

# STUDENT CODE OF CONDUCT

## Student Code For The South Carolina Technical College System (3-2-106.1)

The Student Code for the South Carolina Technical College System applies to all HGTC students and is revised periodically. As a state policy this student code applies to all students enrolled in The SC Technical College System. The Student Code is included in its entirety below. An approved, current copy is available from the office of the Associate Vice President for Student Affairs. A statement on College policy on student conduct and due process procedures follows.

### General Provisions

#### I. Purpose

The Student Code for South Carolina Technical Colleges sets forth the rights and responsibilities of the individual student, identifies behaviors that are not consistent with the values of college communities, and describes the procedures that will be followed to adjudicate cases of alleged misconduct, except cases of alleged acts of sexual violence and sexual harassment. Cases of alleged acts of sexual violence and sexual harassment will be adjudicated through SBTCE procedure 3-2-106.2 (HGTC procedure 9.3.7.4). This Code applies to behavior on college property, at college-sponsored activities and events, and to off-campus behavior that adversely affects the college and/or the college community.

The Code applies to all students from the time of applying for admission through the awarding of a degree, diploma, or certificate.

#### II. Principles

Technical/community college students are members of both the community at large and the academic community. As members of the academic community, students are subject to the obligations that accrue to them by virtue of this membership.

As members of a larger community, students are entitled to all rights and protections accorded them by the laws of that community, the enforcement of which is the responsibility of duly constituted authorities. If a student's alleged behavior simultaneously violates college regulations and the law, the college may take disciplinary action independent of that taken by legal authorities.

When it has been determined that a student violated a federal, state, or local law, college disciplinary action may be initiated only when the presence of the student on campus will disrupt the educational process of the college.

When a student's alleged violation of the law, whether occurring on campus or off campus, may adversely affect the college's pursuit of its educational objectives or activities, the college may enforce its own regulations through this Student Code.

#### III. Solutions of Problems

The college will first seek to solve problems through internal review procedures. When necessary, off-campus law enforcement and judicial authorities may be involved.

In situations where South Carolina Technical/Community Colleges have shared programs, the Chief Student Services Officer where the alleged violation of the Student Code for the South Carolina Technical College System occurred will handle the charges. A change of venue to the other college may be granted, based on the nature of the offense, provided it is agreed to by the Chief Student Services Officers of both colleges. Any sanctions imposed will apply across both colleges.

In situations where a student is dually enrolled in two or more South Carolina Technical/Community Colleges and is charged with a violation of the Student Code for the South Carolina Technical College System, the Chief Student Services Officer of the college where the alleged infraction occurred will handle the charges and the sanctions may apply at each college in which the student is enrolled.

#### IV. Definitions

When used in this document, unless the content requires other meaning,

"College" means any college in the South Carolina Technical College System.

"President" means the chief executive officer of the college.

"Administrative Officer" means anyone designated at the college as being on the administrative staff such as President, Vice President, Dean of Students or Student Services, Chief Academic Officer, Dean of Instruction, or Business Manager.

"Chief Student Services Officer" means the Administrative Officer at the College who has overall management responsibility for student services, or his/her designee.

"Chief Academic Officer" means the Administrative Officer at the College who has overall management responsibility for academic programs and services, or his/her designee.

"Student" means a person taking any course(s), credit or non-credit, offered by the college.

"Instructor" means any person employed by the college to conduct classes.

"Staff" means any person employed by the college for reasons other than conducting classes.

"SGA" means the Student Government Association of the college or other group of students convened for the purpose of representing student interests to the college's administration or in the college's governance system.

"Syllabi" At HGTC this information can be found in the Instructor Information Sheet of the Course Instructional Package.

"Campus" means any place where the college conducts or sponsors educational, public service, or research activities.

"Violation of Law" means a violation of a law of the United States or any law or ordinance of a state or political subdivision which has jurisdiction over the place in which the violation occurs.

"Instructional Weekday" means any day except Saturday, Sunday, or any other day on which the college is closed.

## **Student Code**

### **I. Student Rights**

#### **A. Freedom from Discrimination**

There shall be no discrimination in any respect by the college against a student, or applicant for admission as a student, based on race, color, age, religion, national origin, sex or disability.

#### **B. Freedom of Speech and Assembly**

Students shall have the right to freedom of speech and assembly without prior restraints or censorship subject to clearly stated, reasonable, and nondiscriminatory rules and regulations regarding time, place, and manner developed and approved by the college.

In the classroom and in other instructional settings, discussion and expression of all views relevant to the subject matter are recognized as necessary to the educational process, but students have no right to interfere with the freedom of instructors to teach or the rights of other students to learn.

#### **C. Freedom of the Press**

In official student publications, students are entitled to the constitutional right of freedom of the press, including constitutional limitations on prior restraint and censorship. To ensure this protection, the college shall have an editorial board with membership representing SGA, faculty, and administration. Each college has the responsibility of defining the selection process for its editorial board. The primary responsibility of the board shall be to establish and safeguard editorial policies.

#### **D. Freedom from Unreasonable Searches and Seizures**

Students are entitled to the constitutional right to be secure in their persons, dwellings, papers, and effects against unreasonable searches and seizures. College security officers or administrative officers may conduct searches and seizures only as authorized by law.

#### **E. Right to Participate in College Governance**

Students should have the opportunity to participate on college committees that formulate policies directly affecting students, such as in the areas of student activities and student conduct. This participation may be coordinated through a Student Government Association whose constitution or bylaws have been approved by the college's area commission.

### **F. Right to Know Academic and Grading Standards**

Instructors will develop, distribute, explain, and follow the standards that will be used in evaluating student assignments and determining student grades.

Grades are awarded for student academic performance. No grade will be reduced as a disciplinary action for student action or behavior unrelated to academic conduct.

### **G. Right to Privacy**

Information about individual student views, beliefs, and political associations acquired by instructors, counselors, or administrators in the course of their work is confidential. It can be disclosed to others only with prior written consent of the student involved or under legal compulsion.

### **H. Right to Confidentiality of Student Records**

All official student records are private and confidential and shall be preserved by the college. Separate record files may be maintained for the following categories:

(1) academic, (2) medical, psychiatric and counseling, (3) placement, (4) financial aid, (5) disciplinary, (6) financial, and (7) veterans affairs. In addition, disciplinary records are maintained by the Chief Student Services Officer.

Student education records will be maintained and administered in accordance with the Family Educational Rights and Privacy Act of 1974, the guidelines for the implementation of this act, and other applicable federal and state statutes and regulations.

### **I. Right to Due Process**

At a minimum, any student charged with misconduct under this code is guaranteed the following:

- 1) the right to receive adequate notice of the charge(s);
- 2) the right to see and/or hear information and evidence relating to the charge(s), and
- 3) the right to present information and evidence relating to the charge(s). Additional due process requirements will be identified in other sections of this Code.

### **II. Student Responsibilities**

- A. Students are expected to conduct themselves in a manner that is civil, that is respectful of the rights of others, and that is compatible.
- B. Students are expected to comply with all of the college's duly established rules and regulations regarding student behavior while on campus, while participating in off-campus college sponsored activities, and while participating in off-campus clinical, field, internship, or in-service experiences.
- C. Students are expected to comply with all course requirements as specified by instructors in course syllabi and to meet the standards of acceptable classroom behavior set by instructors. Instructors will announce these standards during the first week of classes. If a student's behavior disrupts class or jeopardizes the health, safety, or well-being of the student or others, the instructor will speak with the student regarding the disruption. If the unacceptable conduct or disruption continues, the instructor may dismiss the student for the remainder of the class period.

