

COASTAL CAROLINA UNIVERSITY
CODE OF STUDENT CONDUCT
2009-10

I. Introduction

Human beings grow and mature in communities. Living in a community requires depending upon the knowledge, integrity, and decency of others. In turn, a strong and effective community helps individuals mold habits and values that will enable them to achieve the highest personal satisfaction, including the satisfaction associated with helping to make a better world. The rules enforced by the University are designed to protect individual liberties, and other values stated in the University's mission statement, especially the commitment to: "develop students who are both knowledgeable in their chosen fields and prepared to be productive, responsible, healthy citizens with a global perspective... while adopting the highest standards of integrity and accountability, and committing itself to excellence through continuous self-improvement."

II. Student Rights and Responsibilities

A. General Information

Responsibility for good conduct rests with students as individuals. All members of the academic community are expected to use reasonable judgment in their daily campus life to show due concern for the welfare and rights of others. Students should be aware that educational institutions are not sanctuaries from the jurisdiction of the civil and criminal laws of the communities and states wherein such institutions exist. While the rules and regulations of the University are not meant to duplicate general laws, there are some respects in which the lawful interests of the institution as an academic community coincide with the broader civic interest treated in general laws. Students who commit offenses against the laws of municipalities, states, or the United States are subject to prosecution by those authorities, as well as liable for disciplinary action under University rules when their conduct violates institutional standards.

Students are entitled to be secure in their personal privacy. This does not prohibit normal inspections of University facilities for maintenance, health, or safety purposes. Nor does it preclude searches and seizures properly authorized by administrators in emergency situations where the welfare and safety of persons or property are involved.

The University reserves the right, in the interest of all its students, to decline admission to, suspend, or to require the withdrawal of a student after appropriate University procedures have been followed. Students agree to abide by all rules and regulations of the University as a condition of admission. Any violation of the Code of Student Conduct that occurs between the time of acceptance and enrollment at the University may be subject to review by the Office of Judicial Affairs.

B. Rights of the Accused

1. Persons accused of violations of existing rules and/or regulations of the University are entitled to the following rights under the University judicial process:
 - a. Written notice of charge(s), account of the alleged misconduct, and notice of the scheduled hearing;
 - b. The right to a hearing;
 - c. The right of a timely judicial process and decision;

- d. The right to challenge the admissibility of evidence;
- e. The right to appeal to the next higher authority;
- f. The presumption of “not in violation” until proven responsible by a majority of the evidence;
- g. The right to a personal adviser;
- h. The right to participate in the judicial hearing or remain silent;
- i. The right to present witnesses and a reasonable number of character statements;
- j. A written decision specifying the violation, penalty assessed, and right of appeal;
- k. The right to challenge the seating of any hearing officer for good cause;
- l. The right to have the case heard only on the misconduct specified in the written notice;
- m. The right to question all available witnesses;
- n. The right to request a reasonable postponement of the hearing;
- o. The right to face their accuser. Special conditions may be imposed in sensitive cases.

C. Rights of a Person Filing a Complaint and/or Victim of Offense

1. A person who has filed a complaint or is the victim of an offense will have the following rights:
 - a. The right to review the statements of the student who is the subject of the alleged violation;
 - b. The right to present evidence supporting his or her version of the alleged violation;
 - c. In cases of violence and sex offenses, the right to know (or have next of kin know in case of death of victim) the outcome, including sanctions of the hearing.
2. The University will make every effort to protect the rights and dignity of victims of violations of this code within limits provided by FERPA and other federal, state, and local law.

III. Standards of Academic Conduct

A. Prohibited Conduct

1. Plagiarism, cheating and all other forms of academic dishonesty
 - a. Examples of plagiarism include but are not limited to the following:
 - (i) Words, sentences, ideas, conclusions, examples and/or organization of an assignment are borrowed without proper acknowledgment from a source (for example, a book, article, electronic documents, or another student’s paper).
 - (ii) A student submits another person’s work in place of his/her own.
 - (iii) A student allows someone else to revise, correct or edit an assignment without explicit permission of the instructor.
 - (iv) A student submits work without proper acknowledgment from commercial firms, Web sites, fraternity or sorority files or any other outside sources, whether purchased or not.
 - (v) A student allows another person to take all or any part of a course, including quizzes, tests, and final examinations.
 - (vi) A student submits any written assignments done with the assistance of another without the explicit permission of the instructor.
 - (vii) A student knowingly aids another student who is engaged in plagiarism.
 - b. Examples of cheating include but are not limited to the following:
 - (i) A student uses unauthorized information, materials or assistance of any kind for an assignment, quiz, test, or final examination.

