

# Code of Student Conduct

## I. INTRODUCTION

Emory & Henry College Student Government seeks to provide an atmosphere in which intellectual, religious, moral, and social growth may take place and thus assist the student toward personal fulfillment and responsible participation in the modern world. To this end, the College seeks to insure freedom of inquiry and expression in teaching and learning. Since experience in total community is a part of the teaching-learning process, this freedom depends upon the appropriate opportunities and conditions in the classroom, on the campus, and throughout the College community. The administration, faculty, and student body therefore, have basic responsibilities toward realizing the purposes of Emory & Henry College through establishing programs and policies and setting standards of scholarship and conduct which are appropriate to these objectives.

Expectations of student conduct are defined in various College publications as well as communicated through groups and organizations of the College community by meetings, publications, and contracts. It is the student's obligation to conduct themselves as a responsible citizen, to abide by the stated rules and regulations of the College and to express themselves in an orderly manner.

## II. STUDENT RIGHTS AND RESPONSIBILITIES

### A. General Information

Responsibility for good conduct rests with students as individuals. All members of the campus community are expected to use reasonable judgment in their daily lives to show concern for the welfare and rights of others. Educational institutions are not sanctuaries from the jurisdiction of the civil and criminal laws of the communities and states where such institutions exist. If in violation of city, state, or federal laws, the student may be prosecuted by those authorities, as well as by College authorities if the conduct violates College standards. Some prohibited conduct may necessitate response through both the Academic and Non-Academic processes of the Code of Student Conduct.

Students are entitled to be secure in their personal privacy, but the College will conduct facility inspections for maintenance, health, or safety purposes. Also, the College may conduct search and seizure operations when the health and safety of persons or property are involved.

To serve the interests of all students, the College may decline admission, suspend enrollment, or administratively withdraw a student from the College based on violations of the Code of Student Conduct. A student is not in good disciplinary standing with the College while suspended, on disciplinary probation or has past due sanctions/action plans.

Students agree to abide by all rules and regulations of the College a condition of admission. Any violation of the Code of Student Conduct that occurs between the time of acceptance and enrollment at the College may be subject to review by the Dean of Students.

### B. Rights of the Respondent

1. Persons alleged to have violated the College's rules and regulations have the following rights
  - a. written/electronically mailed notice of the charge(s), account of the alleged misconduct and notice of the scheduled hearing;
  - b. the right to a hearing;
  - c. the right to a timely student conduct process and decision;
  - d. the right to challenge the admissibility of information;
  - e. the right to appeal;

- f. the preponderance of the information is the standard of proof used to determine if a violation has occurred;
  - g. the right to a personal adviser whose role is to advise the student rather than actively represent;
  - h. the right to participate in the conduct hearing or remain silent;
  - i. the right to present witnesses and a reasonable number of character statements;
  - j. a written decision specifying the violation, outcome, 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; and
  - o. the right to face their accuser. (Special conditions may be imposed in sensitive cases.)
  - p. the right to have any ADA accommodations for visible and non-visible disabilities. Under the ADA, you have a disability if you have a physical or mental impairment that substantially limits a major life activity. The ADA also protects you if you have a history of such a disability. For more information, please see: <https://www.ada.gov/pubs/adastatute08.pdf> ; <https://www.ehc.edu/powell-resource-center/disability-support-services/>
2. The College will make every effort to protect the rights and dignity of persons responding to or victims/complainants of violations of this code within limits provided by the Family Education Rights and Privacy Act (FERPA) and other federal, state, and local laws. In accordance with FERPA, prior consent is not required to disclose personally identifiable information to schools at which a student intends to enroll. Regarding these requests, the College will make an attempt to notify the student that records are being provided.

### 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 information supporting the victim's/complainant's version of the alleged violation; and
  - c. in cases of violence and Title IX violations, the right to know (or have next of kin know in case of death of victim) the outcome, including elements of the sanctions/action plans from the hearing.
- 2. **The College will make every effort to protect the rights and dignity of victims/complainants of violations of this code within the limits provided by FERPA and other federal, state, and local laws.**