Further disruption(s) by the student may result in a second dismissal and a written referral to the Chief Student Services Officer. This written referral may result in the initiation of disciplinary action against the student.

### III. Student Conduct Regulations

The following list identifies violations for which students may be subject to disciplinary action. The list is not all inclusive, but it reflects the categories of inappropriate behavior and provides examples of prohibited behaviors.

#### A. Academic Misconduct

All forms of academic misconduct including, but not limited to, cheating on tests, plagiarism, collusion, and falsification of information may call for disciplinary action.

1. Cheating on tests is defined to include the following:

- a) Copying from another student's test or answer sheet;
- b) Using materials or equipment during a test not authorized by the person giving the test;
- c) Collaborating with any other person during a test without permission;
- d) Knowingly obtaining, using, buying, selling, transporting, or soliciting in whole or in part the contents of a test prior to its administration;
- e) Bribing or coercing any other person to obtain tests or information about tests;
- f) Substituting for another student, or permitting any other person to substitute for oneself;
- g) Cooperating or aiding in any of the above.

2. "Plagiarism" is defined as the appropriation of any other person's work and the unacknowledged incorporation of that work in one's own work.

3. "Collusion" is defined as knowingly assisting another person in an act of academic dishonesty.

4. "Fabrication" is defined as falsifying or inventing information in such academic exercises as reports, laboratory results, and citations to the sources of information.

#### B. Abuse of Privilege of Freedom of Speech or Assembly

No student, acting alone or with others, shall obstruct or disrupt any teaching, administrative, disciplinary, public service, research, or other activity authorized or conducted on the campus of the college or any other location where such activity is conducted or sponsored by the college. This disruption does not necessarily have to involve violence or force for the student to face disciplinary actions. In addition to administrative action, any person in violation of any federal, state, or local law will be turned over to the appropriate authorities.

#### C. Falsification of information and other acts intended to deceive

Falsification of information and other acts intended to deceive include, but are not limited to the following:

1. Forging, altering, or misusing college documents, records, or identification cards.
2. Falsifying information on college records.
3. Providing false information for the purpose of obtaining a service.

#### D. Actions which endanger students and the college community

Actions which endanger students and the college community include, but are not limited to the following:

1. Possessing or using on campus a firearm or other dangerous or potentially dangerous weapon unless such possession or use has been authorized by the college.
2. Possessing or using any incendiary device or explosive unless such possession or use has been authorized by the college.
3. Setting fires or misusing or damaging fire safety equipment.
4. Using, or threatening to use, physical force to restrict the freedom of action or movement of others or to harm others.
5. Endangering the health, safety, or wellbeing of others through the use of physical, written, or verbal abuse, threats, intimidation, harassment, and coercion.
6. Sexual violence, which refers to physical sexual acts perpetuated against person's will or when a person is incapable of giving consent. Cases of alleged acts of sexual violence will be adjudicated through SBTCCE procedure 3-2-106.2 (HGTC procedure 9.3.7.4).
7. Retaliating, or threatening to retaliate, against any person for filing a complaint, providing information relating to a complaint, or participating as a witness in any hearing or administrative process.

#### E. Infringement of Rights of Others

Infringement of rights of others is defined to include, but is not limited to the following:

1. Stealing, destroying, damaging, or misusing college property or the property of others on campus or off campus during any college activity.
2. Sexually harassing another person. In addition to sexual violence, sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, when submission to such conduct is made a term or condition of a student's education, a basis for academic conditions affecting the student, or the conduct is sufficiently serious to interfere with the student's academic performance or otherwise deny or limit the student's ability to participate in any aspect of the college's program, thereby creating an intimidating or hostile learning environment. Cases of alleged acts of sexual harassment will be adjudicated through SBTCCE procedure 3-2-106.2 (HGTC procedure 9.3.7.4) or procedure 8-5-101.1 (HGTC procedure 9.3.7.1).
3. Stalking, which is defined as engaging in a course of conduct, through physical, electronic, or other means, that would place a reasonable person in fear for his/her safety, or that has, in fact, placed an individual in such fear. Where the stalking is based on sex, race, national origin, color, age, religion or disability, it may constitute harassment under other provisions of this Code.
4. Bullying or harassing conduct, including verbal acts and name calling; graphic and written statements, which may include the use of cell phones, the internet, or other electronic devices; and other conduct that may be physically harmful, threatening, or humiliating. Bullying or harassment based on race, national origin, color, age, sex, religion, or disability will be a violation of the Code when it is a basis for academic

decisions affecting the student or the conduct is sufficiently serious to interfere with the student's academic performance or otherwise deny or limit the student's ability to participate in any aspect of the college's program, thereby creating an intimidating or hostile learning environment.

5. Engaging in any activity that disrupts the educational process of the college, interferes with the rights of others, or adversely interferes with other normal functions and services.

#### **F. Other Acts which Call for Discipline**

Other acts which call for discipline include, but are not limited to the following:

1. Possessing, using, or distributing any narcotics or other unlawful drugs as defined by the laws of the United States or the State of South Carolina.
2. Possessing, using, or distributing on campus any beverage containing alcohol.
3. Violating institutional policies while on campus or off campus when participating in a college sponsored event or activity.
4. Violating any South Carolina and/or federal laws while on campus or off-campus when participating in a college sponsored event or activity.

#### **IV. Student Disciplinary Procedures**

The procedures and sanctions that follow are designed to channel faculty, staff or student complaints against students, except for those complaints alleging acts of sexual violence or sexual harassment which are processed under SBTCE procedure 3-2-106.2 (HGTC procedure 9.3.7.4 or SBTCE procedure 8-5-101.1 (HGTC procedure 9.3.7.1). Because due process is essential in dealing with infractions of college regulations, any disciplinary actions taken and sanctions imposed on a student or student organization will follow the provisions of this code.

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

In certain situations, the President, or President's designee, may temporarily suspend a student before the initiation of disciplinary procedures. Interim suspension may only be imposed when there is reason to believe that the continued presence of the accused student at the college poses a substantial and immediate threat to the student or to others or poses a serious threat of disruption of, or interference with, the normal operations of the college.

The interim suspension process follows:

1. The President, or President's designee, shall notify the Chief Student Services Officer in writing about the nature of the alleged infraction, a brief description of the incident(s) and the student's name before 5:00 pm of the first class day following the decision to impose the interim suspension.
2. The Chief Student Services Officer, or designee, will inform the student, in writing, about the decision to impose an interim suspension. This notice must either be hand delivered to the student, sent by e-mail, or sent by certified mail to the student's last known address within two instructional weekdays of receiving the information from the President, or designee. If sent by e-mail, a letter sent by certified mail to the student's

last known address must still be mailed within two instructional weekdays of receiving the information from the President, or designee.

This letter must include the following information:

- a) the reason(s) for the interim suspension;
- b) notice that the interim suspension does not replace the regular hearing process;
- c) information about requesting a hearing before the Hearing Committee; and
- d) notice that the student is denied access to the campus during the period of suspension without prior approval of the Chief Student Services Officer.