(ii) A student knowingly aids another student who is engaged in cheating.

2. Furnishing false information to any University official, faculty member or University office
3. Forgery, alteration or misuse of any University document or record
4. Disruption or obstruction of teaching, research, administration, academic discipline proceedings, or other activities when the behavior disrupts the environment and violates the standard of fair access to the academic experience

B. General Guidelines and Reporting Procedures for Academic Violations

1. Academic violations include, but are not limited to, all acts of academic dishonesty or other behaviors described in Section III.A.
2. Academic violations may be reported to the Dean of Students (DoS) after the student-faculty conference and upon consultation with and approval of the department chair and dean.
3. Academic violations should be reported in writing within ten (10) business days of receiving knowledge of the potential violation to the instructor of the class, the department chair or college designee by:
 - a. the student accused of committing the violation;
 - b. any student observing the violation; or
 - c. any faculty or staff member observing the violation.
4. Reports of academic violations should include the following information:
 - a. name of the accused student;
 - b. specific violation;
 - c. name(s) of witness(es).
5. Refer to Section II.C: Rights of a Person Filing a Complaint.
6. Anonymous written reports may alert a faculty member to an existing problem in the classroom, but these reports cannot serve to initiate disciplinary action.
7. In cases where reports are made to the department chair/dean, the department chair/dean will immediately inform the instructor(s) of the course(s) in which the alleged violation(s) took place so that the instructor can proceed with appropriate action. (See IV.B)
8. Subsequent actions, including written notification of the accused and hearings or appeals, should occur on a schedule dictated by the need for prompt action to resolve the issue while providing ample time to protect the rights and responsibilities of all parties. The faculty member will be a party to all subsequent hearings or appeals.

C. Disciplinary Procedures for Academic Violations

1. The accused student will be notified in writing by the faculty member of the violation and available evidence and a copy will be forwarded to the department chair (where no chair exists, to the associate or assistant dean, or college designee). The notification will include a request that the student appear at a student-faculty conference.
2. At the student-faculty conference, the student will be informed of the possible sanction(s) and the student will have an opportunity to respond to the charge(s).
3. The student-faculty conference should occur within the semester during which the violation occurred. If the violation occurs within the last two weeks of a semester or during a period between semesters, the conference will occur as early as practical the following semester.
4. In the case of a student who chooses to not respond to the notification, the student-faculty conference may proceed in the student's absence.
5. Participants at a student-faculty conference will include the accused student and instructor, but can also include the student(s), faculty or staff member(s) who observed and reported the infraction.

D. Decisions and Appeal Process for Academic Violations

1. Refer to Section V: Hearing Decisions and Notification for Violations and Section VI: Sanctions.
2. If a student believes he or she has been wrongly accused, the sanction(s) imposed are too harsh or that due process has been denied, the student may appeal the matter to the department chair or assistant or associate dean or college designee. The department chair or designee will then consult with the student and instructor and issue a written decision regarding the appeal.
3. The student may appeal the decision of the department chair to the college dean. The request for appeal must be in writing and state the reason(s) for believing the decision of the department chair or designee improper. The college dean will then issue a written decision regarding the appeal.
4. The decision of the college dean may be appealed to the Provost or designee. The request for appeal must be in writing and state the reason(s) for believing the decision of the college dean to be improper.
The Provost or designee will then issue a written decision regarding the appeal.
5. The decision of the Provost or designee is the final step in the process within the University. Only in extraordinary circumstances and at their discretion may the President and Board of Trustees choose respectively to review a decision.
6. Once resolved, case files will be maintained by the college dean's office under which the violation occurred. A copy of the final written decision will be sent to the Office of the Provost.

IV. Standards of Conduct (Non-Academic)

A. General Guidelines for Non-Academic Violations

1. The Dean of Students (DoS) has primary responsibility and authority for the administration of student discipline for non-academic violations. Further delegation of this authority may be made by the Dean of Students to the Office of Judicial Affairs, Director of Residence Life, and other staff members.
2. Anyone may initiate a complaint regarding a University student by submitting the following information to the Office of Judicial Affairs:
 - a. The name(s) of the accused.
 - b. A clear, signed statement explaining the nature and circumstances of the complaint.
 - c. The names, addresses, and telephone numbers of those filing the complaint.
3. Anonymous reports may alert an administrator to an existing problem, but these reports cannot serve to initiate disciplinary action.
4. Any student who is arrested for any alleged offense other than a minor traffic violation must notify the Office of Judicial Affairs within 72 hours of the arrest.
5. Any student who becomes a registered sex offender prior to or during their tenure at the University will be subject to permanent dismissal.
6. Refer to Section III-C Rights of a Person Filing a Complaint.
7. The Office of Judicial Affairs will maintain student disciplinary files, which contain all necessary and appropriate correspondence, name(s) of judicial officer(s), Campus Judicial Board and appeal decisions as well as other documentation pertinent to any cases for which a student was found responsible for a violation of the Code of Student Conduct. Records of cases that are designated as "pending" will also be maintained. Disciplinary records will be maintained for a period of seven years. The University reserves the right to retain any disciplinary records for longer periods.