## III. ACADEMIC INTEGRITY CODE

- A. Statement of Community Standards: Emory & Henry College is an academic community that expects the highest standards of honesty, integrity, and personal responsibility. Members of this community are accountable for their actions and are committed to creating an atmosphere of mutual respect and trust.
- B. Expectations of Community Members: All members of our community -- students, faculty, staff, and administrators -- share responsibility for promoting a culture of academic integrity. Each group plays a different role, and, together, cultivates mutual respect and ethical behavior.
  - 1. Students:
    - a. Understand and abide by the Code of Student Code;
    - b. Take responsibility for personal behavior
    - c. Actively oppose every instance of academic dishonesty.
  - 2. Faculty Members
    - a. Serve as mentors, advisers, and educators for students;
    - b. Uphold and enforce College rules and guidelines;
    - c. Clarify academic expectations for students
  - 3. Administrators and staff
    - a. Educate the campus and surrounding communities about academic integrity;
    - b. Ensure responsible and consistent enforcement of standards
- C. Honor Pledge
  - 1. Students will receive copies of the Honor Pledge, learn what it means and commit to the statement of community standards.
- D. Prohibited Conduct
  - 1. Plagiarism, cheating, attempted cheating, and all other forms of academic dishonesty.

- a. Examples of plagiarism include, but are not limited to, the following
    1. Borrowing words, sentences, ideas, conclusions, examples, and/or organization of an assignment without proper acknowledgement from a source (for example, a book, article, electronic document or another student's paper);
    2. Submitting another person's work in place of one's own;
    3. Allowing someone else to revise, correct, or edit an assignment without explicit permission of the instructor; submitting work without proper acknowledgment from commercial firms, websites, fraternity or sorority files, or any other outside sources, whether purchased or not;
    4. Allowing another student to substitute any part of a course for a student, including quizzes, tests and final examinations;
    5. Submitting any written assignments done with the assistance of another without the explicit permission of the instructor;
    6. Submitting work that was originally prepared for another class without the explicit permission of the instructor; and
    7. Knowing aiding another student who is engaged in plagiarism.
  - b. Examples of cheating and attempted cheating include, but are not limited to, the following:
    1. Using or intending to use unauthorized information, materials, or assistance of any kind of an assignment, quiz, test or final examination;
    2. Knowingly aiding or attempting to aid another student who is engaged in cheating.
  2. Furnishing false information to any College official, faculty member or College office to obtain academic advantage
  3. Forging, altering, or misusing any College document or record to obtain academic advantage.
- E. Resolution Process for Academic Violations
1. Alleged academic violations should be reported in writing to the instructor of the class or to the Office of the Provost within seven (7) business days of receiving knowledge of a possible violation. The report may be submitted by anyone who is aware of the alleged violation, including the student who committed the alleged violation or any student, faculty, or staff member who observed or has knowledge of the alleged violation.
  2. The faculty member will report the alleged violation through the Academic Integrity online reporting system. (Case files are managed by the Office of the Provost.)
  3. Reports of academic violations should include the following information
    - a. Name of the respondent,
    - b. Type of violation,
    - c. name(s) of witness(es) and,
    - d. Name of person filing the complaint.

NOTE: Anonymous written reports may alert a faculty member to an existing problem in the classroom, but these reports cannot serve as the sole basis for disciplinary action. Intentionally making a false accusation is an honor code violation.
  4. A student who has been charged with an academic violation may not withdraw from the class or the College to avoid the consequences of an academic honesty violation.
  5. Hearing Process
    - a. Student-Faculty Informal Meeting
      1. Within seven (7) business days of receiving knowledge of a possible violation, the student will receive notice in writing of
        - a. The alleged violation
        - b. A summary of student rights and responsibilities and,
        - c. The date, time, and location of student-faculty informal meeting, which will take place no later than seven (7) business days from the date of notice. If the violation occurs within the last two weeks of a semester or during a period between semesters, the meeting will occur as soon as is practical the following semester. Faculty may give a grade of Incomplete for the course if a violation is pending.

Note: Unusual circumstances may warrant adjustments in the timeline.
      2. At the student-faculty informal meeting, the alleged violation(s) and possible sanction(s) will be reviewed. The student may respond to the charge(s) in writing in advance of the meeting and/or may respond verbally at the meeting. If a student does not attend the meeting, the meeting may proceed in the student's absence.
      3. Participants at a student-faculty informal meeting will include the instructor and the respondent, and may also include the student(s) faculty or staff member(s) who observed and reported the

infraction. At the request of the faculty member or student, an Academic Integrity Officer may be present at this meeting. The chair of the department of the course in which the incident occurred should not attend this meeting, as the Chair may be involved in the resolution process if the student decides to appeal the decision of the instructor.

