



## **THE NEWBERRY COLLEGE STUDENT CODE OF CONDUCT**

### **PURPOSE**

The purpose of the Code of Conduct is to articulate the College's authority to initiate disciplinary action against a student in accordance with procedure and due process protections. The Code of Conduct also identifies prohibited conduct and sanctions for violations of prohibited conduct.

### **DEFINITIONS**

**Administrative conference/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 (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 academic integrity as well as serve on hearing panels to adjudicate allegations of student misconduct.

**Newberry 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.

**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.

**Recognized student organization:** a student organization that is currently active on campus, has fulfilled all responsibilities of a student organization and represents a group of students who desire to come together to support a particular view, explore common interests or accomplish identified tasks.

**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 of the College including faculty members and staff members. Student 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.

#### **1. 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**

Responsibility for maintaining proper conduct at Newberry College rests with the students and the student organizations. These groups, 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 Director for Student Engagement and Greek Life oversees these restrictions, with monitoring by the Assistant Dean for Student Engagement 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 Dean of Students, acting on behalf of the President, typically seeks advice from the Campus Disciplinary Board before recommending changes to the governance of student rights, responsibilities, and behavior. Generally, the Dean of Students assigns the responsibility of managing the Student Code of Conduct to the Office of Student Affairs, specifically the Assistant Dean of Students. 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 a formal mediation process.

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 mediation 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.

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's educational functions. Disciplinary measures by Newberry may be implemented independently and prior to, or in addition to, any penalties from external authorities.

### 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:

1. **Academic Misconduct** Academic dishonesty is any action or attempt that improperly influences the evaluation of a student's academic performance or achievement. This includes, but is not limited to, the following violations:
  - a. **Cheating:** Using unauthorized materials, information, or study aids in any academic exercise. This includes, but is not limited to:
    - i. Copying from another student's work during an exam.
    - ii. Using notes or books during an exam without permission.
    - iii. Collaborating with others on assignments without the instructor's consent.
    - iv. Obtaining and using unauthorized material before or during an exam.
  - b. **Plagiarism:** Representing the words, ideas, or work of another as one's own in any academic exercise. This includes:
    - i. Copying text, images, or data from a source without proper citation.
    - ii. Paraphrasing someone else's work without acknowledgment.

- iii. Submitting the same work for multiple assignments without permission from all instructors involved.
- c. **Fabrication:** Falsifying or inventing information, data, or citations in any academic exercise. This includes:
  - i. Creating fake data or results for research projects.
  - ii. Altering data to fit expected outcomes.
  - iii. Citing sources that do not exist or were not used.
- d. **Facilitation of Academic Dishonesty:** Helping or attempting to help another student commit an act of academic dishonesty. This includes:
  - i. Allowing another student to copy your work.
  - ii. Providing unauthorized assistance during an exam.
  - iii. Completing an assignment for another student.
- e. **Unauthorized Collaboration:** Working with others on assignments, projects, or exams without the explicit permission of the instructor.
- f. **Misrepresentation:** Providing false information or fabricating excuses to gain academic advantage. This includes:
  - i. Lying about reasons for missing a class, exam, or assignment deadline.
  - ii. Forging signatures or documents.
- g. **Improper Use of Technology:** Using technology inappropriately to gain academic advantage. This includes:
  - i. Using electronic devices to access unauthorized information during an exam.
  - ii. Altering or manipulating academic records or files.
  - iii. **Improper Use of Artificial Intelligence:**  
Using AI tools to complete assignments, generate content, or perform tasks without explicit permission from the instructor. This includes:
    - 1. Submitting AI-generated essays or projects as one's own work.
    - 2. Using AI to bypass plagiarism detection tools.
    - 3. Employing AI to conduct research or solve problems without disclosure. Academic integrity is a fundamental principle of our educational institution, and violations of this policy will result in disciplinary actions, which may include failing the assignment, failing the course, suspension, or expulsion.