B. Off Campus Conduct

1. Cases of alleged misconduct by any student, on or off campus, are within jurisdiction of the campus judicial process if the behavior conflicts with the mission of the University.

C. Prohibited Conduct

1. Abuse of the Judicial System - The University prohibits any and all abuses of the judicial system. Abuse includes but is not limited to the following:
 - a. failure to inform judicial officer of student's choice not to appear for a judicial conference or before a hearing body when proper notice is given.
 - b. falsification, distortion, or misrepresentation of information before a hearing officer, hearing body, or University official prior, during, or after a judicial proceeding.
 - c. disruption of or interference with the orderly conduct of a judicial proceeding.
 - d. attempting to discourage an individual from participation in or use of the judicial system.
 - e. attempting to influence the impartiality of a member of a judicial board, the charging party, a witness, or victim prior to, during the course of, or after a judicial proceeding.
 - f. influencing or attempting to influence another person to commit an abuse of the judicial system.
2. Accessory to Prohibited Conduct - The University prohibits acting as an accessory to any conduct which is deemed a violation of University policy.
3. Alcohol
 - a. The University prohibits the possession, sale, distribution, consumption of and being in the presence of alcohol on campus regardless of age. Refer to the current Coastal Carolina University Alcohol and Drug Policy for specific guidelines and limited exceptions.
 - b. The University prohibits the possession, sale, distribution, and consumption of alcohol off campus for those under the legal age to possess alcohol.
 - c. The University prohibits the sale or distribution of alcohol to those under the legal age to possess alcohol.
 - d. The University prohibits driving under the influence of alcohol.
 - e. The University prohibits any behavior that is the direct result of alcohol consumption . Any student found to be visibly overcome by alcohol consumption will be found in violation of the alcohol policy.
 - f. The University prohibits possession of any items that provide for the common distribution of alcoholic beverages and/or alcohol paraphernalia on property owned, occupied, leased by the University or in University facilities.

Note - *The Good Samaritan Policy is designed to prevent dangerously intoxicated students from being put to bed and/or left alone by friends because of fear that a request for medical assistance will lead to formal disciplinary action. In those instances in which a student contacts the Department of Public Safety or a member of the Residence Life staff to seek assistance with another intoxicated student, neither the student making the contact nor the student in need of assistance will be charged with violations of the Alcohol Policy. The students, however, will be required to meet with the Director of Residence Life or the Director of Counseling Services to discuss the incident. The Director may refer the student(s) to Counseling Services for alcohol education and/or treatment. No judicial action will be taken unless the student(s) involved demonstrate a repeated lack of care for their well-being and that of the University community or fail to follow the recommendations of the Director of Residence Life or the Director of Counseling Services. Students should also be aware that this policy does not prevent action by local/state/federal authorities.*

4. Assault - The University prohibits
 - a. physical assault or abuse,
 - b. sexual assault or abuse,
 - c. verbal assault or abuse,
 - d. threats or intimidation,

