only included, but also celebrated, supported, and given the opportunity to thrive within a community grounded in faith and justice. This distinctive approach sets Lutheran institutions apart from other colleges and universities. Therefore, our policies and practices will reflect our commitment to ensuring that all students, faculty and staff operate within an environment free of discrimination, harassment, bigotry, and hatred. These policies will also reflect our commitment to ensuring members of our community have the opportunity to fully pursue, experience, and realize our Lutheran values of faith and reason, freedom and responsibility, diversity and inclusivity, and personal and public vocation.

NEWBERRIAN CREED

As a Newberrian:

I will honor the code of honesty in my academic and social life.

I will respect the rights of every member of this community as a person and creature of God.

I will connect with, and support, Newberry College as a place of open dialogue and free inquiry for all.

PURPOSE

The purpose of the Code of Conduct is to articulate Newberry College’s (Hereafter called the “College”) policies and procedures to initiate disciplinary action against a student in accordance with procedure and due process protections. The Code of Conduct also identifies prohibited conduct and potential sanctions for violations of prohibited conduct.

DEFINITIONS

Administrative Review/hearing: meeting between a conduct officer and a student to discuss the alleged code violation, explain college process, and potentially adjudicate violations of the Code of Conduct.

Advisor: a single individual whom the charged student or complainant may elect to accompany that individual to an administrative conference or a hearing regarding an alleged violation of college policy. Because the accused student is solely responsible for presenting their case during the disciplinary process, an advisor may confer with and advise the accused student but may not advocate for the student. If an advisor is directly related to a disciplinary case or if the advisor's presence poses a conflict of interest, the hearing chair of the Newberry College Judicial Council (NCJC) panel, or the conduct administrator may dismiss the advisor from the administrative conference or hearing. Advisors may be dismissed from any disciplinary proceedings if they disrupt the process.

Newberry College Judicial Council (Herein referred to as 'NCJC'): a group of students, faculty, and staff who are selected and then trained to provide both educational outreach on behalf of the Office of Student Conduct and/or serve on hearing panels to adjudicate allegations of student misconduct which elevate to the level of a formal hearing.

Newberry College Judicial Council hearing: a meeting between the Newberry College Judicial Council and a student to discuss the alleged code violation and adjudicate potential violations of the Code of Conduct. A panel of only students may be utilized when a case is not facing potential suspension or expulsion. In cases where suspension or expulsion are possible outcomes, a panel of faculty, staff, and students will be utilized.

Day: a college business day is one in which both the college is open, and classes are in session. This excludes college holidays, Saturday and Sunday, Reading Day and final exam periods. Students may elect to participate in the conduct process during times when the college is open, but classes are not in session. In extraordinary circumstances in which timely resolution is necessary, a required hearing may be scheduled on a date on which the college is open, but classes are not in session.

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

Incident report: written narrative documentation of an incident that involves potential violations of the Code of Conduct.

Preponderance of the evidence: a preponderance of evidence exists when a reasonable person, after evaluating all credible information available at the time of the investigation,

would conclude that it is more likely than not that a violation has occurred.

Registered student organization (RSO): “Registered Student Organizations (RSOs) RSOs are formally recognized by the College and originated out of student interest and include Clubs, Organizations, Societies, and Campus Collectives.– they are not directly connected to or supported by a college department. RSOs are formed by currently enrolled students sharing a common goal or interest who have correctly completed the necessary forms on time and agree to adhere to guidelines established by the College.”

Student: a person who is currently enrolled at the college, or who is accepted for admission or readmission to the college, or who has been enrolled at the college in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the college while that person is on campus, or who engaged in prohibited conduct at a time when the individual met the above criteria. Individuals who are not currently enrolled at the college remain subject to the disciplinary process for conduct that occurred while they were enrolled.

College official: an employee (or contract employee acting in the interest) of the college including faculty members and staff members. Students (or contract employees) may be considered college officials when acting in the performance of their duties.

College operated facility/College property: any buildings or properties that are owned or controlled by the college, reasonably contiguous to one another and directly support or relate to the college’s educational purpose.

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

Weapons: Newberry College defines a “weapon” as any item that can be used to inflict serious or permanent bodily injury upon another. This definition encompasses so many different items that, depending upon how they are used, could be considered a weapon and spelling out each of these is impossible to define here. For example, a baseball bat is a common item that could be found around campus but is only a weapon if used as such.

Weapons that are of particular concern and those which are prohibited from campus include such things as:

Firearms: Any type of gun that expels projectiles using pressure generated from combustion or compressed gases that would reasonably be believed to have the potential to cause serious or permanent bodily injury, or death.

Knives: Knives with a blade greater than 3 inches in length are prohibited from campus

Explosive Devices: Any substance or device that can be made to produce a volume of rapidly expanding gas in an extremely brief period. This includes such things as mechanical explosives (intentionally overloading a high-pressure container) or chemical explosives, both detonating and deflagrating.

Certain Conducted Energy Devices (CED's): Any Electro-Muscular Disruption (EMD) device that fires projectiles to transmit electric current from a distance to incapacitate another is prohibited. Such devices include Taser's and like devices that fire projectiles through the use of compressed gases or gunpowder.

Included here are also electronic devices designed to utilize only pain compliance as a deterrent. This includes "stun guns" and the like, that require contact or close proximity to another person to transmit an electric current.

This list of weapons categories is not all-inclusive and Newberry College reserves the right to determine the appropriateness and permissibility of items that can be considered harmful or detrimental to the community.

Understanding that personal safety is always a concern and many students prefer to maintain some level of self-protection, devices that are used only as pain compliance tools but do not expel or emit a projectile are allowed. These allowances are only given to those students who are at least 18 years of age. Such items include:

Pepper Spray: Chemical sprays used for self-defense purposes are allowed. Common and trusted manufacturers are Sabre and Mace. Maximum allowable quantity is 15g or approximately .5 oz. Spray devices must have a finger activated safety that does not allow unintentional deployment, must be maintained in a secure place when not on the person, must not be left unattended in backpacks, vehicles, etc. and only the person to whom the item belongs is allowed to carry the device on campus.

Any carry of these items should be preceded, before carry of the item, by training to understand the basic effects and limitations of these devices. Improper use of chemical sprays on campus is prohibited and will subject the student to conduct proceedings. These items are strictly for defensive purposes and must not be used otherwise. It is the responsibility of the carrier to comply with all federal, state, and local regulations pertaining to use and carry of these items. Brandishing either of these weapons in the presence of law enforcement could result in a very negative outcome, up to and including a deadly force response.