##### **B. Academic Misconduct**

1. An instructor who has reason to believe that a student enrolled in his/her class has committed an act of academic misconduct must discuss the matter with the student. The instructor must advise the student of the alleged act of academic misconduct and the information upon which it is based. The student must be given an opportunity to refute the allegation. If the student chooses not to participate in the discussion, the instructor will make a decision based upon the available information.
2. If the instructor, after meeting with the student, determines that the student has engaged in academic misconduct as alleged, the instructor will inform the student about the decision and the academic sanction that will be imposed. The instructor may impose one of the following academic sanctions:
  - a) Completion of an educational activity relating to the nature of the offense.
  - b) Assign a lower grade or score to the paper, project, assignment or examination involved in the act of misconduct.
  - b) Require the student to repeat or resubmit the paper, project, assignment, or examination involved in the act of misconduct.
  - c) Assign a failing grade for the course.
  - d) Require the student to withdraw from the course.
3. If the student is found responsible for the academic misconduct, within five instructional weekdays of the meeting with the student, the instructor will submit a written report about the incident and the sanction imposed to the Chief Academic Officer.
4. The Chief Academic Officer, or designee, will send a letter to the student summarizing the incident, the finding, the terms of the imposed sanction, and informing the student that he/she may appeal the decision and/or the sanction by submitting a written request to the Chief Academic Officer within seven instructional weekdays of the date of the Chief Academic Officer's letter.
5. If the student requests an appeal, the Chief Academic Officer, or designee, will send a certified letter to the student's last known address. This letter must contain the following information:
  - a) a restatement of the charge(s);
  - b) the time, place, and location of the appeal;
  - c) a list of witnesses that may be called; and
  - d) a list of the student's basic procedural rights.

These rights follow:

- 1) The right to consult with counsel. The role of the person acting as counsel is solely to advise the student. Counsel may not participate in any of the questioning or make any statements on behalf of the student. The student will be responsible for paying any fees charged by his/her counsel.
- 2) The right to present witnesses on one's behalf.
- 3) The right to present evidence and notice that the Chief Academic Officer, or designee, may determine what evidence is admissible.
- 4) The right to know the identity of the person(s) bringing the charge(s).
- 5) The right to hear witnesses on behalf of the person bringing the charges.
- 6) The right to testify or to refuse to testify without such refusal being detrimental to the student.
- 7) The right to appeal the decision of the Chief Academic Officer to the President.
- 8) A statement informing the student that the sanction imposed by the instructor will be held in abeyance pending the outcome of the appeal.

6. On the basis of the information presented at the appeal, the Chief Academic Officer, or designee, will render one of the following decisions:

- a) Accept the decision and the sanction imposed by the instructor.
- b) Accept the instructor's decision but impose a less severe sanction.
- c) Overturn the instructor's decision.

Within two instructional weekdays of the meeting with the student, the Chief Academic Officer, or designee, will send the student a letter informing the student of the decision. The letter must also inform the student that the decision may be appealed to the College's President and that any appeal request must be written and must detail the reason(s) for the appeal. The student seeking the appeal must provide reasons for the appeal which sets forth a statement that specifies the issues that further review is sought and any evidence which supports the issue(s) on appeal. The written appeal must be sent to the President within five instructional weekdays of the receipt of the Chief Academic Officer's decision.

After receiving the student's request, the President will review all written materials, non-written materials, and evidence relating to this incident and render one of the following decisions:

- a) Accept the decision and the sanction imposed
- b) Accept the decision, but impose a less severe sanction
- c) Overturn the decision
- d) Remand the case to the Student Hearing Committee to be reheard.

The President's decision is final and cannot be appealed further.

### **C. Student Misconduct**

Any member of the college community may file charges alleging a violation of the Code. A charge, that includes a

description of the alleged violation, must be submitted in writing to the Chief Student Services Officer as soon as possible after the incident occurs, but no later than 10 instructional weekdays after the incident, unless the person filing the charge demonstrates that exceptional circumstances prevented filing the charge within this time period. The Chief Student Services Officer, or designee, will determine whether the circumstances merit an extension of the deadline.

### **1. Preliminary Hearing**

Within five (5) instructional weekdays after the charge has been filed, the Chief Student Services Officer, or designee, shall complete a preliminary investigation of the charge and schedule a meeting with the student. After discussing the alleged infraction with the student and reviewing available information, the Chief Student Services Officer, or designee will decide whether the information presented during the meeting indicates that the violation occurred as alleged. When the student cannot be reached to schedule an appointment, or when the student fails to attend the meeting, the Chief Student Services Officer, or designee, will base the decision upon the available information.

If the available information indicates that the violation occurred as alleged, then one of the following sanctions will be imposed:

- a) Reprimand - A written warning documenting that the student violated a student conduct regulation and indicating that subsequent violations could result in more serious disciplinary sanctions.
- b) Restitution- Compensation for loss or damage to college property or the property of others while on the campus or at a college event or activity including but not limited to field trips, internships, and clinicals.
- c) Special Conditions—Completion of a variety of educational activities, relating to the nature of the offense may be imposed. Examples include, but are not limited to, the following: a formal apology, an essay or paper on a designated topic, or participation in a special project or activity.
- d) Disciplinary Probation--A written reprimand documenting that the student violated a student conduct regulation. Probation is for a specified period of time and it serves as a warning that subsequent violations could most likely result in more serious disciplinary sanctions.
- e) Loss of Privileges-- Suspension or termination of particular student privileges.
- f) Suspension from the college--Separation from the college for a specified period of time. Suspended students will not receive academic credit for the semester in which the suspension was imposed. During the suspension period, the student may not return to the campus unless prior permission by the Chief Student Services Officer has been granted.
- g) Expulsion from the college--Permanent separation from the college. An expelled student may not return to the campus unless prior permission by the Chief Student Services Officer has been granted. An expelled student will not receive academic credit for the semester in which the expulsion was imposed.
- h) Any combination of the above.

Within five (5) instructional weekdays of the preliminary hearing, the Chief Student Services Officer, or designee, will send a certified letter to the student. This letter will confirm the date of the preliminary hearing, identify the specific regulation(s) that the student allegedly violated, identify the decision, summarize the rationale, and, if the student violated the regulation(s), state the sanction that was imposed. This letter must also state that if the student disagrees with the decision or the sanction, the student may request a hearing before the Hearing Committee, that the student must submit this request no later than two instructional weekdays after receiving the decision letter unless a request is made and approved by the Chief Student Services Officer for an extension, and that any decision made and sanction imposed at the preliminary hearing may be held in abeyance should the student decide to go before the Hearing Committee.

## **2. Hearing Committee**

### **A. The Hearing Committee shall be composed of the following:**

- 1) Three faculty members appointed by the Chief Academic Officer and approved by the President.
- 2) Three student members appointed by the appropriate student governing body and approved by the President.
- 3) One member of the Student Services staff appointed by the Chief Student Services Officer and approved by the President.
- 4) The Chief Student Services Officer, or designee, who serves as an ex officio nonvoting member of the Committee and who presents the case.

### **B. The Hearing Committee shall perform the following functions:**

- 1) Hear cases of alleged violations of the Code of Student Conduct.
- 2) Insure that the student's procedural rights are met.
- 3) Make decisions based only on evidence and information presented at the hearing.
- 4) Provide the student with a statement of the committee's decision including findings of fact and, if applicable, impose one or more of the following sanctions:
  - a) Academic Misconduct (cases sent to the Hearing Committee by the President)
- 1) Assign a lower grade or score to the paper, project, assignment or examination involved in the act of misconduct.
- 2) Require the student to repeat or resubmit the paper, project, assignment, or examination involved in the act of misconduct.
- 3) Assign a failing grade for the course.
- 4) Require the student to withdraw from the course.

### **C. Student Misconduct**

- 1) Reprimand - A written warning documenting that the student violated a student conduct regulation and indicating that subsequent violations could result in more serious disciplinary sanctions.
- 2) Special Conditions - Completion of a variety of educational activities, relating to the nature of the offense may be imposed. Examples include, but are not limited to, the following: a formal apology, an essay or paper on a designated topic, or participation in a special project or activity.
- 3) Restitution - Compensation for loss or damage to college property or the property of others while on the campus, or at a

college event or activity including but not limited to field trips, internships, and clinicals.