4. At the student-faculty informal meeting, the faculty member will determine if the student is in violation of the alleged misconduct.
  5. If the student is found in violation, the faculty member will determine a sanction (see Sanction F). One of the following will occur:
    - a. The student agrees with the faculty member's decision; or
    - b. The student does not agree with the faculty member's decision, feels that the imposed penalty is too severe, or believes that the College process has been violated. The student may submit a written request for an appeal hearing to the Provost. This letter will include a brief explanation of the alleged violation and the specific reason for requesting the appeal. The request for an appeal hearing must be made within five (5) business days of receiving the decision of the faculty member from the student-faculty informal meeting.
  6. The Office of the Provost will receive all reports of alleged violations. Students who have been found in violation of a previous offense will be referred to the Academic Standards Committee for sanctioning. More serious sanctions will automatically be considered for students with more than one violation.
- b. Academic Standards Committee (ASC)
1. The ASC consists of both faculty and student representatives (4 faculty, two students, and 2 ex officio). The student representative will be selected from a list of nominees developed by the Student Government Association. The student appointee must be in good disciplinary standing, meaning that the student is not on probation and/or has no incomplete sanctions. Also, the student member must have completed at least 60 credit hours, be a full-time student, and have a GPA of 2.5 or better.
  2. The Office of the Provost will notify the respondent in writing of the date, time, location, and purpose of the hearing. At the hearing, the ASC will review the case. The instructor of the course will be present to summarize the incident, and the student will have an opportunity to respond. If the student does not respond to the notification, the hearing may proceed in the student's absence.
  3. The ASC may uphold or modify the decision from the student-faculty informal meeting. In second-offense cases, the ASC will not issue a sanction at a lower level than what was assigned in the faculty hearing.
- c. Appeals Process
1. If a student believes that due process has failed or that substantive issues related to the case were not reviewed at the ASC hearing, the student may submit a written appeal to the Provost in which the course under consideration was offered within five (5) business days of receiving the decision of the ASC. The decision from the Department Chair is the final step in the resolution process.
6. Academic Sanctions
- a. Following the student-faculty informal meeting, the faculty member may impose one (1) or more of the following sanctions when a student is found in violation.
    1. Written warning;
    2. Grade of F on the assignment;
    3. Grade of F in the class;
    4. Required attendance at an academic integrity workshop; and/or
    5. Other educational sanctions (in consultation with the Provost)
  - b. The ASC or Chair of the Department or designee may impose one (1) or more of the following sanctions when a student is found in violation:
    1. Any student-faculty hearing sanctions;
    2. Loss or privileges;
    3. Disciplinary suspension from the college; and/or
    4. Permanent dismissal from the College.Students who do not complete required sanctions may be referred to the ASC for additional sanctions.

## IV. NON-ACADEMIC CONDUCT CODE

### A. General Guidelines for Non-Academic Violations

1. The Dean of Students 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 other staff members.
2. Anyone may initiate a complaint regarding a College student by submitting the following information through an incident report (please refer to the Office of the Vice President for Student Life, Student Success, and Inclusion website for information):
  - a. a clear, signed statement explaining the nature and circumstances of the complaint; and
  - b. 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 becomes a registered sex offender prior to or during the student's tenure at the College will be subject to permanent dismissal.
5. The Office of the Vice President for Student Life, Student Success, and Inclusion maintains student disciplinary files, which are considered educational records as defined by FERPA. The current or former student's conduct file may contain copies of all necessary and appropriate correspondence; name(s) of the hearing officer(s); Student Conduct Board and appeal decisions; recorded sessions; as well as other documentation pertinent to any case for which a student found responsible for a violation of the Code of Student Conduct. The terms "file" or "record" mean any information relating to a current or former student that is stored in a fashion that facilitates recovery of that information by reference to the individual in whatever form or medium such gathering of information is created, kept, or maintained. A password-protected, electronic software system is used to maintain the student conduct records. Hard copy files are stored in a locked file cabinet that can only be accessed by authorized College personnel. Disciplinary records not involving a separation from the College are maintained for a period of seven years. Records resulting in a separation of a student will be retained indefinitely.