- e. harassment,
 - f. coercion, and
 - g. other conduct which threatens or endangers the health or safety of any person or any act which unreasonably interferes with, impedes or harasses other students in the pursuit of their education or way of life.
5. Disorderly Conduct - Conduct that disrupts the academic and social environment of the campus may be deemed disorderly. Examples include but are not limited to obscene conduct and/or indecent exposure, disruption of social and/or academic functions, excessive vulgarity, and the use of fighting words.
6. Drugs
- a. The University prohibits the illegal selling, manufacture, possession, delivery, professionally unsupervised usage of all prescription drugs, hallucinogenic drugs, and controlled substances or being in the presence of such substances.
 - b. The University prohibits the sale, possession, and/or distribution of drug paraphernalia including, but not limited to, hookahs, bongs, pipes, etc.
 - c. The University prohibits behavior that is a direct result of drug consumption. Any student found to be visibly overcome by the usage of drugs will be found in violation of this policy.
7. Failure to comply - It is a violation of University policy to not comply with the lawful directions of University officials or law enforcement officers acting in the performance of their duties, and the failure to identify oneself to these persons when requested to do so. In addition, failure to comply with the sanctions of judicial hearing officials or bodies violates University policy.
8. Fire Safety
- a. The University prohibits the attempt to set, the setting of, or the adding to unauthorized fires on property owned, occupied, or leased by the University.
 - b. It is a violation of University policy to tamper with, damage, or misuse any fire protection equipment. In addition to University judicial action, the student may be subject to criminal prosecution.
 - c. The University prohibits the possession and/or usage of any explosive devices, materials, or dangerous chemicals. This rule prohibits but is not limited to all types of fireworks.
9. Fraud - Coastal Carolina University strictly prohibits the alteration, falsification, or other misuse of a student's documents or University documents, records, or forms of identification. Additionally, fraud may include but is not limited to the following: furnishing false information to the University, forgery, unauthorized alteration of any official documentation, or misuse of a University official's signature.
10. Hazing - Hazing is any reckless or intentional act, occurring on or off campus, that produces physical, mental, or emotional pain, discomfort, humiliation, embarrassment, or ridicule directed toward other students or groups (regardless of their willingness to participate), that is required or expected of new members and which is not related to the mission of the team, group, or organization. This includes any activity, whether it is presented as optional or required, that places a new or current member in a position of servitude as a condition of membership.

11. Information Technology - The University prohibits unauthorized access to, or abuse of University network and computing systems, or any other violations of the University computer use policy.

12. Residence Life policies - See *Residence Life Living Guide*

13. Smoking – Smoking or the possession of lighted smoking material in any form is allowed only in designated smoking areas of the campus. Other than in the designated areas, smoking is prohibited in buildings, outdoor areas and in University-owned vehicles. Violations of this policy will lead to disciplinary action.

14. Theft - Coastal Carolina University prohibits the unauthorized taking, misappropriation, or possession of any property owned or maintained by the University or any person on campus or attending a University-related function. In addition, it is a violation of University policy to possess stolen personal or public property belonging to others outside the University community.

15. Unauthorized entry or usage - The University prohibits unauthorized entry into or usage of a University facility and/or property. This rule includes the failure or refusal to leave University grounds or a specific portion thereof or a University facility when requested by an authorized University official. Additionally, this policy applies to unauthorized possession, duplication or use of keys or access cards to any University premises.

16. Vandalism - The University prohibits the willful abuse or damage of property owned, occupied, leased by the University or the property of others.

17. Weapons and/or Dangerous Instruments

a. It is a violation of University policy to illegally possess firearms or ammunition on property owned, occupied, or leased by the University whether operable or inoperable, loaded or unloaded.

b. No student shall possess or use a dangerous instrument. Any instrument may be defined as dangerous if it is used, attempted or threatened to be used, or is readily capable of being used to cause physical injury.

18. Other - Violation of federal, state or local law on University premises, at University sponsored or University-supervised activities, or elsewhere including off-campus locations, if such conduct adversely affects the University community is a violation of University policy.

D. Disciplinary Hearing

1. Preliminary Investigation

a. The Office of Judicial Affairs will investigate reports of alleged violations of the Code of Student Conduct or local, state, or federal law.

b. After completing a preliminary investigation and finding evidence of an alleged violation, the student will be notified to appear at a Judicial Conference.

c. A student who has been charged with a violation of any non-academic regulation of the University may not be permitted to withdraw from the University without the permission of the DoS or designee. If a student withdraws without approval, the University may hear charges against him or her. If the student is found to be in violation, the University may restrict the student's readmission on such terms or under such circumstances as it may prescribe.

d. The University's action shall be independent of civil and/or criminal proceedings pending in City, State or Federal court. The outcome of court proceedings has no

bearing on the University judicial process or sanctions. At a disciplinary hearing, the technical rules of evidence applicable to civil and criminal cases shall not apply.

2. Judicial Conference

a. A judicial officer will conduct the Judicial Conference. The complainant may or may not be present.

b. This conference will occur within two weeks or as soon as possible after the report or complaint is received. The judicial officer will inform the accused student of these facts:

- (i) The charge(s) against him or her.
- (ii) The disciplinary hearing options.
- (iii) Possible sanctions involved.

c. At the Judicial Conference, one of the following will occur:

- (i) The judicial officer and the student agree to move into an informal administrative hearing.
- (ii) The judicial officer may delay completion of a hearing until further investigation is completed.
- (ii) The judicial case is referred by either the judicial officer or the accused student to a formal hearing with the Campus Judicial Board

3. Judicial Hearing Proceedings

a. A judicial officer will provide the accused:

(i) A written notice of the charge(s) and an outline of rights.