4) Disciplinary Probation - A written reprimand documenting that the student violated a student conduct regulation.

Probation is for a specified period of time and it serves as a warning that subsequent violations could most likely result in more serious disciplinary sanctions.

5) Loss of Privileges - Suspension or termination of particular student privileges.

6) Suspension from the college - Separation from the college for a specified period of time. Suspended students will not receive academic credit for the semester in which the suspension was imposed. During the suspension period, the student may not return to the campus unless prior permission by the Chief Student Services Officer has been granted.

7) Expulsion from the college - Permanent separation from the college. An expelled student may not return to the campus unless prior permission by the Chief Student Services Officer has been granted. An expelled student will not receive academic credit for the semester in which the expulsion was imposed.

8) Any combination of the above.

### **D. Hearing Committee Procedures**

1) The Chief Student Services Officer, or designee, shall refer the matter to the Hearing Committee together with a report of the nature of the alleged misconduct, the name of the person(s) filing the complaint(s), the name of the student against whom the charge(s) has (have) been filed, and a summary of the findings from the preliminary hearing.

2) At least seven instructional weekdays before the date set for the Hearing Committee's meeting, the Chief Student Services Officer, or designee, shall send a certified letter to the student's address. The letter must contain the following information:

- a) A statement of the charge(s).
- b) A brief description of the incident that led to the charge (s).
- c) The name of the person(s) submitting the incident report.
- d) The date, time, and place of the scheduled hearing.
- e) A list of all witnesses who might be called to testify.
- f) A statement of the student's procedural rights.

These rights follow:

- 1) The right to consult counsel. This role of the person acting as counsel is solely to advise the student. Counsel may not address the Hearing Committee or participate in any of the questioning. The student has the responsibility for paying any of the counsel's fees and any other of the counsel's charges.
  - 2) The right to present witnesses on one's behalf.
  - 3) The right to know the names of any witnesses who may be called to testify at the hearing.
  - 4) The right to review all available evidence, documents, exhibits, etc., that may be presented at the hearing.
  - 5) The right to present evidence; however, the Hearing Committee will determine what evidence is admissible.
  - 6) The right to know the identity of the person(s) bringing the charge(s).
  - 7) The right to hear witnesses on behalf of the person bringing the charges.
  - 8) The right to testify or to refuse to testify without such refusal being detrimental to the student.
  - 9) The right to a fair and impartial decision.
  - 10) The right to appeal the Hearing Committee's decision.
- 3) On written request of the student, the hearing may be held prior to the expiration of the seven day advance notification period if the Chief Student Services Officer, or designee, concurs with this change.
- 4) The Chief Student Services Officer, or designee, may postpone the hearing due to circumstances beyond the control of the parties.

#### **E. Hearing Committee Meetings**

- 1) The chair shall be appointed by the President from among the membership of the committee. Ex officio members of the committee may not serve as the chair of the committee.
- 2) Committee hearings shall be closed to all persons except the student, the person(s) initiating the charge(s), counsels for the student and for the College, witnesses who will be invited into the hearing and a person, mutually agreed upon by the committee and the student, to serve as the recorder.
- 3) The committee may identify someone to take written notes and the committee will have the hearing, with the exception of deliberations, recorded. No other party in the hearing may record the proceedings and no other party is entitled to a copy of the notes or the recording. The written notes and the recording will be maintained in the office of the Chief Student Services Officer. The student may review the notes and listen to the recording under the supervision of the Chief Student Services Officer or designee.
- 4) Witnesses shall be called in one at a time to make a statement and to respond to questions.
- 5) After hearing all of the information, the Hearing Committee will begin its deliberations. Using the standard "preponderance of evidence," which means that the information presented at the hearing would lead one to conclude that it is highly probable that the violation(s) occurred as alleged, the members will determine, by majority vote, whether the violation occurred as alleged. If it is determined that the violation(s) occurred as alleged, by majority vote, the members will decide upon the appropriate sanction.

6) The Chair of the Hearing Committee will send a certified letter to the student's address within two instructional weekdays of the Committee's decision. The letter shall inform the student about the Committee's decision, the date of the decision, and, if applicable the sanction(s) imposed. The letter will also inform the student about the appeal process.

#### **F. Appeal**

If the student disagrees with either the decision or the sanction, the student may submit a written appeal to the College's President. This letter must be submitted within ten instructional weekdays of the date on which the Hearing Committee made its decision. The written appeal must include a statement indicating why the student disagrees with the Hearing Committee's findings.

The President, or designee, shall review the Hearing Committee's findings, conduct whatever additional inquiries as deemed necessary, and render a decision within ten instructional weekdays of receiving the appeal. The President, whose decision is final, shall have the authority to approve, modify, or overturn the Hearing Committee's decisions and, if needed, void the process and reconvene another Hearing Committee. The President's decision regarding disciplinary actions under the Student Code 3-2-106.1(HGTC procedure 9.3.7.1) are not grievable.

The President, or designee, will inform the student about the outcome of the appeal in a certified letter sent to the student's address.

### **Student Code Procedures For Addressing Alleged Acts Of Sexual Violence and Sexual Harassment (3-2-106.2) - 2013**

#### **I. Procedural Overview**

*The South Carolina Technical College System does not discriminate on the basis of race, color, gender, national or ethnic origin, age, religion, disability, marital status, veteran status, sexual orientation, gender identity, or pregnancy in educational programs and activities as required by Title IX. Any questions regarding Title IX may be referred to the college's Title IX Coordinator or to the Office of Civil Rights.*

The Student Code for the South Carolina Technical College System sets forth the rights and responsibilities of the individual student, identifies behaviors that are not consistent with the values of college communities, and describes the procedures that will be followed to adjudicate cases of alleged misconduct. This Code applies to behavior or complaints alleging acts of sexual violence or sexual harassment on college property, at college-sponsored activities and events, and to off-campus behavior that adversely affects the college and/or the college community and the Code applies to all students from the time of applying for admission through the awarding of a degree, diploma, or certificate.

Any student, or other member of the College community, who believes that he/she is or has been a victim of sexual harassment or sexual violence may file a report with the

College's Chief Student Services Officer, campus law enforcement, or with the College's Title IX Coordinator, or designee. The Title IX Coordinator's office location, email address, and phone number are printed in the College's catalog and appear on the College's website. Students may also contact any Responsible Employee, who has an obligation to report any claim of sexual harassment or sexual assault to the Title IX Coordinator, or designee. The College will evaluate violations to their anti-bullying policy to determine if there is also a possible violation of Title IX.

The Title IX Coordinator or designee will work with the student who filed a complaint ("Complainant") under this policy to mitigate, to the extent reasonably possible, the likelihood of additional injury during the pendency of the investigation and proceedings. After a complaint has been filed alleging a sex offense covered under the regulation that has occurred, the Title IX Coordinator, or designee will also accommodate Complainants' reasonable requests to change academic schedules, housing assignments, or to make other reasonable accommodations.

Any other member of the college community may also file reports at any time. The Complainant may also file a criminal report regarding the alleged conduct. Title IX investigations are separate from criminal investigations. However, colleges may need to temporarily delay the fact-finding portion of a Title IX investigation while law enforcement gathers evidence. During this delay, colleges will take interim measures to protect the complainant in the educational setting. Additionally, all parties involved will receive updates of the status of the investigation and receive notification once the college resumes its Title IX investigation. The State Board for Technical and Comprehensive Education (SBTCE) and its member colleges encourage the prompt reporting of sexual misconduct to campus law enforcement and local law enforcement. Information regarding law enforcement reporting procedures is available on the colleges' websites.