Physical Violence:

Any hostile or aggressive physical interaction between two or more individuals, including but not limited to:

- pushing,
- shoving,
- grabbing,
- striking (including slapping or punching),
- Stabbing,
- wrestling,
- throwing objects,
- attempting to physically intimidate another person,
- or threatening such actions listed towards another person.

APPLICATION**I. Rights and Responsibilities of Students**

Academic institutions are established to disseminate knowledge, pursue truth, foster student development, and contribute to societal well-being. Essential to achieving these objectives are free inquiry and expression. Students, as integral members of the academic community, are thus encouraged to cultivate critical thinking and engage persistently and independently in the quest for truth.

Individual freedom can be defined as the right to act or speak, provided it does not impinge on the rights of others. Actions or speech that are inflammatory, threatening, demeaning, or excessively disruptive to the living or study conditions of students, or to the administration of Newberry College, are not protected. It is considered disruptive for any campus community member to engage in behavior that significantly obstructs or interferes with teaching, research, administration, the legitimate use of college facilities, the rights of other community members, or disciplinary processes. Furthermore, Newberry College is dedicated to enhancing student life by fostering a diverse educational and cultural environment. As such, racist behavior and other forms of bigotry are unequivocally unacceptable. Rights and freedoms also come with responsibilities. It is important to recognize that students who exercise their rights as private citizens, whether individually or in groups, must take full responsibility for their actions. All students and staff at Newberry are expected to comply with local, state, and federal laws, as well as all college policies and regulations. Violations may lead to disciplinary actions by the college and/or legal consequences from civil or criminal courts.

II. Authority and Responsibility

This Student Code of Conduct applies to individuals and groups both on campus and at college-related locations, as well as to off-campus activities. Students and organizations are

accountable under this code for off-campus actions that adversely affect the college community. Disciplinary measures by Newberry may be implemented independently and prior to, or in addition to, any penalties from external authorities.

Responsibility for maintaining proper conduct at Newberry College rests with the students and the student organizations. RSO's, whether officially chartered or not, are subject to the college's code of conduct and additional restrictions if they fail to meet Newberry's standards. The Assistant Vice President oversees these groups, with monitoring and monitoring and assistance from the Assistant Dean of Student Affairs in cases where no formal charges are issued. All community members are expected to use reasonable judgment and show respect for the rights and welfare of others.

This code is implemented in line with the Board of Trustees' policies. The Vice President of Student Affairs, acting on behalf of the President, typically seeks advice from the NCJC before recommending changes to the governance of student rights, responsibilities, and behavior. Generally, the Vice President assigns the responsibility of managing the Student Code of Conduct to the Office of Student Affairs, specifically the Assistant Dean. This role encompasses developing and implementing operational procedures for evaluating conduct violations and enforcing sanctions in a fair, consistent, and legal manner. The Assistant Dean may also delegate these tasks to various judicial bodies, administrative staff, or initiate formal review mediation process. The President of Newberry College has the authority to direct disciplinary cases to special committees or officers as deemed appropriate.

Mediation provides an effective avenue for resolving conflicts, helping parties to reach agreements that are acceptable to all involved. Neutral mediators facilitate this process, allowing each participant to express their needs and seek solutions without interruption, focusing on collaborative problem-solving rather than fault-finding. The goal is to foster a flexible, creative approach to resolving disputes. Successful mediation culminates in a contract, signed by all parties, which they are then expected to honor.

Confidentiality is a cornerstone of the judicial process, ensuring that discussions are conducted in a safe and open environment. This privacy helps participants feel secure enough to honestly address the issues at hand. The President of Newberry College has the authority to direct disciplinary cases to special committees or officers as deemed appropriate.

III. Application of Laws and Off-Campus Activities

Newberry College is not immune to the criminal laws of the United States, the State of South Carolina, and the City of Newberry. While the college's rules and regulations do not replicate general laws, they align with the broader public interests covered by these laws where the institution's roles as an academic community intersect. Students and student organizations that violate municipal, state, or national laws are subject to legal prosecution by those authorities and may also face disciplinary actions under college rules if their behaviors breach institutional standards.

IV. Prohibited Conduct

The following list constitutes the official record of general conduct violations at Newberry College. Students and student organizations are expected to comply with these regulations. It is important to note that these regulations do not cover all possible prohibitive behaviors exhaustively. Additional rules and regulations may be adopted as needed and will be communicated through campus channels. Students or student organizations found responsible for misconduct or for aiding in misconduct will be subject to the sanctions outlined in this code. Students who anticipate or observe any violations of college policies are expected to disengage from the activity and are encouraged to report the violations. The areas of misconduct include:

Academic Misconduct

Introduction and Definitions

The Newberrian Creed calls for honesty in one's social and academic life and applies to all students of Newberry College. Academic integrity is important for:

- **STUDENTS:** Students invest time, energy, and money in their future. Maintaining integrity in their academic work ensures that they develop the skills and knowledge they need and that their degree is reflective of their personal academic achievements.
- **NEWBERRY COLLEGE:** Academic honesty is integral to the Newberry College mission to nurture *lifelong intellectual and personal development through a supportive academic community.*
- **EMPLOYERS:** Today's employers expect that college graduates will be able to solve complex problems, think critically, and demonstrate consistent, ethical decision-making skills. Learning and applying these skills in a supportive academic community prepares students for a successful, meaningful future.

Academic dishonesty takes many forms. The Newberrian Creed is intended to create a community that discourages all forms of academic dishonesty. The following examples, though not exhaustive, illustrate the types of conduct that violate the Creed.