## 2. **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.

3. **Animals:** Unauthorized presence of animals or pets in residence halls or other campus property.
4. **Bias Incidents:** Acts demonstrating bias against persons based on identity markers such as race, color, disability, ethnicity, gender, etc.
5. **Bullying/Harassment:** Intimidating or threatening behavior that interferes with another individual's safety.
6. **Complicity:** Assisting or encouraging any act of misconduct.
7. **Computer Abuse:** Misuse of computer accounts, illegal downloads, and other forms of computer-related misconduct.
8. **Cyberbullying:** Using electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature.
9. **Damage/Misuse of Property:** Unauthorized use or damage to property.
10. **Discrimination and Harassment:** Actions that discriminate or harass individuals based on protected characteristics.
11. **Disruptive Behavior:** Any conduct that impedes, interferes with, or disrupts any teaching, research, administrative, disciplinary, public service, learning, 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 presenter's ability to conduct the class or program after the instructor requests the activity to cease.
  - b. Non-compliance with reasonable time, place, and manner restrictions on activities.
  - c. Making, causing, or continuing any loud, unnecessary, or unusual noise or 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.
12. **Drug Related Misconduct:** Possession, use, or distribution of illegal drugs or unauthorized prescription medications.
13. **Endangerment:** Any conduct that jeopardizes the safety or well-being of the community.
14. **Excessive Noise:** Creating noise disturbances beyond acceptable levels in residential or academic buildings.
15. **Explosives:** Unauthorized use or possession of explosives.
16. **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.
17. **Failure to Evacuate:** Not complying with evacuation procedures during drills or emergencies.
  18. **False Information:** Providing false information to College personnel or within official College processes and procedures.
  19. **False Reporting of an Emergency:** Making false reports of bombs, fires, or other emergencies.
  20. **Fire and General Safety Violations:** Misuse of fire safety equipment, creating fire hazards, etc.
  21. **Forgery:** Altering or misusing documents or records.
  22. **Fraudulent Behavior:** Engaging in fraud or dishonest behaviors.
  23. **Harassing Behavior:** Conduct that persistently interferes with another's educational or work performance.
  24. **Hazing:** "Any action is taken, or situation created, intentionally, whether on or off-campus, to produce mental or physical discomfort, embarrassment, harassment, or ridicule."
  25. **Health and Safety Concerns:** Behaviors that threaten the safety of the community.
  26. **Impersonation:** Pretending to be another person for fraudulent purposes.
  27. **Improper Communications:** Unauthorized or harassing communications.
  28. **Inappropriate Use of Social Media:** Posting content that is harmful, threatening, or violates the rights of others.
  29. **Intellectual Property Theft:** Unauthorized use of someone else's work or ideas without giving proper credit.
  30. **Misappropriation of Funds:** Misuse of student organization or College funds or property.
  31. **Misuse of Identification or College Resources:** Unauthorized use of College identification, facilities, or other resources.
  32. **Physical Assault or Injury:** Actual or threatened physical harm.

33. **Privacy Violation:** Invasions of privacy where there is an expectation of privacy.
34. **Public Indecency:** Engaging in inappropriate or indecent behavior in public spaces on campus.
35. **Retaliation:** Retaliating against a person who has participated in a disciplinary process.
36. **Sexual Misconduct:** Includes, but is not limited to, the following:
37. **Sexual Assault:** Any non-consensual sexual act, including rape, fondling, incest, and statutory rape.
38. **Sexual Harassment:** 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.
39. **Sexual Exploitation:** 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.
40. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
41. **Domestic Violence:** 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.
42. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.
43. **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.
  - e. Being an accessory to any act prohibited by College policy.
44. **Theft and Burglary:** Unauthorized taking or possession of property.
45. **Trespassing:** Entering or remaining on College property without permission.



46. **Unauthorized Presence or Entry:** Unauthorized access to facilities or property.
47. **Unauthorized Recording:** Recording lectures, conversations, or interactions without the consent of all parties involved.
48. **Use of Weapons:** Unauthorized possession or use of weapons.
49. **Vandalism:** Deliberate destruction or damage to property.
50. **Violations of Laws and Regulations:** Conduct that violates federal, state, or local laws.

#### **V. Disciplinary Process (for non-sexual misconduct complaints<sup>1</sup>)**

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.<sup>1</sup>

**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, any relevant evidence and may initiate a disciplinary process. In the absence of sufficient information as determined by the Assistant Dean of Students or designee, a complaint will be dismissed.

Exceptions to this policy will be made at the sole discretion of the Assistant Dean of Students 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.

**B. Initial Inquiry** – The initiation of the disciplinary process may include a period of initial inquiry, in which the Assistant Dean of Students or designee may speak

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<sup>1</sup> Sexual misconduct complaints which allege violations of sections C and D of the Student Code of Conduct will follow the Title IX process where applicable.

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 Assistant Dean of Students 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 with the College information system or the address on the complaint. 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 date and time of the Student Conduct Conference with the Assistant Dean of Students 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.

**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 must be consistent with the educational mission of the institution.