Due to the seriousness of these issues, the college will provide educational programs to promote the prevention and awareness of rape, acquaintance rape, sexual violence, and other forcible and non-forcible sex offenses, as well as sexual harassment awareness programs.

If the alleged violator named in the report is an employee or third party, the case will be adjudicated through SBTCE Student Grievance Procedure (SBTCE Procedure 3-2-106.3) and/or SBTCE Non-Discrimination, Anti-Harassment, and Sexual Misconduct Procedure (SBTCE 8-5-101.1).

If the alleged violator of this policy is a student, the case may be adjudicated through the Formal Resolution Process (Section IV) or the Informal Resolution Process/Mediation (Section V) as outlined in SBTCE Student Grievance Procedure (SBTCE Procedure 3-2-106.3).

## II. Definitions

When used in this document, unless the context requires other meaning,

1. A Complainant is an individual alleging conduct prohibited under this regulation.
2. Conduct is considered "Unwelcome Conduct" if it is unrequested, uninvited, undesirable and/or offensive. Unwelcome conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that a student may have welcomed some conduct does not necessarily mean that a student welcomed other conduct. In addition, the fact that a student requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.
3. Consent is explicit approval and permission to engage in sexual activity demonstrated by clear action, words, or writings. Consent must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to engage in sexual activity with another person does not imply ongoing future consent with that person or consent to engage in that same sexual activity with another person. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.
4. A Hostile Environment exists when sex-based harassment is sufficiently serious to deny or limit the student's ability to participate in or benefit from the college's programs or activities. A hostile environment can be created by anyone involved in a college's program or activity (e.g., administrators, faculty members, students, and campus visitors).
5. Gender-Based Harassment is unwelcome conduct of a nonsexual nature based on a student's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.
6. Preponderance of Evidence is the standard used to evaluate the evidence for purposes of making findings and drawing conclusions for an investigation conducted under this regulation.
7. A Respondent is an individual accused of a violation under this regulation.
8. A Responsible Employee is any employee who has the authority to take action to redress sexual violence or any other misconduct by students to the Title IX



- Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty.
9. Retaliation is action taken by an accused individual or an action taken by a third party against any person that has opposed any practices forbidden under this policy or because that person has filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.
  10. Sex-Based Harassment includes sexual harassment and gender-based harassment.
  11. Sexual Assault is actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to: intentional touching of another person's intimate parts without that person's consent; or other intentional sexual contact with another person without that person's consent; or coercing, forcing or attempting to coerce; or force a person to touch another person's intimate parts without that person's consent; or rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by any object, or (2) the mount of a person by a sex organ of another person, without that person's consent.
  12. Sexual Exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include: Prostituting another person; recording images (e.g., video, photograph, or audio) of another person's sexual activity, intimate body parts, or nakedness without that person's consent; distributing images (e.g., video, photograph, or audio) of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.
  13. Sexual Harassment is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances; requests for sexual favors; or other verbal or nonverbal conduct of a sexual nature, including rape, sexual violence, sexual assault, and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment.
  14. Sexual Violence is a broader term than sexual assault. The term encompasses sexual homicide, rape, incest, molestation, fondling, stalking, intimate partner violence, and verbal harassment of a sexual nature.

Sexual violence includes creating an environment that feels unsafe based on sexual messages or images. Sexual violence is a sexual act that is completed or attempted against a victim's will or when a victim is unable to consent due to age, illness, disability, or the influence of alcohol or other drugs. The act may involve actual or threatened physical force, use of weapons, coercion, intimidation or pressure.

15. Stalking includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device, or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death to the targeted person or a member of their family.

### III. Sanctions

Following an investigation by the Title IX Coordinator, or designee, and/or hearing before the Hearing Committee, the following sanctions may be imposed, if the available information indicates that a violation has occurred:

1. Reprimand--A written warning documenting that the student violated a student conduct regulation and indicating that subsequent violations could result in more serious disciplinary sanctions.
2. Special Conditions—Completion of a variety of educational activities, relating to the nature of the offense may be imposed. Examples include, but are not limited to, the following: a formal apology, an essay or paper on a designated topic, or participation in a special project or activity.
3. Disciplinary Probation--A written reprimand documenting that the student violated a student conduct regulation. Probation is for a specified period and it serves as a warning that subsequent violations could most likely result in more serious disciplinary sanctions.
4. Loss of Privileges-- Suspension or termination of particular student privileges.
5. Suspension from the college--Separation from the college for a specified period. Suspended students will not receive academic credit for the semester in which the suspension was imposed. During the suspension period, the student may not return to the campus unless prior permission by the Chief Student Services Officer, or designee, has been granted.
6. Expulsion from the college--Permanent separation from the college. An expelled student may not return to the campus unless prior permission by the Chief Student Services Officer, or designee, has been granted. An expelled student will not receive academic credit for the semester in which the expulsion was imposed.
7. Additional Measures – Minimizing contact between Complainant and Respondent; may include, but is not limited to change in academic and extracurricular activities, living arrangements, transportation, dining, and college-related work assignments, as appropriate.

8. Any combination of the above.

#### IV. Formal Resolution Process

1. Preliminary Investigation

Within five (5) instructional weekdays after the charge has been filed, the Title IX Coordinator, or designee, shall complete a preliminary investigation of the charge and schedule a meeting with the alleged violator (Respondent) and, if needed, the Complainant. During the pendency of the investigation, the college will take reasonable measures to ensure the requirements of any judicial no contact, restraining, or protective orders are followed while the Complainant is engaged in school activities. After discussing the alleged infraction with the Respondent and reviewing available information, the Title IX Coordinator, or designee will decide whether the information presented during the meeting indicates that a violation occurred. When the Respondent cannot be reached to schedule an appointment or when the Complainant fails to attend the meeting, the Title IX Coordinator, or designee, will base the decision upon the available information.

2. Sanctioning

If the available information indicates that a violation has occurred, then one of the following sanctions outlined in Section III will be imposed.

3. Notification of Resolution

Within five (5) instructional weekdays of completion of the preliminary investigation, the Title IX Coordinator, or designee, will send a certified letter to the Respondent and to the Complainant. This letter will confirm the date of the preliminary hearing, identify the specific regulation(s) that the Respondent allegedly violated, identify the decision, summarize the rationale, and, if the Respondent violated the regulation(s), state the sanction that was imposed. This letter must also state that if the Respondent or the Complainant disagrees with the decision or the sanction, either party may request a hearing before the Hearing Committee, that the request must be submitted no later than two (2) instructional weekdays after receiving the decision letter unless a request is made and approved by the Title IX Coordinator, or designee, for an extension, and that any decision made and sanction imposed after the preliminary investigation may be held in abeyance pending the outcome of the Hearing Committee's meeting. Under exceptional circumstances, the Title IX coordinator, or designee may extend the timeframe of the investigation and hearing process.