- **CHEATING:** Using unauthorized materials, information, or study aids in any academic exercise
 - Copying from another student's work on any academic assignment or exam
 - Using notes or books during an exam without permission
 - Obtaining access to the contents of an exam or the purchase, sale, or theft of unauthorized material before or during an exam
- **COLLUSION:** Working with others on assignments, projects, or exams without

explicit permission of the instructor

- **PLAGIARISM:** Representing the words, ideas, or work of another as one's own in any academic exercise
 - Copying text, images, or data from a source without proper citation
 - Paraphrasing someone else's work without acknowledgement
 - Submitting the same work for multiple assignments without permission from all instructors involved
- **FABRICATION:** Unauthorized invention or falsification of information or citations in one's academic work
 - Creating fake data or results for research projects
 - Altering data to fit expected outcomes
 - Citing sources that do not exist or were not used
 - NOTE that generative AI tools like ChatGPT typically use fake or unverifiable sources
- **DECEPTION:** Providing false information or fabricating excuses to improve one's grade or helping another person lie to preserve or improve their own grade
 - Lying about reasons for missing a class, exam, or assignment deadline
 - Forging signatures or documents
- **IMPROPER USE OF TECHNOLOGY:** Using technology inappropriately to gain academic advantage
 - Using electronic devices to access unauthorized information during an exam
 - Altering or manipulating academic records or files
 - **IMPROPER USE OF ARTIFICIAL INTELLIGENCE:** Using AI tools to complete assignments, generate content, or perform tasks without explicit permission from the instructor
 - Submitting AI-generated essays or projects as one's own work
 - Using AI to bypass plagiarism detection tools
 - Employing AI to conduct research or solve problems without disclosure
 - Employing AI to rewrite, revise, or correct one's work

Whenever a student is uncertain as to whether conduct would violate the Creed, ***it is the responsibility of the student*** to seek clarification from the appropriate faculty member or instructor of record prior to engaging in such conduct.

Procedures for Resolving Allegations of Academic Dishonesty

1. Academic Resolution

- If the instructor of record determines that a student has been dishonest in their academic work, the instructor must notify the student in writing within three (3) business days of discovery and complete the Academic Integrity Incident Report in Wolf Den after meeting with the student.
The instructor must provide evidence to support the allegations in the report.

- The student must meet with the instructor in person or virtually to discuss the alleged violation within three (3) business days of receiving the written notification. Both the student and instructor are permitted to have a witness to the conversation present. ***Failure of the student to meet will be regarded as an implicit acceptance of responsibility and the penalty assigned by the instructor will stand.***
- The conversation can result in two possible outcomes:
 - **Student accepts responsibility for the violation:** If the student accepts responsibility, the instructor's options include, but are not limited to 1) a grade of "F" for the assignment on which the violation occurred, 2) a grade of "F" for the course, 3) an ungraded assignment that directly addresses the violation and in which the student admits responsibility, 4) a reasonable penalty commensurate with the violation. The student will receive a letter from the Office of Academic Affairs noting the violation and resolution. If the student accepts responsibility, they waive the right to appeal the instructor's sanction and the issue will be considered resolved.
 - **Student does not accept responsibility for the violation:** If the student does not accept responsibility, the instructor will assign a grade penalty that will 1) remain in place until the issue is fully resolved and/or 2) be the final resolution of the issue. The student will receive a letter from the Office of Academic Affairs noting the violation, grade penalty, and the appeal process.
- In the case of an alleged violation that significantly impacts a student's final grade, the instructor can assign an Incomplete (I) grade that will remain in place until the issue is resolved. Graduating seniors will receive priority in resolving final grades. An Incomplete grade must be resolved before the student can receive their diploma.

2. Appeals

If the student contests the alleged violation and/or the grade penalty imposed by the instructor, the student has two options for appeal. The student must choose one option and submit the written appeal within three (3) business days of meeting with the course instructor.

- **OPTION 1: INFORMAL ADMINISTRATIVE REVIEW**
 - The student may appeal to the Associate Vice President for Academic Affairs for an informal administrative review of evidence. The purpose of the informal administrative review is to resolve the allegations without a formal hearing.
 - The detailed appeal must be made for one or all of the following reasons:
 - New evidence not available to the instructor at the time of the

sanction that would significantly impact the instructor's decision.

- The grade penalty is inappropriate or too harsh in relation to the violation.
- The instructor demonstrates bias that influences their impartiality in assigning the grade penalty.
- The student is required to meet in person or virtually with the AVPAA to discuss the appeal. In the event the student fails to meet, the AVPAA will make a decision based on information available at the time of the scheduled meeting. The possible outcomes are:
 - **Responsible:** The AVPAA finds, based on the evidence, that it is more likely than not (51% or more) that a violation occurred.
 - **Not Responsible:** There is insufficient evidence to determine that the accused is responsible.
- The AVPAA reserves the right to assign additional, non-academic sanctions.
- The decision of the AVPAA is final. [Note the option to appeal in the case of subsequent violations below.]
- **OPTION 2: FORMAL HEARING**
 - The student may appeal to the Vice President of Student Affairs / Dean of students for a final decision. The Vice President (VP) can also choose to send the appeal to the Newberry College Judicial Council (NCJC) for a formal hearing. The NCJC consists of students, faculty, and staff, chosen at the discretion of the Assistant Dean of Student Affairs (faculty members will always be present at a hearing for an academic issue).
 - The detailed appeal must be made for one or all of the following reasons:
 - New evidence not available to the instructor at the time of the sanction that would significantly impact the instructor's decision.
 - The grade penalty is inappropriate or too harsh in relation to the violation.
 - The instructor demonstrates bias that influences their impartiality in assigning the grade penalty.
 - Formal hearing procedures and student rights are located in the [Newberry College Student Code of Conduct](#). If the student fails to appear at the formal hearing, the VP or the NCJC will make a decision based on information available at the time of the hearing.
 - The hearing panel will base their determinations of responsibility solely on the information presented during the hearing, applying the preponderance of the evidence standard. The possible outcomes are:
 - **Responsible:** The VP or NCJC finds, based on the evidence, that it is more likely than not (51% or more) that a violation occurred.

- **Not Responsible:** There is insufficient evidence to determine that the accused is responsible.
 - A “responsible” finding by the hearing panel may include additional sanctions.
 - The hearing panel decision is final.

For both appeal options, the student will receive a notification of the outcome. All documents related to the violation will be retained in the student’s disciplinary record for a length of time specified by the type of sanction (see the [Newberry College Student Code of Conduct](#)).

3. A list of possible sanctions, aside from grade penalties, can be found in the [Newberry College Student Code of Conduct](#).

4. SUBSEQUENT VIOLATIONS

If the student is reported for a second or subsequent academic integrity violation and has been found responsible for a previous violation, through admitting responsibility or through an appeal, they will lose the option of accepting an Academic Resolution from the instructor and will proceed immediately to the Informal Administrative Review. If they are unsatisfied with the outcome of the Informal Administrative Review, the student may appeal to the Vice President of Student Affairs. All decisions of the VP or if designated, the NCJC are final.

Beyond the first violation, students are subject to more severe sanctions, including suspension and/or expulsion from Newberry College.