In the event that additional charges are brought, a further written notice must be forwarded to the student. These notices may be mailed, hand delivered, or electronically mailed.

(ii) Review of all available information, documents, exhibits, and a list of witnesses.

(iii) Choice not to appear at the hearing. In that case, the hearing will be conducted in the student's absence.

(iv) Assistance by a personal adviser. The personal adviser provides the student moral support and may or may not be a member of the University community. The University has the right to disqualify a particular adviser when participation of that adviser allows the potential for disruption of the judicial process. Upon request of a student, the personal adviser may:

- a.) Advise the student concerning the preparation and presentation of the case. The adviser may not speak for the student, except in exceptional circumstances with the discretion of the judicial officer.
- b.) Accompany the student to all judicial proceedings whenever possible.

4. In cases of violence and sex offenses, the alleged victim may have (a) support person(s) present during the Judicial Conference/Hearing and Campus Judicial Board hearing. The support person(s) may not participate in any way in the hearings.

5. Case files will be maintained by the Office of Judicial Affairs.

6. Campus Judicial Board Hearing

Refer to Section VII: Campus Judicial Board for the Campus Judicial Board hearing process.

E. Decisions and Appeal Process for Non-Academic Violations

1. Refer to Section V: Hearing Decisions and Notification for Violations and Section VI: Sanctions.

2. If a student believes he or she has been wrongly accused, the appeal authority will generally limit its review of the original hearing record to the following two issues: 1) whether University disciplinary procedures were followed which provided notice of the charges and an opportunity to respond; and/or 2) whether new evidence exists sufficient enough to alter the original decision and why such evidence was not available or not presented at the original hearing.

3. The student must submit the appeal in writing and should be specific about which decision(s) and/or sanction(s) is being appealed.

4. If a Residence Life judicial officer served as the original hearing body, the case is appealed to the Director of Residence Life or designee. If a judicial officer from the Office of Judicial Affairs served as the original hearing body, the case is appealed to the CJB. If the CJB served as the original hearing body, the student may appeal to the DoS. The appeal authority may uphold or modify the decision or require a new hearing.

V. Hearing Decisions and Notification for Violations

A. Finding of “Not In Violation”

1. A finding of “not in violation” as a result of a decision by any hearing or appeal body will result in a complete reversal of all sanctions or penalties previously imposed. A finding of “not in violation” by any of the appellate bodies may not be appealed further, and the action is ended. After a finding of not in violation, all record of the sanction(s) or penalty or penalties previously imposed will be removed from the student’s record.

B. Finding of In Violation - Penalties and Sanctions

1. Disciplinary sanctions may be imposed upon students found in violation of the Code of Student Conduct. All sanctions may be imposed either singularly or in combination. Sanctions do not take effect until the completion of the appeal process unless otherwise specified by the judicial officer hearing the case or Campus Judicial Board.

2. The purpose of imposing sanctions is twofold: to protect the University community from behavior that is detrimental to the community and to assist students in identifying acceptable limits and consequences of future behavior that fall within the regulations of the University. From the date of suspension to the date of return, the student does not have access to the petition process. The Office of the Registrar will inform instructors of a W or WF assigned for non-academic reasons.

3. Sanctions include, but are not limited to those listed within Section VI: Sanctions.

C. Notification

1. At the discretion of the DoS or designee, decisions of cases and sanctions may be shared with the student’s parents or guardian, the complainant and/or the academic dean or other appropriate University officials on a need-to-know basis. In cases of violence and sex offenses, both the complainant/victim (or next of kin in cases of victim death) and the accused will be notified of the outcome of the proceedings by the DoS or designee.

2. Notifications and hearing decisions to the student will be in writing and mailed on a certified/return receipt requested basis or hand delivered.

VI. Sanctions

Sanctions issued for Code of Student Conduct violations include but are not limited to the following:

1. Warning

2. Fines - Requirement that a student remit a specific amount of money as a consequence for his/her misbehavior. (Refer to the *Residence Life Living Guide* for a schedule of fines.)

3. Restitution - Order to make restitution issued when a student has engaged in conduct injurious to the property of another (individual, group, or the University) for which monetary damages may be determined. For example, this sanction may be assessed in cases of property damage, theft, fraud, deception, or misappropriation.

4. Community Service - Provide some type of community service to the University or community as a whole. The service should be relevant to the nature of the violation, should have some educational value and should not be unduly burdensome to other staff or students. This sanction may include, but is not limited to, accompanying staff on duty, researching and writing a paper on a relevant issue, providing assistance to a disabled student.