4. Hearing

If it is determined by the Title IX Coordinator, or designee, that the alleged violation occurred and that a hearing is necessary or if a hearing is requested, the Title IX Coordinator, or designee, shall refer the matter to the Hearing Committee together with a report of the nature of the alleged misconduct, the name of the person(s) filing the complaint(s), the name

of the student against whom the charge(s) has (have) been filed, and a summary of the findings from the preliminary investigation. The Title IX coordinator, or designee, will also take steps, where necessary, to prevent the further harassment of or retaliation against the Complainant, the victim (if not the Complainant), or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, providing trainings for the school community, and providing sexual harassment or sexual assault or other counseling to the Complainant. The Title IX Coordinator, or designee, where appropriate, will ensure the Complainant is aware of available resources such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance. The Title IX Coordinator, or designee, where appropriate, will also take steps to prevent the harassment of the Respondent. Furthermore, the Title IX Coordinator, or designee will take prompt corrective action if the Complainant or the victim (if not the Complainant) experiences retaliation or is subjected to further sexual harassment or sexual assault or if the original sanctions imposed on the Respondent are ineffective to protect the safety and well-being of the Complainant, the victim (if not the Complainant), or other members of the Technical College community. In cases involving sexual harassment, the Title IX Coordinator, or designee, will also take reasonable steps to eliminate any hostile environment that has been created, such as conducting trainings and disseminating informational materials. In taking the above- outlined steps, the Title IX Coordinator, or designee, will make every reasonable effort to minimize the burden on the Complainant and/or alleged victim.

- a. At least seven (7) instructional weekdays before the date set for the Hearing Committee's meeting, the Title IX Coordinator, or designee, shall send a certified letter to the Respondent's address of record and to the Complainant's address of record. The letter must contain the following information:
  1. A statement of the charge(s).
  2. A brief description of the incident that led to the charge(s).
  3. The name of the person(s) submitting the incident report.
  4. The date, time, and place of the scheduled hearing.
  5. Identification of the members and chair of the Hearing Committee
  6. A list of all witnesses who might be called to testify.

7. A statement of each party's procedural rights. These rights follow:
- a. The right to consult counsel. This role of the person acting as counsel is solely to advise the student. Counsel may not address the Hearing Committee or participate in any of the questioning. The student has the responsibility for paying any of the counsel's fees and any other of the counsel's charges.
  - b. The right to present witnesses on one's behalf.
  - c. The right to know the names of any witnesses who may be called to testify at the hearing.
  - d. The right to review all available evidence, documents, exhibits, etc., that may be presented at the hearing.
  - e. The right to present evidence; however, the Hearing Committee will determine what evidence is admissible.
  - f. The right to know the identity of the person(s) bringing the charge(s).
  - g. The right to hear witnesses on behalf of the person bringing the charges.
  - h. The right to testify or to refuse to testify without such refusal being detrimental to the student.
  - i. The right to challenge the participation of any member of the Hearing Panel by submitting a written objection to the assigned Title IX Coordinator within three (3) days of notification. Such an objection must state the specific reason(s) for the objection. The Title IX Coordinator will evaluate the objection and determine whether to alter the composition. Any changes in the composition of the Hearing Panel will be provided in writing to both parties prior to the date of the first hearing.
  - j. The right to a fair and impartial decision.
  - k. The right to appeal the Hearing Committee's decision.
- b. On written request of the Respondent or the Complainant, the hearing may be held prior to the expiration of the seven (7) day advance notification period if the Title IX Coordinator, or designee, concurs with this change.

- c. The chairperson of the Hearing Committee, in his/her discretion, may postpone the hearing due to circumstances beyond the control of the parties.

5. Appeal

If either student disagrees with the decision or, only in the cases involving charges of sexual violence, the sanction, the student may submit a written appeal to the college's President. This letter must be submitted within ten (10) instructional weekdays of the date on which the Hearing Committee communicated its decision to the parties involved. The written appeal must include a statement indicating why the student disagrees with the Hearing Committee's findings. The President, or designee, shall review the Hearing Committee's findings, conduct whatever additional inquires as deemed necessary, and render a decision within ten (10) instructional weekdays of receiving the appeal. The President, whose decision is final, shall have the authority to approve, modify, or overturn the Hearing Committee's decisions and, if needed, void the process and reconvene another Hearing Committee.

The President, or designee, will inform each student about the outcome of the appeal in a certified letter sent to the student's address of record.

**V. Informal Resolution/Mediation Process**

At any time before the Hearing Committee provides notice of the Complainant's hearing, the Complainant may elect to resolve his or her Complaint through the informal resolution (mediation) process, provided that

1. the Respondent agrees to such resolution,
2. the Complainant and the Respondent are both students,
3. the Title IX Coordinator, or designee, determines that informal resolution is an appropriate mechanism for resolving the Complaint, and
4. the Complaint does not involve sexual assault, sexual exploitation, and sexual violence. Otherwise, a Complaint that is not closed pursuant to the Title IX Coordinator's, or designee's, evaluation of the Investigative Report will proceed to formal resolution.

At any time prior to the date of his or her designated hearing, the Respondent may elect to acknowledge his or her actions and take responsibility for the alleged sexual harassment or sexual assault, sexual exploitation, and sexual violence. In such a situation, the Title IX Coordinator will propose sanction(s). If the Complainant or the Respondent objects to such proposed sanction(s), then a Hearing Committee will convene for the exclusive purpose of determining a sanction, which determination may be subject to appeal.

Informal resolution may not be selected for less than all of the misconduct alleged in the Complaint. If the parties agree to informal resolution (and informal resolution is appropriate for

all the claims at issue), then all of the claims must be resolved according to the informal resolution process.

The Complainant and Respondent both have the right to terminate the informal resolution process at any time and proceed with formal resolution. Furthermore, the Title IX Coordinator, or designee, may, where, appropriate, terminate or decline to initiate informal resolution, and proceed with formal resolution instead. In such cases, statements or disclosures made by the parties in the course of the informal resolution process may be considered in the subsequent formal resolution proceedings.

1. The Title IX Coordinator, or designee, will appoint a Mediator to oversee the mediation process.
2. Notice of the Mediation- Promptly after the Title IX Coordinator, or designee has appointed the Mediator; the Title IX Coordinator, or designee will provide concurrent written notice to the Complainant and the Respondent, setting forth
  - a. The date, time, and location of the mediation;
  - b. The name of the individual selected to serve as the Mediator.
3. No Contact- Parties may not contact each other outside of the mediation, even to discuss the mediation.
4. Attendance- Both the Complainant and the Respondent are expected to attend the mediation. If either party fails to appear at the mediation, and such party was provided proper notice of the mediation as set forth above, the Mediator may either direct that resolution of the Complaint to be determined according to the formal resolution process set forth above, or if the Complainant fails to appear without good cause, dismiss the Complaint.
5. The Mediation
  - a. The Complainant's Rights. During the mediation, the Complainant may:
    1. Confront the Respondent in the presence of, and facilitated by, the Mediator
    2. Communicate his or her feelings and perceptions regarding the incident and the impact of the incident either by communicating directly with the Respondent or by communicating indirectly with the Respondent through the Presiding Officer and/or
    3. Relay his or her wishes and expectations regarding protection in the future.
  - b. Counsel and Advisors
    1. Legal Counsel- Under no circumstances may legal counsel be present at the mediation on behalf of the

alleged Complainant or Respondent. The College, however, may seek advice from legal counsel on questions of law and procedure through the mediation process.

2. Other Advisors- Absent accommodation for disability, the parties may not be accompanied by an advisor during the mediation.

c. Resolution

During the mediation, the Presiding Officer will attempt to facilitate the parties' resolution of the Complaint. If the mediation results in a resolution between the parties and the Title IX Coordinator, or designee, finds the resolution to be appropriate under the circumstances (giving consideration to the extent to which the resolution will protect the safety of the Complainant and entire college community), the informal disciplinary procedure will be concluded, and the complaint will be closed. If such a resolution is reached, the terms of the resolution shall be committed to writing and signed by all parties. If the parties are unable to reach a resolution, the formal resolution process outlined above will promptly commence.

d. Revocation

Any party bound by a resolution reached during mediation shall have the right to revoke the written mediation agreement provided such revocation be in writing and received by the Title IX Coordinator, or designee, no later than the close of business on the fifth day after full execution of the agreement.