Non- Academic Misconduct

1. Alcohol Related Misconduct

- a. Possession or consumption of alcohol by those under the age of 21.
- b. Possession or consumption of alcohol in non-designated areas.
- c. Public intoxication and disorderly conduct under the influence of alcohol.
- d. Possession of alcohol-related paraphernalia for consumption including fake Identification.

2. **Animals:** Unauthorized presence of animals or pets in residence halls or other campus property.

3. **Bullying/Harassment:** Intimidating or threatening behavior that interferes with another individual's safety or any aspect of student life through means of media, direct or indirect contact or third-party contact.

4. **Complicity:** Assisting or encouraging any act of misconduct.

5. **Cyberbullying:** Using electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature.
6. **Damage/Misuse of Property:** Unauthorized use or damage to property or violation of any facility policies, including misuse or damage of others' property. This includes the misuse of computer accounts, illegal downloads, and other forms of computer-related misconduct.
7. **Bias Incidents of Discrimination and Harassment:** Actions that discriminate or harass individuals based on protected characteristics through Federal Law of Title VI. Including any acts demonstrating bias, discrimination, harassment, assault or the threat of these act against persons based on identity markers such as age, pregnancy, race, color, disability, medical condition, ethnicity, gender, sexual orientation, gender identity, religion or religious identity, national origin, or other, etc., that will not be tolerated.
8. **Disruptive Behavior:** Any conduct that impedes, interferes with, or disrupts any teaching, research, administrative, disciplinary, public service, learning, campus community setting or other authorized behavior. Disruptive Activity may occur at functions on or off campus, or at other authorized non-college activities when the conduct occurs on college property.
 - a. Behavior in a classroom or instructional program that unreasonably interferes with the instructor or facilitator's ability to conduct the class or program after a requests for the activity to cease.
 - b. Non-compliance with reasonable time, place, and manner restrictions on activities.
 - c. Making, causing, or continuing any loud, aggressive, inappropriate, unnecessary, or unusual noise or disorderly behavior that disrupts the normal operations of the college or infringes on the rights of other members of the college community or in off-campus living communities.
9. **Drug Related Misconduct:** Possession, use, or distribution of illegal drugs or unauthorized prescription medications.
10. **Endangerment:** Any conduct that jeopardizes the safety or well-being of the community.
11. **Excessive Noise:** Creating noise disturbances beyond acceptable levels in residential or academic spaces.
12. **Explosives:** Unauthorized use or possession of explosives.
13. **Failure to Comply:** Failing to adhere to the reasonable directives of college officials.

- a. Failure to comply with and respond appropriately to the reasonable and lawful requests of college officials (including resident mentors) in the performance of their duties.
 - b. Failure to properly comply with or complete a sanction or obligation resulting from a conduct or honor code hearing.
- 14. **Failure to Evacuate:** Not complying with evacuation procedures during drills or emergencies.
- 15. **False Information:** Providing false information to college personnel or within official college processes and procedures.
- 16. **False Reporting of an Emergency:** Making false reports of bombs, fires, or other emergencies.
- 17. **Fire and General Safety Violations:** Misuse of fire safety equipment, creating fire hazards, etc.
- 18. **Forgery:** Altering or misusing documents or records.
- 19. **Fraudulent Behavior:** Engaging in fraud or dishonest behaviors.
- 20. **Harassing Behavior:** Conduct that persistently interferes with another's educational or work performance. Including acts demonstrating bias or discrimination against persons based on identity markers such as age, pregnancy, race, color, disability, medical condition, ethnicity, gender, sexual orientation, gender identity, religion or religious identity, national origin, or other, etc., that will not be tolerated.
- 21. **Hazing:** Any action is taken, or situation created, intentionally, whether on or off-campus, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. This includes any act that is in violation of Federal, State or Local Law concerning Hazing. *Please see full Hazing Detailed Policy Statement on the Student Conduct and Hazing Website.*
- 22. **Health and Safety Concerns:** Behaviors that threaten the safety of the community.
- 23. **Housing Violations:** Any violations to any housing agreements, directives, residential policies or contracts.
- 24. **Impersonation:** Pretending to be another person for fraudulent purposes.
- 25. **Improper Communications:** Unauthorized, inappropriate or harassing communications.

26. **Inappropriate Use of Social Media:** Posting content that is harmful, threatening, or violates the rights of others.
27. **Intellectual Property Theft:** Unauthorized use of someone else's work or ideas without giving proper credit.
28. **Misappropriation of Funds:** Misuse of student organization or college funds or property.
29. **Misuse of Identification or College Resources:** Unauthorized use of college identification, facilities, or other resources.
30. **Physical Violence, Assault or Injury:** Any threatened or actual physical harm, attack or physical altercation. These actions are grounds for immediate interim suspension and may result in suspension or expulsion. *(Please see the Physical Violence / Fighting policy section further below for more detailed information)*
31. **Privacy Violation:** Invasions of privacy where there is an expectation of privacy.
32. **Public Indecency:** Engaging in inappropriate or indecent behavior in public spaces on campus.
33. **Retaliation:** Retaliating against a person who has participated in a disciplinary process in any capacity.
34. **Sexual Misconduct (Non-Title IX):** Includes, but is not limited to, the following:
Any actions or conduct of sexual nature that is a violation of the colleges policies not addressed through Title IX.
35. **Sexual Assault (Non-Title IX):** Any non-consensual sexual act, including rape, fondling, incest, and statutory rape.
36. **Sexual Harassment (Non-Title IX):** Unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature that creates a hostile, intimidating, or offensive environment.
37. **Sexual Exploitation (Non-Title IX):** Taking non-consensual or abusive sexual advantage of another person for one's own benefit or the benefit of others, including recording or distributing images or audio of sexual activity without consent.
38. **Dating Violence (Non-Title IX):** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- 39. Domestic Violence (Non-Title IX):** Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the victim under the domestic or family violence laws.
- 40. Stalking (Non-Title IX):** Engaging in a course of conduct directed at a specific person, involving unwanted attention or contact on a limited or continuous basis that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.
- 41. Shared Responsibility for Violations:** Prohibited behaviors include:
- a. Acting in concert to violate college policy.
 - b. Attempting, assisting, or promoting any act prohibited by college policy.
 - c. Condoning, encouraging, or the collusion of behavior that violates college conduct regulations. Collusion is any action or inaction with another one or more individual(s) to intentionally violate college policy.
 - d. Allowing, permitting, or providing opportunity for a guest to violate college policy. Newberry Student hosts are responsible for the behaviors and actions of their guest at any time that guest is on Newberry College property, or in the event that guests participate in any disruptive behavior as a result of their ability to access college ground or Newberry College students.
 - e. Being an accessory to any act prohibited by college policy.
- 42. Theft and Burglary:** Unauthorized taking or possession of property.
- 43. Trespassing:** Entering or remaining on college property without permission.
- 44. Unauthorized Presence or Entry:** Unauthorized access to facilities or property.
- 45. Unauthorized Recording:** Recording lectures, conversations, or interactions without the consent of all parties involved.
- 46. Use of Weapons:** Unauthorized possession or use of weapons are not allowed on campus and are ground for immediate suspension or expulsion. *(Please refer to the definition sections of the code for clarity on what is defined as a weapon.)*
- 47. Vandalism:** Deliberate destruction or damage to property.
- 48. Violations of Laws and Regulations:** This violation signifies that an organization or student has violated or are non-compliant with laws, policies and procedures set by the Organization, Campus Administration, Federal, State, or Local government.