5. Educational Programs - Assigned as an opportunity for personal development. This includes but is not limited to alcohol education, drug education, psychological assessment, essay, presentation, development of publicity material, etc.

6. Reprimand - An official rebuke for misconduct.

7. Permanent Dismissal - Involuntary separation of the student from the University without future readmission. The student must leave the campus and is not eligible to participate in classes or any University sponsored or University related activities.

8. Suspension for a Period of Time - Denial of enrollment, attendance, and other privileges at the University for a given period; may reapply for admission at the end of the period, with or without qualifications. When the sanction of suspension is imposed, the student must leave the campus at the conclusion of the appeal process or immediately if there is no appeal filed and may not participate in academic, extracurricular or other University activities except as may be authorized by the DoS or designee.

A student who is on disciplinary suspension from Coastal Carolina University may be required by the Office of Judicial Affairs or the Campus Judicial Board, at a specified approved level of engagement, to perform some approved combination of:

- Paid work;
- Community service;
- Taking courses (that would transfer back to CCU from a regionally accredited institution with a GPA of 2.0 or higher, and with any necessary college/departamental permissions based on the exact courses taken); or,
- (When prescribed by CJB or the Office of Judicial Affairs) Participating in treatment/rehabilitation programs,

9. Disciplinary Probation - A period of review and observation during which a student is under an official warning that his or her conduct, although not serious enough to warrant a form of suspension, was very inappropriate. Subsequent violations of University rules, regulations, or policies could result in a more severe sanction.

10. Deferred Suspension - A more severe sanction than disciplinary probation, given for a period of time, which indicates that the serious nature of the conduct violation would normally result in a student's suspension from the University, but given extenuating circumstances, this suspension is not put into effect. Any serious violation of rules, regulations, or laws while under deferred suspension will result in suspension from the University. In the event a student violates the conditions of a deferred suspension, the student will be notified to appear before the Campus Judicial Board to show cause why the student should not be suspended. The procedures for a regular hearing will not apply.

11. Conditions - Limitations upon a student's behavior and/or department privileges for a period of time, or an active obligation to complete a specified activity. This sanction may include, but is not limited to, denial of the right to represent the University in any way, denial of the right to hold an office with a student organization, restriction of visitation privileges, restriction of contact with another person or persons, required attendance at a workshop or participation in community service.

12. Imposed Grade of F – A professor may impose a grade of F on an assignment or an FX in the course. A grade of FX will be assigned when the student has been found in violation of an academic standard (Refer to Section III.A.). If a penalty grade of F is imposed in the course, the student will not be able to drop the course or petition a grade change.

13. Interim Suspension - Interim suspension is an action requiring that a student immediately leave the campus and property owned, occupied, or leased by the University. It may be imposed upon a student by the DoS or designee when there is reasonable cause to believe, based on available facts, that the student poses a threat to self or others. This is done because the immediacy of the danger caused by the student's presence on campus makes it impossible to follow the normal disciplinary procedures. When a student is suspended on an interim basis, he or she is given notice of the reasons for the suspension, the duration and any special conditions that apply. A student who is suspended on an interim basis will have their case heard by an administrator or by the Campus Judicial Board within ten (10) business days of the interim suspension, unless circumstances such as incarceration of the accused prevent scheduling within ten (10) days. Any student who is suspended on an interim basis and returns to the campus and property owned, occupied, or leased by the University during the suspension will be subject to further disciplinary action and may be treated as a trespasser. Permission to be on campus for a specific purpose (i.e., to take an exam, to consult with the DoS or designee, or to participate in the disciplinary procedures against him or her) may be granted in writing by the DoS or designee.

VII. Campus Judicial Board

A. Members

1. The Campus Judicial Board (CJB) will consist of ten-elected faculty at large; six administrative staff or faculty members appointed by the University President; and twelve students.

a. The Chair of the CJB will be a faculty member, elected by members of the CJB. A Vice Chair (faculty member) will also be elected and will serve in the absence of the Chair.

b. The student members must be in good standing, have completed a minimum of 60 semester hours, carry a minimum of 12 hours per semester for the duration of their service, and be appointed by the Student Government Association so that each academic college is represented. A student will be considered to be not in good standing if he/she is currently suspended, on disciplinary probation, has non-completed sanctions, or a cumulative GPA of less than 2.5.

- c. If a CJB hearing is scheduled during breaks or summer sessions and the CJB appointees are not available, members will be appointed as follows: The President will appoint four members of the faculty and/or administrative staff. The President of the Student Government Association will appoint two students who are in good standing with the University.
 - d. If a member of the CJB is not fulfilling his/her responsibilities, the DoS or designee may recommend replacement of the member to the appointing body.
2. A sitting panel will be selected for each case based on the availability of CJB members and will consist of two students, and four of the faculty/staff members.
 3. The DoS or designee may serve as an adviser to a sitting panel and share the discipline file of the accused.