6. Privacy and Disclosure. In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the informal resolution process is not open to the public. Accordingly, documents prepared in anticipation of the mediation and other information introduced at the mediation may not be disclosed outside of the mediation, except as may be required or authorized by law.
7. The college will retain any documentation of the mediation for at least seven (7) years

## VI. Hearing Committee

1. The Hearing Committee shall be composed of the following:
  - a. Five (5) faculty/and or staff members and one (1) Ex Officio nonvoting member

appointed by the Title IX Coordinator, or designee.

- b. All cases are decided by a majority vote. In extenuating circumstances, hearings may move forward with three (3) members.
- c. The Title IX Coordinator, or designee, will designate one (1) member of the Hearing Committee as the Chair.

2. The Hearing Committee shall perform the following functions:

- a. Hear cases of alleged violations of the Code of Student Conduct.
- b. Insure that the student's procedural rights are met.
- c. Make decisions based only on evidence and information presented at the hearing.
- d. Determine sanctions, giving consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation.
- e. Provide the student with a statement of the committee's decision including findings of fact and, if applicable, impose one or more of the sanctions outlined in Section III.

3. Hearing Committee Meetings

- a. The chair shall be appointed by the Title IX Coordinator, or designee, from among the membership of the Committee. Ex officio members of the committee may not serve as the chair of the committee.
- b. Committee hearings shall be closed to all persons except the student, the person(s) initiating the charge(s), counsels for any student and for the college, witnesses who will be invited into the hearing and a person, mutually agreed upon by the Committee and the student(s), to serve as the recorder.
- c. The Committee may identify someone to take written notes and the committee will have the hearing, with the exception of deliberations, recorded. No other party in the hearing may record the proceedings, and no other party is entitled to a copy of the notes or the recording. The written notes and the recording will be maintained in the office of the Title IX Coordinator. The student may review the notes and listen to the recording under the supervision of the Title IX Coordinator or designee.
- d. Witnesses shall be called in one at a time to make a statement and to respond to questions.
- e. After hearing all of the information, the Hearing Committee will go begin its

deliberations. Using the “preponderance of evidence” standard, which means that it is more likely than not that the violation, occurred, the members will determine, by majority vote, whether the violation occurred. If it is determined that the violation occurred, by majority vote, the members will decide upon the appropriate sanction.

- f. The Chair of the Hearing Committee will send a certified letter to the Respondent’s and to the Complainant’s addresses of record within two (2) instructional weekdays of the Committee’s decision. The letter shall inform the students about the Committee’s decision, the date of the decision, and, if applicable, the sanction(s) imposed. The letter will also inform each recipient about the appeal process.
  1. When the case results in a finding that the student engaged in an act of sexual violence, the Chair’s letter to the Complainant will also include the sanction imposed by the Hearing Committee.
  2. When the case results in a finding that the student engaged in an act of non-violent sexual harassment, the Chair’s letter to the Complainant will only include the sanction imposed by the Hearing Committee if the sanction directly relates to the Complainant (e.g., the violator has been directed to stay away from the Complainant while on the college’s campus).

## VII. Confidentiality and Privacy

The college will protect Complainants’ privacy to the extent possible under the law. In some situations, including those in which disciplinary action is a possible outcome, due process may require disclosure of information to persons accused.

The college will make every reasonable effort to abide by Complainants’ wishes to remain anonymous; however, the college will balance requests for anonymity/confidentiality with the safety of other members of the community. Factors that will be considered in determining whether to disclose a complaint or report of misconduct to a respondent include: the seriousness of the alleged conduct; the Complainant’s age; whether there have been other complaints about the same individual; and the alleged violator’s rights to receive information about the allegations if the information is maintained by the school as an “education record” under the

Family Educational Rights and Privacy Act (FERPA). All hearings closed to all persons except those referenced in hearing section (VI, “Hearing Committee Meetings”)

## VIII. Amnesty for Drug and Alcohol Possession and Consumption Violations

Students are encouraged to report instances of sex-based discrimination, sexual harassment, and sexual harassment or sexual assault involving students. Therefore, students who report information about sex-based discrimination, sexual harassment, or sexual harassment or sexual assault involving students will not be disciplined by the college for any violation of the college’s drug or alcohol possession or consumption policies in which they might have engaged in connection with the report.

## THE STUDENT GRIEVANCE PROCEDURE FOR THE SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM (3-2-106.3) – 2015

### I. Purpose

The purpose of the student grievance procedure is to provide a system to channel and resolve student complaints against a college employee concerning decisions made or actions taken. A decision or action can be grieved only if it involves a misapplication of a college’s policies, procedures, or regulations, or a state or federal law. This procedure may not be used in the following instances: 1) to grieve a claim against a college employee for any matter unrelated to the employee’s role or position at the college; 2) for complaints or appeals of grades awarded in a class or for an assignment, unless the complaint is based upon alleged discrimination on the basis of age, gender, race, disability or veteran’s status or on the basis of alleged sexual harassment; or 3) to grieve a decision for which other grievance or appeal procedures exist (e.g., appeal of a disciplinary case, a residency appeal, a financial aid appeal, FERPA grievances, transfer credit evaluations, etc.).

The student filing the grievance must have been enrolled at the college at the time of decision or action being grieved and must be the victim of the alleged mistreatment. A grievance cannot be filed on behalf of another person.

### II. DEFINITIONS

When used in this document, unless the content requires other meaning,

“College” means any college in the South Carolina Technical College System.

“President” means the chief executive officer of the college.

“Administrative Officer” means anyone designated at the college as being on the administrative staff, such as the President, Chief Academic Officer, Chief Student Services Officer, etc.

"Chief Student Services Officer" means the Administrative Officer at the College who has overall management responsibility for student services or his/her designee.

"Chief Academic Officer" means the Administrative Officer at the College who has overall management responsibility for academic programs and services or his/her designee.

"Grievable Act or Decision" means a misapplication of a college's policies, procedures, or regulations, or a violation of a state or federal law.

"Days" means an instructional weekday, excluding Saturday and Sunday and all days in which the college is closed.

"Student" means a person taking any course(s) offered by the college.

"Instructor" means any person employed by the college to conduct classes.

"Staff" means any person employed by the college for reasons other than conducting classes.

"Campus" means any place where the college conducts or sponsors educational, public service, or research activities.

### III. GRIEVANCE PROCESS

#### A. Filing a Complaint

This procedure must be initiated by the student within 30 instructional weekdays of becoming aware of the decision, action, or event giving rise to the grievance. This time limit may be extended by the President or his/her designee, if the student requests an extension within the 30 day period.

Before initiating the Student Grievance process, a student may go to the college employee who originated the alleged problem and attempt to resolve the matter informally. In instances alleging discrimination or harassment, including sexual harassment and violence, the student is not required to initially try to resolve the matter with the person alleged to have committed the violation under this policy. Where applicable, if the student is not satisfied with the outcome of this meeting or if the student prefers to ignore this step, then the student may file a written complaint and initiate the grievance process. This written complaint should describe the decision or action that is being grieved, the date of the decision or action, and the college employee(s) involved in the decision or action.

1. Written complaints about alleged discrimination or harassment on the basis of age, gender, race, color, national origin, disability or veteran's status and written complaints about alleged sexual harassment or violence shall be submitted to the employee(s) designated in the college's Statement of Nondiscrimination to coordinate Section 504, Title II, and Title IX compliance.