Physical Violence / Fighting Policy

The purpose of this policy is to maintain a safe, respectful, and educational environment for all members of the campus community. The institution is committed to preventing violence, minimizing threats to campus safety, and responding promptly and appropriately to incidents involving physical aggression, assault, intimidation, or fighting.

The College recognizes the importance of balancing campus safety with fair, equitable, and individualized review of student conduct matters. Therefore, all reports involving physical altercations will be reviewed within the context of the specific incident, including the nature of the conduct, level of threat, and any mitigating or aggravating factors.

Students are expected to resolve conflicts in a non-violent and respectful manner. Any student found responsible for engaging in prohibited physical conduct may be subject to disciplinary action up to and including interim suspension, removal from housing, suspension, expulsion, trespass from campus property, referral to law enforcement, and/or other educational or restorative sanctions.

Policy Statement: The College prohibits acts of physical violence, assault, fighting, intimidation, or behavior that threatens the health, safety, or well-being of any member of the campus community or campus guests. *(Please refer to the definition sections of the code for clarity on what is defined as physical violence.)*

Mutual Combat: Mutual combat is a violation of college policy and is prohibited. A physical confrontation in which two or more individuals willingly engage in aggressive physical behavior toward one another is defined as such. Mutual participation in a fight may result in disciplinary action up to and including suspension or expulsion regardless of which individual initiated the confrontation.

Self-Defense Consideration: The College recognizes that individuals may act to protect themselves or others from immediate physical harm. Reasonable self-defense will be considered during the review process. The College reserves the right to distinguish between:

- an aggressor,
- mutual combat,
- and actions reasonably necessary for protection or escape.

Claims of self-defense do not automatically exempt a student from review or responsibility, but will be evaluated based on the totality of circumstances and evidence.

Interim Measures and Sanctions of Physical Violence: Sanctions will be determined based on the severity of the incident, prior conduct history, level of harm caused, and other relevant factors.

Potential Interim Measures sanctions for physical violence may include, but are not limited to:

Moderate-Level Measures

- Loss of housing privileges
- Restrictions from campus activities or events
- No-contact directives
- Behavioral contracts
- Disciplinary Probation
- Suspension
- Other interim measures as deemed by the Dean of Student or designee.

Severe instances leading to immediate measures / action:

The following behaviors will typically result in significant disciplinary action and may result in suspension or expulsion:

- causing bodily injury,
- repeated acts of violence,
- assault involving a weapon,
- group assaults,
- choking/strangulation,
- violence against employees or officials,
- retaliation,
- hate-motivated violence,
- or conduct creating substantial risk to campus safety,
- Other severe factors as deemed by the Dean of Student or designee.

Possible interim measures and sanctions for severe instances include:

- suspension,
- expulsion,
- permanent trespass from campus,
- and referral to law enforcement authorities,
- Other Interim Measures as deemed by the Dean of Student or designee.

V. Disciplinary Process (for non-sexual misconduct complaints¹)

Any individual, agency, organization, or entity may file a complaint with the Office of Student Affairs alleging a violation of the Student Code of Conduct by a student or student organization. The College considers police reports or citations as formal complaints. The College's proceedings are independent of civil litigation or criminal prosecution and may occur before, during, or after such legal proceedings. Decisions made under the Student Code of Conduct are not influenced by or dependent on the outcomes of legal matters and may result in different conclusions.

All students and student organizations are bound by the disciplinary procedures outlined in this code. If a student involved in a violation of the Student Code of Conduct either leaves or graduates from the College before the issue is resolved, the disciplinary process may still proceed at the College's discretion, and the outcome may be recorded in the student's file. Should a student depart before a hearing is held, any pending charges will be addressed at the College's discretion before any future readmission. All students are responsible for all policies and laws related to Title IX.

A. Receipt of Complaint

Complaints concerning alleged violations of this Code must be brought in writing to the Office of Student Affairs within 120 days of discovery of the alleged offense. Upon receipt of information, the Office of Student Affairs will review the complaint and any relevant evidence and may initiate a disciplinary process. In the absence of sufficient information as determined by the Primary Conduct Officer, designee or Vice President of Student Affairs, a complaint will be dismissed.

Exceptions to this policy will be made at the sole discretion of the Primary Conduct Officer or designee. Such exceptions may involve allegations that are still under investigation or cases in which the safety of individuals or the College community is deemed by that official to be at risk. Individuals may submit anonymous reports, and the College will seek to review and address them as best possible; however, there may be some limitations or restrictions when an anonymous complaint is made.

B. Initial Inquiry

The initiation of the disciplinary process may include a period of initial inquiry, in which the Primary Conduct Officer or designee may speak with individuals involved in the alleged incident to determine how to move forward in the disciplinary process.

Depending on the violation(s), circumstances of the incident, and prior disciplinary history, if any, the Primary Conduct Officer or his/her designee can proceed with the following.

C. Notification of Charges

Once it is determined that disciplinary proceedings will be initiated, the accused student or student organization will be provided with address and/or e-mail address within the College information system or the address on the complaint. The Assistant Dean or designee will

send the notice via the Maxient case management software. The written notice shall describe the alleged violation(s) and inform the student or student organization about the reported circumstances underlying the alleged violation(s) with the scheduling instructions to set a date and time of the Student Conduct Conference with the Assistant Dean or designee. The Student Conduct Conference provides the accused with:

- Opportunity to discuss the allegations and provide information.
- Notice of formal charges resulting from allegations.
- Notification of the process to resolve formal charges through conduct proceedings; and
- Opportunity to accept or deny responsibility for formal charges.
- Opportunity to select a Resolution Preference. (Please note that if the case goes to an investigation, resolution preference will be decided after the final investigation report is completed and reviewed.)