### B. Jurisdiction of the Code

Violations of College policies, rules or regulations, or federal, state or local laws may constitute a violation of this Code and result in disciplinary action. The College has authority over all conduct violations that occur on College premises and reserves the right to consider the behavior of students off campus when it is determined that the off-campus behavior is detrimental to the College and its educational mission.

1. Violation of Law and College Disciplinary Proceedings
  - a. The procedures provided in this Code are not intended to be equivalent to the process of federal, state or local criminal laws. Criminal procedures do not address the academic mission of the College. College disciplinary proceedings may be initiated against a student charged with a violation of law that is also a violation of this Code. The College reserves the right to proceed under this Code prior to, concurrent with or subsequent to civil litigation, criminal arrest or criminal prosecution. The College may work to coordinate with the court system to ensure no duplication of services, penalties, or outcomes the College cooperates fully with law enforcement agencies to the extent permitted by law.
2. Off-Campus Violations and College Disciplinary Proceedings
  - a. The primary types of off-campus violations addressed by the Dean of Students include, but are not limited to, the following:
    1. felony charges;
    2. assault charges;
    3. driving under the noticeable effect of alcohol/drugs or charges of driving by individuals under the legal age to possess alcohol;
    4. repeated (more than one) misdemeanor charges not listed above; and
    5. activities of a student or group of students that clearly conflict with the College's interests and mission, including, but not limited to, patterns of behavior that put the health and safety of others at risk or show disregard for the policies of the College.

### C. Prohibited Conduct

#### 1. Abuse of the Student Conduct System

The College prohibits any and all abuses of the student conduct system. Abuse includes, but is not limited to, the following:

- a. Failure to inform hearing officer of student's choice not to appear for a pre-hearing 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 College official prior, during, or after a student conduct proceeding;
  - c. disruption of or interference with the orderly conduct of a student conduct proceeding;
  - d. attempting to discourage an individual through coercive behavior and/or manipulative tactics from participation in or use of the student conduct system
  - e. attempting to influence the impartiality of a member of a Student Conduct Board, the charging party, a witness or complainant/victim prior to, during the course of or after a student conduct proceeding and
  - f. influencing or attempting to influence another person to commit an abuse of the student conduct system.
2. **Accessory to Prohibited Conduct**  
The College prohibits acting as an accessory to any illegal activity and/or conduct that is deemed a violation of College policy.
3. **Academic misconduct:** Any act of cheating, plagiarism, or the misrepresentation of another person's work as one's own, or the aiding of such actions. This section includes the use of unauthorized electronic devices for tests. Such misconduct will be referred to the Honor Council as an Honor Code violation (see page 101).
4. **Policy on Sexual and Gender-based Harassment and Discrimination and Other Forms of Interpersonal Violence:** See detailed information on **pages 68-84**.
5. **Alcoholic beverages**
- a. Possession, sale, distribution, consumption of, and being in the presence of alcohol regardless of age.
  - b. Possession, sale, distribution, and consumption of alcohol off campus for those under the legal age to possess alcohol.
  - c. Sale or distribution of alcohol to those under the legal age to possess alcohol.
  - d. Driving while under the noticeable effect of alcohol.
  - e. Any behavior that is the direct result of alcohol consumption. Any student found to be visibly impacted by alcohol consumption will be found in violation of the alcohol policy.
  - f. Possession of any items that provide for the common distribution of alcoholic beverages on property owned, occupied, or leased by the College or in College facilities. Furthermore, empty containers of alcohol (beer cans, beer bottles, wine bottles, distilled spirits, etc.) are a violation of the alcohol policy.
  - g. Consumption from or the possession of an open container of alcohol in public, off-campus locations regardless of age except at licensed events or establishments.
  - h. Any student, regardless of age, found to be acutely intoxicated, will be evaluated by Emergency Services for possible hospital treatment.
6. **Assault**  
The College prohibits
- a. physical assault or abuse - tries to or does physically strike another - and
  - b. other conduct that threatens or endangers the health or safety of any person or any act that unreasonably interferes with, impedes, or harasses other persons in the pursuit of their education or way of life.
7. **Hostile Communication**
- a. Threatening another individual physically, verbally, or by any other means in a manner to make that individual reasonably believe that the threat or threats are likely to be carried out; harassment; intimidation, or coercion by any means, including electronic communication. Examples include, but are not limited to, use of profane language, or insulting or harassing College faculty, staff, and student employees.
  - b. Hate speech clause: The principles of community adopted by Emory & Henry college include a commitment to building a safe and fostering human environment. The College also affirms the link between diversity and excellence, and the dignity of all individuals. Therefore, Emory & Henry College is a hate speech free zone.
8. **Disruptive or disorderly conduct:**
- a. Disruptive behavior or other conduct that, taken alone or considered in the aggregate, interferes with the institution's operations or with the ability of faculty, staff, or students to work or learn.