B. Term of Office

1. Elected faculty members will serve three year staggered terms. Appointed members will serve a one year term. SGA student members will be appointed for a one year term.
2. When a campus judicial board member resigns, vacancies will be filled as follows: the Faculty Senate Executive Committee will appoint or elect faculty for elected faculty vacancies; the University President will make a new appointment for appointed vacancies; and the SGA President will make a new appointment for student representative vacancies.

C. Jurisdiction

1. The CJB will conduct hearings and appeals of students alleged to have committed violations of the Code of Student Conduct.
2. The CJB has jurisdiction over alleged violations committed by University students other than academic violations, including by way of example, but not limited to: theft; assault; violations of alcohol/substance abuse policies and/or the Code of Student Conduct; and all matters arising under the Student Government Association Constitution as referred by the SGA or DoS or designee (SGA impeachment proceedings will be consistent with the SGA Constitution).
3. To accomplish fundamental fairness, the CJB may change or modify its rules and procedures to apply to particular facts, circumstances or cases before it.

D. Referrals

The DoS or designee may refer cases to the CJB.

E. Powers, Decisions and Effects of Noncompliance

1. The CJB has the authority to enforce its decisions and to impose sanctions.
2. In the event that a student called before the CJB fails to appear at his or her scheduled hearing, the board will not find the student in violation solely because the student did not participate in the hearing.
3. The failure of a student to comply with the decision of the CJB may result in additional penalties. The Office of Judicial Affairs on behalf of the CJB may notify the Provost's Office, Registrar and other relevant University offices of noncompliance with any of its decisions.
4. The DoS or designee will monitor the compliance of CJB decisions.

F. Rights and Responsibilities of a Student Called before the Campus Judicial Board

1. All University students have rights and responsibilities. For a complete list, refer to Section II.
2. A student called before the CJB will also have the following rights:
 - a. A written notice of charges and an outline of student rights and hearing options.
 - b. All hearings will be closed to parties not directly involved with the case.
 - c. A notice of the date, time, place and format of the hearing.
3. A student called before the CJB has the following responsibilities:
 - a. Prompt response to all delivered correspondence is necessary to expedite judicial matters.
 - b. If the student does not respond to the charge letter by the date requested, the student forfeits the above rights and the hearing will continue in his or her absence.
4. During the CJB hearing, a student charged with a violation is entitled or subject to:
 - a. Advisory assistance. The adviser may be any individual of the student's choice and may assist the student in all phases of the judicial process. Only one (1) adviser is permitted. The University maintains the right to disqualify a particular adviser when participation of that adviser allows the potential for disruption of the judicial process.
 - b. Appear in person and to present witnesses and any information relevant to the case. Witnesses will be present only during the time they are testifying.
 - c. Present signed written statements from person(s) who are unable to attend the hearing.
 - d. Hear and question all witnesses, and have access to all relevant information and evidence. Special conditions for questioning witnesses may be imposed in sensitive cases.
 - e. Challenge sitting panel members for cause. The removal of a panel member will be at the discretion of the chair of the panel.
 - f. Refuse to answer any question(s) or to make a statement. However, the adjudicating agent will make its decision on the basis of information introduced at the hearing.
 - g. Elect not to appear at the hearing. The hearing will be conducted in the student's absence.
 - h. Be found in violation, based upon the information introduced at the hearing and if responsibility is strongly indicated.

G. The Procedure of the Campus Judicial Board

1. Prior to the Hearing
 - a. Members of the CJB will be contacted by the Office of Judicial Affairs regarding their availability for a case. A sitting panel will be chosen based on availability of members as noted in Section VII A.1. Documents and details of the case will be available at the time of the hearing.
 - b. The student who is the subject of the alleged violation(s) will receive notification of the time and place of the hearing.
2. General Information about the Hearing
 - a. Members of the CJB may be removed or disqualify themselves from sitting on a particular case for reasons of conflict of interest and a substitute may be appointed by the chair.
 - b. The chairperson of the sitting panel will be responsible for conducting the hearing, ensuring that proper records are kept and informing the appropriate officials of the decision and sanctions imposed.