D. Options for Resolution of Disciplinary Charges

It should be clearly understood that there is a fundamental difference between the nature of student discipline and that of criminal law. Regardless of the options exercised for resolution of charges, the discipline of students within the College community will be consistent with the educational mission of the institution.

At the Student Conduct meetings with a conduct officer, the charged student will have all the disciplinary options outlined below fully explained:

1. **Informal Resolution** – Accepting responsibility for the alleged violation(s) and requesting for the decision to be made based on information already provided. Note: this option will not include statements or questioning and the student waives their right to appeal the decision made when selecting this option.
2. **Informal Administrative Review** – Providing statements, new evidence, witnesses, and clarification about the report made. This session can take place on the day of the initial conduct meeting or within 3 business days to prepare if necessary. This session will take place with the hearing officers that is assigned the case and the decision will be made by the hearing officer.
3. **Formal Hearing Panel** – The hearing panel will take place on a later date from the initial student conduct meeting and will be heard by the Newberry College Judicial Council (NCJC). A panel of only student member of NCJC may be utilized when a case is not facing potential suspension or expulsion. In cases where suspension or expulsion are possible outcomes, a panel of faculty, staff, and students may be utilized. Please note the makeup of panel member status (Faculty, Staff, or Student) is at the discretion of the Assistant Dean or designee.

E. Student Conduct Conference

If the student elects a hearing, the Student Conduct Conference also serves to ensure that the

accused will be sufficiently familiar with the disciplinary process to adequately prepare and present a response at the hearing. At this conference, the accused:

1. Will be advised at the outset of the right to decline to make any statements to avoid the possibility of self-incrimination. If a student refuses to answer questions or participate in the hearing process, the college will move forward to make a determination.
2. Will be advised of the alleged violations and an explanation of the prohibited conduct will be provided. The student will be advised if suspension or expulsion is possible because of the hearing.
3. Will be advised of the identity of witnesses or others who will testify, the general content of their testimony, and the content of any written material or physical exhibit which will be presented at the hearing. If additional information or new witnesses are to be presented at the hearing, the accused student will be informed prior to the hearing decision and the information will be made available for the student's review for response. The accused student may schedule a time to review their case file in the Office of Student Affairs with a professional staff member. Copies of files will not be provided and copying file material is prohibited.
4. Will be advised that a list of up to five relevant witnesses requested by the accused student must be provided and any written statements by those witnesses must be included in the case file three days prior to the hearing. Any additional information must be available to the Office of Student Affairs at least three days prior to the hearing date, for a determination of relevancy, and to be included in the case file for the hearing authority to review.
5. Will be advised that an advisor may be present at the hearing. The advisor may not address the hearing officer, panel, or other persons at the hearing unless permitted by the hearing officer or panel. The role of the advisor will be to consult with the accused or advisee at reasonable intervals during the course of the hearing. NOTE: Advisors are not permitted to participate directly in the hearing process or to speak for the charged student. Advisors must be members of the Newberry College community (Faculty, Staff, Student). At no point are outside community advisors, including attorneys and parents/guardians, allowed to participate in the process. All questions will be directed to the student and must be answered by the student. Any other persons the student brings can only speak quietly to the student or write notes to the student.
6. Will be advised to consult further with the Assistant Dean or designee concerning any questions or interpretations of procedure.
7. Will be advised that hearings are scheduled to provide the accused student a minimum of three days from the date of notification of charges (excluding weekends and holidays) during which to prepare a response.
8. Will be advised that any request for a delay of the hearing must be in the form of a written petition to the Assistant Dean, who schedules hearings and determines whether a delay will be granted. When granted, a delay will not exceed ten days in the absence of extraordinary circumstances, to be determined by the Assistant Dean. Such a delay will not affect the student's status. Good cause for delaying a hearing includes

but is not limited to the unavailability of key witnesses, the need for additional time to gather relevant evidence, or medical emergencies.

9. Will be advised that the Office of Student Affairs may choose to delay the hearing for good cause. Such a delay will not affect the student's status.
10. Will be advised of options for resolution of disciplinary charges.

F. Failure to Respond

If the charged student or student organization has been properly notified of the charges and hearing scheduling/date expectations, and still does not attend the scheduled hearing, the hearing will be conducted by the Assistant Dean or designee and a determination will be made based upon the available information.

G. Dismissal of Charges

If the Director of Student Conduct or designee determines as a result of the Student Conduct Conference that insufficient information exists to justify a hearing, the charge will be dismissed by the hearing officer.

VI. Hearing Procedures

A. During a hearing, the accused student is entitled to:

1. Appear in person to hear all information presented, present any relevant data, call witnesses, and ask questions of those witnesses during the hearing.
2. Choose not to attend the hearing, in which case the proceedings may continue in the accused's absence.
3. Decline to answer questions or make statements; the hearing authority will then base its decision solely on the information presented during the hearing.
4. Object to the participation of any NCJC member on the grounds of personal bias, prior involvement, or inappropriate access to information regarding the incident. The decision to remove a board member will be made by the remaining members through a majority vote and approval of the hearing officer.
5. Confidentiality: All hearings will be conducted in private. Statements, information, and comments made during these sessions will be kept confidential by the members of the Newberry College Judicial Council (NCJC), college staff, witnesses, advisors, and any other participants both during and after the proceedings. Recording the hearings via video, audio, stenographic, or photographic means is strictly prohibited unless specifically authorized by the Office of Student Affairs.
 - Formal hearings can be recorded by the College at the discretion of the Assistant Dean and can be shared with the respondent if requested.

B. The hearing authority will manage the hearing efficiently to minimize unnecessary delays and the repetition of information, and to prevent the harassment or intimidation of participants. The hearing may be recessed at any time if needed.

C. Hearings will be conducted informally, and strict rules of evidence will not apply. Witness statements can be discussed during the hearing, and each witness's testimony may be questioned and rebutted. Although written statements are permitted, the accused must have the opportunity to question and respond to the testimony, unless special circumstances prevent this. All written witness statements must be made available in the file for review three days prior to the hearing.

D. Witnesses will be present in the hearing only while they are testifying unless the case involves a specific individual victim.