2. Written complaints about decisions and actions not related to discrimination on the basis of age, gender, race, disability, veteran's status, or sexual harassment shall be submitted to the college's Chief Student Services Officer.

3. Any written complaint naming the college's President as the person whose alleged action or decision originated the problem shall be submitted to the President of the South Carolina Technical College System.

#### B. Pre-Hearing

The person receiving the student's written complaint will send a written acknowledgement to the student no later than two instructional weekdays after receiving the written complaint.

The person receiving the complaint will forward the complaint to the immediate supervisor of the employee named in the complaint no later than two instructional weekdays after it has been received. When the President is named in the complaint, the South Carolina Technical College System's Vice President of Academic Affairs will be responsible for the pre-hearing.

As a part of the effort to resolve the matter, the supervisor, or the South Carolina Technical College System's Vice President for Academic Affairs, will consult, as needed, with the employee named in the complaint, the student filing the complaint, and Chief Administrative Officer of the division or component concerned.

The supervisor, or the South Carolina Technical College System's Vice President for Academic Affairs, shall respond in writing to the student within ten instructional weekdays of receipt of the complaint. The response, sent by certified mail, shall include a summary of the findings and, as needed, propose the steps that shall be taken to resolve the complaint.

If the student does not agree with the proposed resolution, the student may request to have the complaint heard by the Student Grievance Committee.

When the College's President is named in the complaint, the President of the South Carolina Technical College System will convene a three person ad hoc committee consisting of System Presidents or a three person ad hoc committee from within the System to hear the student's complaint.

#### C. Student Grievance Hearing

##### 1. Requesting a Hearing

a) The student must submit a written request for a Grievance Hearing to the Chief Student Services Officer within five instructional weekdays after receiving the supervisor's written response and no later than fifteen instructional days after the supervisor sent the summary of findings. The request must include a copy of the student's original written complaint, a copy of the supervisor's response, and a statement describing why the supervisor's response was unsatisfactory.

b) If the student does not submit the written request for a hearing within fifteen instructional weekdays, and the student can demonstrate that extenuating circumstances resulted in the failure to meet this deadline, the Chief Student Services Officer may allow the hearing to take place.

c) Within two instructional days of receiving the request for a hearing, the Chief Student Services Officer shall notify the President or, as appropriate, the System President about the

need to convene a Student Grievance Committee or an ad hoc committee of System Presidents. These committees shall be formed to hear specific complaints and a new committee may be formed each time a grievance covered by this procedure is filed.

## 2. Grievance Committees

a) Student Grievance Committee--The President must approve all recommended members. The committee shall be composed of the following:

1. Three students recommended by the governing body of the student body.
2. Two faculty members recommended by the Chief Academic Officer.
3. One Student Services staff member recommended by the Chief Student Services Officer.
4. One administrator, other than the Chief Student Services Officer, to serve as the Committee's chairperson.
5. The Chief Student Services Officer, or designee, who serves as an ex- officio, nonvoting member of the committee.

b) Ad hoc Committee of Presidents—The President of the South Carolina Technical College System will select three System Presidents to serve on this committee and identify one of the three Presidents to serve as the chairperson for the hearing.

c) The Chief Student Services Officer, or designee, will send copies of the student's request for a hearing to the committee members, the employee, and the employee's supervisor. The employee against whom the grievance was filed has an opportunity to submit his/her response to the request for a hearing to the Committee prior to the hearing.

d) The Student Grievance Committee's meeting(s) shall be conducted within twenty-one instructional weekdays following the date of the request. The chairperson may grant a postponement if either party submits a written request no later than five instructional weekdays prior to the scheduled meeting. The chairperson of the Student Grievance Committee, in his/her discretion, may postpone the hearing due to circumstances beyond the control of the parties. The re-scheduled hearing must take place within ten instructional weekdays of the date of the previously scheduled hearing.

## 3. Hearing Procedures

a) The Chief Student Services Officer, or designee, shall send a certified letter to the student filing the complaint and to the employee(s) named in the complaint at least five instructional weekdays before the scheduled hearing. This letter shall include:

1. a brief description of the complaint, including the name of the person filing the complaint.
2. the date, time, and location of the meeting;
3. the name of any person who might be called as a witness.

4. a list of the student's procedural rights. These rights follow:

a) The right to review all available evidence, documents or exhibits that each party may present at the meeting. This review must take place under the supervision of the Chief Student Services Officer, or designee.

b) The right to appear before the Hearing Committee and to present information and additional evidence, subject to the Committee's judgment that the evidence is relevant to the hearing.

c) The right to consult with consul. This person serving as consul may not address the committee, question the employee(s) named in the complaint, or any witnesses. The student will be responsible for paying any fees charged by the advisor.

d) The right to present witnesses who have information relating to the complaint. Witnesses will be dismissed after presenting the information and responding to questions posed by the Grievance Committee, the student filing the complaint, and the employee(s) named in the complaint.

e) At least ten (10) instructional weekdays before the scheduled hearing the parties must submit the names of persons that the parties anticipate calling as witnesses as well as any evidence that the parties intend to introduce at the hearing.

f) Hearings are closed to the public. When testimony is being given, only the committee members, the student and his/her advisor, the employee and his/her advisor, and the witness giving testimony may be present. During deliberations, only the members of the Committee may be present.

g) Hearings are informal and a tape recording of the testimony presented during the hearing may be made. The Committee's deliberations are not tape recorded. After resolution of the appeal, the tape recording will be kept for three months in the office of the Chief Student Services Officer, or designee. The student filing the complaint or the employee(s) named in the complaint may listen to this tape recording under the supervision of the Chief Student Services Officer, or designee.

h) The Committee may question the student and the employee(s). The Committee may also question the employee's (employees') supervisor(s) and any additional witnesses that it considers necessary to render a fair decision. Questions must be relevant to the issues of the grievance.

i) Both parties to the grievance may ask questions of the other during the hearing. These questions must be relevant to the issues stated in the written complaint. The Chairperson of the Committee will determine the appropriateness of the questions.

j) The Committee bears the burden of determining whether the allegations are supported by the information available through the hearing. The Committee will use a preponderance of the evidence standard in making this determination.

k) The Committee shall decide the solution of the grievance by a majority vote. In case of a tie, the chairperson may vote.



l) The chairperson shall forward a copy of the Committee's decision to the student filing the complaint and to the employee(s) named in the complaint within two instructional weekdays of the Committee's decision. This letter will include a rationale for the Committee's decision and inform the student and employee(s) that they have a right to appeal the Committee's decision.

#### **D. Appeal Process**

If either party is not satisfied with the Student Grievance Committee's decision, that person may submit a written appeal to the President of the College within ten instructional weekdays of the Committee's decision. The written appeal must include a statement indicating why the person was not satisfied with the committee's decision. The President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary and render a decision within ten instructional weekdays of receipt of the appeal. The President's decision is final and this decision cannot be the sole reason for filing a grievance against the President.

If either party is not satisfied with the System Office's ad hoc Committee of System Presidents' decision, that person may submit a written appeal to the President of the South Carolina Technical College System within ten instructional weekdays of the Committee's decision. The written appeal must include a statement indicating why the person was not satisfied with the Committee's decision. The System President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary and render a decision within ten instructional weekdays of receipt of the appeal. The System President's decision is final.

Any complaint that does not fall within the scope of the Student Grievance Procedure for the South Carolina Technical College System (3-2-106.3)-2015, may file a formal complaint with the Office of Student Affairs. The Office of Student Affairs or the appropriate designee will respond to the complaint in writing.