At the Student Conduct Conference with a conduct officer, the charged student will have all the disciplinary options outlined below fully explained: lead “not responsible” to the charge(s) and have a regular hearing. The Hearing Officer will determine if an administrative hearing or a panel hearing before the Campus Judicial Board is warranted. If a student is not pleased with the outcome of an administrative hearing, they may request a hearing before the Judicial Board. If held responsible by the Campus Disciplinary Board, appropriate sanction(s) will be determined, and if there is a reasonable justification, the involved party may request an appeal.

1. Accept responsibility for the charge(s) and elect the Hearing Officer to determine appropriate sanctions.
2. Accept responsibility for the charge(s) and elect the Campus Judicial Board to determine the appropriate sanctions.

**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 at least one day prior to the hearing date and the information will be made available for the student's review. 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.

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 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. At no point are outside the community advisors, including attorneys and parents/guardians, allowed to participate in the process.

5. Will be advised to consult further with the Assistant Dean of Students or designee concerning any questions or interpretations of procedure.
6. 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.

7. 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 of Students, 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 of Students. Such a delay will not affect the student's status.
8. 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.
9. 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 date, and still does not attend the scheduled hearing, the hearing will be conducted by the Assistant Dean of Students or designee and a determination will be made based upon the available information. Letters of notification have been delivered to the student's address and/or student e-mail address as indicated in the most current Student Directory compiled by the Registrar's Office.

**G. Dismissal of Charges** – If the Assistant Dean of Students or designee determines because of the Student Conduct Conference that insufficient information exists to justify a hearing, the charge will be dismissed.

## **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 Campus Disciplinary Board 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.
  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 Campus Disciplinary Board, College staff, witnesses, and advisors 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.

**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 advisor 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.

**G.** The Assistant Dean of Students or designee will record all hearings where a student pleads not responsible or when a recording is requested by the accused. The accused has the right to listen to the recording in the presence of a staff member from the Office of Student Affairs. If desired, the accused can request a duplicate copy of the recording within six months of the hearing date but must cover the cost of this request.

### **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 Campus Disciplinary Board, Dean of Students, or their designee finds, based on the evidence, that it is more likely than not (51% 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 Campus Disciplinary Board hearings, a majority vote of the Board members is required to find the accused responsible and to determine a sanction. A quorum consists of four members. The Assistant Dean of Students 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 of Students 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 Assistant Dean of Students 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. Typically, this letter will be sent to the accused and the Assistant Dean of Students or their designee within 48 hours following the conclusion of the hearing. In cases involving a victim of violence, the victim 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.

- a) **Interim Measures:** Temporary actions taken when a student or student organization poses a threat to health, safety, or property. These actions may separate the student or organization from the College until additional information can be gathered.

- 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.
- m) **Expulsion:** Permanent dismissal from the College.
- 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) **Summary Action:** 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 limitations pending a hearing.

## 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 Campus Disciplinary Appellate Panel 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.

### 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 three days (excluding weekends and holidays) 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. Dean of Students/Campus Disciplinary Board
4. Campus Disciplinary Appellate Panel

The Campus Disciplinary Appellate Panel will consist of three members of the Campus Disciplinary Board who were not previously involved in the case. The Dean of Students appoints these members. The Appellate Panel generally will not receive testimony, except under exceptional circumstances.

Actions by the Campus Disciplinary Appellate Panel:

- Affirm the decision of the Campus Disciplinary Board.
- Uphold the finding of responsibility but modify the sanctions.
- Overturn the decision of the Campus Disciplinary Board and find no violation.
- Remand the case to the Campus Disciplinary Board for additional proceedings, such as to consider new evidence.

All decisions made by the Appellate Panel are final.

## **Summary Action**

Summary action may require a student to immediately leave College property, and not a summary suspension may be imposed on a student by the Dean of Students 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 summary 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 summary action. During the suspension period, the student must comply with all stipulated conditions for a specified duration.

Summary actions 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 summary 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 Dean of Students 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 a summary 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 summary action takes effect unless circumstances make the implementation of these standard procedures impossible or unreasonably difficult.

C. Any student who is summarily 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 Dean of Students 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 Dean of Students, the 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 without the written consent of the student.

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. In cases where the accused is found not responsible, no disciplinary file is retained. 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.

### **Campus Disciplinary Board**

**A.** The Campus Disciplinary Board 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 Campus Disciplinary Board are submitted to the Assistant Dean of Students. The Assistant Dean will consult with the Dean of Students at Newberry College, who has the authority to make final decisions based on the institution's governance policies.

**C.** The Campus Disciplinary Board 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 Dean of Students or their designee.

**D.** The President of the College has the discretion to appoint alternate faculty members to serve on the Board during holidays and the summer months.