E. In cases involving a specific victim, such as sexual misconduct or physical assault, the victim is allowed to attend the entire hearing and may have an advocate present. Any questions directed at the victim by the accused will be channeled through the Board, and the chair of the Board will relay these questions to the victim.

F. The Assistant Dean of Students or their designee is responsible for scheduling, coordinating, and presenting all cases.

Hearing Decisions

A. After the hearing concludes, the hearing authority will convene in a private session to review the information presented and decide whether to assign responsibility or dismiss the charges due to insufficient evidence.

B. The hearing authority will base their determinations of responsibility solely on the information presented during the hearing, applying the preponderance of the evidence standard. The possible outcomes of a conduct hearing are:

- **Responsible:** The Newberry College Judicial Council (NCJC), Assistant Dean of Students or their designee finds, based on the evidence, that it is more likely than not (50.01% or more) that a violation of the Student Code of Conduct has occurred.
- **Not Responsible:** There is insufficient evidence to determine that the accused is responsible.

C. In NCJC hearings, a majority vote of the Council members is required to find the accused responsible and to determine a sanction. A quorum consists of four members. The Assistant Dean or their designee may provide input on appropriate sanctions.

D. If responsibility is acknowledged or established, the hearing authority will allow the introduction of additional information before deciding on the sanctions. This information may include the accused's past conduct record and a victim impact statement detailing any harm caused by the violation. These statements may be either written or oral and will be presented by the Assistant Dean or their designee in the presence of the accused.

E. If the student found responsible chooses not to attend, their prior record and the victim impact statement will still be presented and considered in their absence.

Notification of the Outcome

1. After completing all deliberations, the hearing authority will inform the Vice President or their designee about the full decision.
2. The official outcome from the hearing authority will be provided in a written document. This document will confirm the findings, determine responsibility, and describe any sanctions imposed or the decision to drop the charges due to insufficient information. This letter will be sent to the accused by the Assistant Dean or their designee within 48 hours following the conclusion of the hearing. In cases involving violence or a violation of Title IX the complainant will also be notified about the hearing's outcome.

VII. Disciplinary Sanctions

The purpose of imposing sanctions serves two main objectives: firstly, to protect the college community from behaviors that undermine the educational environment, and secondly, to help students understand the acceptable boundaries of their actions and the potential consequences of future misconduct. The severity of the sanctions is designed to match the seriousness or frequency of the violations, as well as the student's readiness to adhere to the college's standards of good citizenship.

Sanctions or interim measures may vary depending on individual circumstances and can be applied either individually or in combination, depending on the nature of the violation. The college also reserves the right to withhold the awarding of a degree or place a hold on a student's registration until all processes outlined in this Code of Conduct are completed, including the fulfillment of any imposed sanctions. Sanctions may include, but are not limited to:

- **a) Apology Letter:** A self-written letter addressing your impact and or for of harm to others involved in the misconduct that took place.
- **b) No Contact Orders:** Issued to prevent contact between individuals, aiming to de-escalate potential conflicts.

- **c) Restriction of Privileges:** Limitations placed on a student's ability to maintain a leadership role, access certain buildings or services, or participate in specific organizations or events.
- **d) Educational Workshops:** Seminars focusing on topics like alcohol use, decision-making, and off-campus living, which may include assessments or tests.
- **e) Conduct Probation:** A review period during which a student is officially warned that further violations may result in more severe sanctions.
- **f) Reflection Papers:** Assignments designed to encourage students to reflect on their actions and learn from their experiences.
- **g) Community Service:** Unpaid service to a college office or a non-profit organization, combined with a reflective component.
- **h) Fines:** Monetary penalties that may be imposed to cover administrative costs associated with managing educational programs or sanctions.
- **i) Restitution:** Compensation for theft, misappropriation, or damage to college or personal property.
- **j) Housing Removal/Cancellation:** Removal from on-campus housing due to violations of the Code of Conduct, without refund for housing costs.
- **k) Housing Relocation:** Reassignment to different on-campus housing as an interim or permanent measure based on conduct findings.
- **l) Suspension:** Denial of enrollment, attendance, and other privileges for a designated period, with conditions set for potential readmission. Note: *This sanction can be applied at any stage of the conduct process if a student is on disciplinary probation or on interim measures when deemed by the VP of Student Affairs*
- **m) Expulsion:** Permanent dismissal from the college. Note: *This sanction can be applied at any stage of the conduct process if a student is on disciplinary probation or on interim measures when deemed by the VP of Student Affairs*
- **n) Degree Revocation:** Withdrawal of a degree previously awarded, based on very egregious violations discovered post-graduation.
- **o) Disciplinary Warning:** Written notice to a student that certain behaviors were inappropriate, with a warning that repeated actions will result in more severe sanctions.
- **p) Residence Hall Separation:** Specific to residence life, this involves removal from campus housing under certain conditions, possibly permanently or for a specified period.
- **q) Parental Notification:** For violations involving drugs or alcohol, especially pertinent if the student is under 21, the college may notify parents or legal guardians of the violation, following discussions with the student.
- **r) Interim Measures:** Immediate, temporary measures that may be imposed when a student's behavior poses a direct threat to the safety, health, or welfare of the college community. This could include temporary suspension or other activity limitations pending a hearing. This could include removal from campus.

VIII. Appeals

Appeals must be based on reasonable grounds and be specifically described in writing to the next level of authority in the disciplinary chain of command. An appeal is not a new hearing but a review of the original hearing's record. The accused student and their advisor have the right to review the accused student's disciplinary file, including any recordings of the hearing. A file review can be scheduled with a professional staff member in the Office of Student Affairs to prepare for an appeal. Copies of files will not be provided, and copying of file material is strictly prohibited. Appeals that are not founded on proper grounds may be dismissed.

If an appeal is upheld, the case with procedural specifications will be referred to the original hearing officer or panel. Any sanctions imposed because of a hearing will remain in effect during the appeal process. The Appellate Officer has the authority, under extenuating circumstances, to defer the imposed sanctions while an appeal is in process. Sanctions may not be increased because of an appeal. The Vice President of Student Affairs or designee serves as the appellate officer. If the original hearing officer is the Vice President of Student Affairs, then the President of the College will serve as the appellate officer.