- c. Statements, evidence, or comments given during hearings will be held in confidence by members of the panel.
 - d. A record of all hearings will be made by the CJB by tape recording or by another method determined by the board. These recordings will constitute the official record of all such proceedings.
 - e. During the hearing any mitigating circumstances may be introduced by either side to the panel.
 - f. Proceedings of the CJB will take precedence over all non-academic activities and may, in extreme cases, need to take precedence over academic activities. Board members, students who are the subjects of a complaint, and all witnesses notified by the board will appear at the times designated by the board and will be excused from other obligations to participate in board proceedings.
 - g. The chair will determine the appropriateness of questions and make decisions regarding procedural questions arising during the hearing.
3. Procedures of a Campus Judicial Board Hearing
- a. The chair will summarize the complaint and inform the student who is the subject of the complaint of the specific nature of the complaint or alleged infraction.
 - b. The chair will call upon the DoS or designee to present evidence of violations of the Code of Student Conduct, documentation of past violations and/or sanctions of the accused.
 - c. The student who is the subject of the complaint may be present throughout the hearing and may consult with his or her adviser during testimony.
 - d. The CJB may hear and question each witness separately.
 - e. The CJB may call any witnesses whose testimony bears on the case.
 - f. The CJB insists on honest and forthright responses to its questions, and may issue sanctions, including suspension or dismissal, for any witness who is not truthful or who intentionally misleads the board. All students who testify before the board may be required to sign a statement attesting to the truthfulness of their testimony.
 - g. The student who is the subject of the complaint may be required to submit questions for a witness in writing. The Chair will determine the appropriateness of questions and may choose to direct questions to the witness in the place of the accused student.
 - h. Decisions are based upon a majority vote from the CJB sitting panel. The Chair of the CJB only votes in case of a tie.
4. Post-Hearing
- a. Only sitting panel members and the DoS or designee may be present and participate in the deliberations.
 - b. The DoS or designee will be responsible for notifying the student of the CJB decision in writing, ensure that proper record entries are made and that appropriate action on the penalty is taken.
 - c. After complaints of violence or sex offenses, the DoS or designee will be responsible for notifying the victim and/or complainant (or next of kin in case of death of victim) of the decision, ensure that proper record entries are made, and that appropriate action on the penalty is taken.
 - d. CJB case files will be maintained in the Office of Judicial Affairs.
5. Decisions and Appeals
- a. Refer to Section V: Hearing Decisions and Notification for Violations and Section VI: Sanctions.
 - b. If the student is found in violation and believes the decision is unjust, the student may appeal the CJB decision in writing to the DoS, whose decision is the final step in the process within the University.

- c. A student who has violated or who has been charged with a violation of any non-academic regulation of the University may not be permitted to withdraw from the University without the permission of the DoS or designee. A notation of the circumstances under which the accused student was permitted to withdraw will be entered in the student's judicial record. The withdrawal of a student with or without such approval will not deprive the University of the power to hear charges against him or her and in the event he or she is found to be in violation, the University may restrict his or her readmission on such terms or under such circumstances as it may prescribe.
- d. If a student is found in violation of the Code of Student Conduct, the Office of Financial Aid may be informed and subsequent financial aid decisions may be impacted.

VIII. Community Standards Committee

- A. The University will maintain a Community Standards Committee consisting of the following individuals:
 - 1. DoS or designee
 - 2. Chief of the Department of Public Safety or designee
 - 3. University Counsel or designee
 - 4. Provost or designee
 - 5. Director of Counseling Services or designee
 - 6. Director of Judicial Affairs, ex-officio member.
- B. The purpose of the Community Standards Committee is to review and approve applications of students who have indicated prior school disciplinary or criminal history to determine if such individuals meet community standards for inclusion in the University community.
- C. Procedures of the Community Standards Committee
 - 1. The Office of Admissions will provide applications indicating prior school disciplinary or criminal history to the Director of Judicial Affairs.
 - 2. The Director of Judicial Affairs will complete a preliminary review of applications and approve those who would normally be permitted to continue at the University if the infraction had occurred while enrolled at the University.
 - 3. The Director of Judicial Affairs will refer other applications for full committee review. The full committee will review, investigate, and vote on the acceptability of those applicants. A majority vote will determine the status of the application.
- D. Decisions of the Community Standards Committee
 - The Community Standards Committee may make the following determinations:
 - 1. The applicant may not be admitted to the University.
 - 2. The applicant may be admitted to the University under conditions.
 - a. It will be the responsibility of the Office of Admissions to communicate those conditions to the applicant.
 - b. It will be the responsibility of the Office of Judicial Affairs to ensure that those conditions are met and to address failure to meet those conditions.
 - 3. The applicant may be admitted without conditions.

Questions or concerns regarding this Code of Student Conduct should be referred to the Dean of Students or the Office of Judicial Affairs.