Appeals can be sought on three grounds:

1. **Procedural Error:** An appeal claiming an error in the hearing procedure that substantially impacted the outcome or fairness of the hearing. Such appeals must be specifically described in writing within five business days of the announcement of the decision.
2. **New Evidence:** An appeal based on new evidence or information that was not available at the time of the hearing and could substantially impact the original outcome. These appeals must be specifically described in writing within three days of the new information being discovered, or no later than one month from the date of the hearing.
3. **Conflict of Interest:** An appeal can be lodged on the grounds of a conflict of interest, specifically if there is credible evidence that the investigator's role or involvement in the case displayed bias based upon personal, professional, or financial connections to any party in the case that could reasonably be seen to influence the impartiality of the investigation.

Disciplinary Chain of Command:

1. Hearing Officer
2. Assistant Dean of Students or designee
3. Newberry College Judicial Council (NCJC)
4. Vice President of Student Affairs or President of the College

Actions by the Campus Disciplinary Appellate Staff:

- Affirm the decision of the NCJC.
- Uphold the finding of responsibility but modify the sanctions.

- Overturn the decision of the NCJC and find no violation.
- Remand the case to the NCJC for additional proceedings, such as to consider new evidence.

All decisions made by the Appellate Staff are final.

Interim Measures or Removal from Campus

Interim Measures may require a student to immediately leave College property, and be subject to immediate suspension imposed by the Vice President or a designated representative when there is reasonable belief, supported by the available facts, that the student poses an immediate threat to their own safety, health, or welfare, or to that of others or property.

This immediate action is justified by potential or imminent danger or disruption and is used only when the serious or urgent nature of the threat makes following standard disciplinary procedures impractical. Students who are charged with violations of the student conduct code and are not currently registered are also subject to immediate actions. During the suspension period, the student must comply with all stipulated conditions for the specified duration.

Interim Measures authorized by this policy include:

- **a) Temporary Suspension of Enrollment and Access:** A student may face temporary suspension of their eligibility for enrollment or attendance, as well as denial of access to college facilities or property. This suspension can be set for a defined period or made contingent upon specific events or conditions.
- **b) Limited Privileges:** A student may also experience a temporary suspension or limitation of their ability to enjoy certain privileges, or to participate in or attend specific types of events, without affecting their enrollment status. Such summary actions may restrict a student's presence on college property or specific facilities and may require the fulfillment of certain conditions for the student to regain these privileges or participate in activities.
- **c) Communication Restrictions:** There may be a temporary suspension or limitation on a student's ability to communicate—whether verbally, in writing, electronically, or through another individual—with specified students, staff, or faculty members.
- **d) Student Organization Restrictions:** A student organization might face temporary suspension or limitations that affect its eligibility to enjoy certain privileges, participate in, or attend specific events, access college facilities or property, or maintain college recognition.

A. When a student is subject to immediate action, they receive a copy of this policy along with a notice that explains the reason and duration of the action and outlines any applicable conditions. If a student receives such a notice and requests it in writing, they will be granted

an opportunity to meet with the Vice President or a designated representative within five business days from the date of the request. This meeting is specifically to assess:

- The reliability of the information that alleges the student's misconduct.
- Whether the student's presence on campus or their continued unrestricted participation in campus affairs presents an immediate threat to the safety, health, or welfare of persons or property.

Note: The purpose of this meeting is not to address the responsibility of the student concerning any pending or possible charges against them.

B. After immediate action is imposed, standard college disciplinary procedures will be initiated as quickly as possible. These procedures are typically started within 10 business days from the date the immediate actions takes effect unless circumstances make the implementation of these standard procedures impossible or unreasonably difficult.

C. Any student who is immediate suspended and returns to the campus or college property, or violates other specified conditions during the suspension period, will face further action and may be considered a trespasser. If a student needs to be on campus for a specific reason (e.g., to take an exam, consult with the Vice President or their designee, or participate in disciplinary procedures), they must request and obtain permission in writing or by phone beforehand. This permission can be granted by the Vice President, Assistant Dean, Director of Security, or their designee.

Disciplinary Files-Retention and Access

Disciplinary files are maintained by the Office of Student Affairs and are considered part of a student's educational record. These files are accessible within the college to individuals who have a legitimate educational interest, as defined by the Family Educational Rights and Privacy Act of 1974 (as amended). The duration for which a student's disciplinary file is retained depends on the severity of the sanction imposed. After the specified retention period, files are destroyed unless otherwise required. Disciplinary records are not released outside the college under normal circumstances.

Retention periods for disciplinary records are as follows:

- **Permanently Maintained:** Expulsion and Termination of Registration of a Registered Student Organization.
- **Maintained Seven Years from Date of Separation:** Suspension, Disciplinary Probation, Restitution.
- **Maintained Five Years from Date of Finding:** Academic Misconduct.

- **Maintained Until Graduation:** Residence Hall Separation, Conduct Probation, Conduct Warning.
- **Maintained Three Years from Date of Hearing:** Termination of the Privileges of a Registered Student Organization.

Expulsion and Suspension are the only sanctions entered into a student's permanent academic transcript. Disciplinary files are kept separate from other academic or official files at the college. If charges are dropped due to insufficient information, the disciplinary file is maintained until graduation or for seven years from the date of the hearing, whichever comes first.

Newberry College Judicial Council

A. The Newberry College Judicial Council acts not only as a hearing authority but also as an advisory body in shaping and executing policies and procedures that support the overall administration of the Student Code of Conduct.

B. Recommendations from the Newberry College Judicial Council are submitted to the Assistant Dean. The Assistant Dean will consult with the Vice President at Newberry College, who has the authority to make final decisions based on the institution's governance policies.

C. The Newberry College Judicial Council is composed of five to seven members, including faculty, staff, and students. Each case presented to the Board is reviewed by a panel of at least five members, although a four-member panel may convene to hear a case if deemed necessary and approved by the Vice President or their designee.

D. The Vice President, Assistant Dean or designee has the discretion to appoint alternate faculty members to serve on the Board during holidays and the summer months.

E. Regular Training: All hearing officers and members of the Newberry College Judicial Council (NCJC) are required to undergo annual training on the disciplinary process, bias awareness, and other relevant aspects of the responsibilities.

Accreditation Statement

Newberry College is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award the baccalaureate and masters degrees. Newberry College also may offer credentials such as certificates and diplomas at approved degree levels. Questions about the accreditation of Newberry College may be directed in writing to the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, GA 30033-4097, by calling (404) 679-4500, or by using information available on SACSCOC's website (www.sacscoc.org).

Update Statement

Newberry College may make updates to the code of conduct annually or by semester. Please note that the version posted on the Newberry College student conduct website will always be the most up-to-date version of the Code of Conduct and supersedes any prior or printed copies found.