- b. Conduct that disrupts the academic and social environment of the campus or surrounding areas 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.
9. **Drugs**
- a. The college prohibits the illegal selling, manufacture, distribution, possession, delivery, and/or professionally unsupervised usage of all prescription drugs, hallucinogenic drugs, and controlled substances or being in the presence of the usage of such substances.
  - b. The College prohibits the sale, possession, and/or distribution of drug paraphernalia including, but not limited to, hookahs, bong, pipes, etc.
  - c. The College prohibits driving while under the noticeable effect of drugs.
  - d. The College prohibits any 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.
10. **Failure to Comply**  
Persons on College property or in the surrounding areas must comply with the lawful directions of law enforcement officers and College officials, including the request to identify oneself. Also, students must comply with the action plans that are issued through the student conduct process.
11. **Fire and Emergency Safety**
- a. The College prohibits the attempt to set, the setting of, or the adding to unauthorized fires on property owned, occupied, or leased by the College.
  - b. It is a violation of College policy to tamper with, damage, or misuse any fire protection and/or emergency equipment. In addition to College disciplinary action, the student may be subject to criminal prosecution. This includes tampering with emergency buttons.
  - c. The College prohibits the possession and/or usage of any explosive devices, materials or dangerous chemicals. This policy prohibits, but is not limited to, all types of fireworks.
12. **Misrepresentation of information**
- a. The College strictly prohibits the possession or use of a false, forged, borrowed, or altered identification card of any kind or the use of the identification of another person.
  - b. The College strictly prohibits the alteration, falsification, or other misuse of a student's documents, College documents or records. Additionally, this may include, but is not limited to, the following: furnishing false information to the College or other parties; forgery; unauthorized alteration of any documentation; medical excuses; legal documents; or misuse of a College official's signature.
13. **Hazing**
- a. 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 or current 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.
14. **Information technology**
- a. The College prohibits unauthorized access to or abuse of College network and computing systems, or any other violations of the College computer use policy, including but not limited to
    - 1. unauthorized entry into a file for any purpose,
    - 2. unauthorized transfer of a file; and
    - 3. use of computing facilities and resources in violation of copyright laws
15. **Theft**
- a. Emory & Henry College prohibits the unauthorized taking, misappropriation or possession of any property or services owned or maintained by the College or any person on campus or attending a College-related function. In addition, it is a violation of College policy to possess stolen personal or public property belonging to others outside of the College community.
16. **Unauthorized Entry or Usage**
- a. The College prohibits unauthorized entry into or usage of a College facility and/or property or elsewhere. This includes unauthorized solicitation and/or distribution of marketing materials. Additionally, this policy applies to unauthorized possession, duplication, or use of keys or access cards to any College premises.
17. **Vandalism**
- a. The College prohibits the willful abuse or damage of property owned, occupied, or leased by the College, as well as the property of others.

18. Weapons and/or Dangerous Instruments
    - a. It is a violation of College policy to possess firearms or ammunition whether operable or inoperable, loaded or unloaded.
    - b. No student may possess or use a dangerous instrument, including decoys and replicas. An 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. This policy includes the possession, ignition, and/or detonation of explosives, fireworks, and flammable materials.
  19. Gambling
    - a. It is a violation of College policy to engage in unlawful and illegal gambling in any form.
  20. **Unchartered organizations:**
    - a. It is a violation to be a member of organizations that are not chartered with the Student Government or Greek Council.
  21. **Unregistered members:**
    - a. It is a violation to be a member of a Greek organization without being registered with the College as an official member.
  22. Nuisance
    - a. The College prohibits conduct of a student who uses, owns, occupies, or leases any building or residence where the behavior or misconduct at that location either disturbs the public peace or violates the College policies so that the building, business or residence may be viewed by the community or the College as a nuisance.
  23. Other
    - a. Violation of federal, state, or local laws on College premises, at College-sponsored or College-supervised activities, or elsewhere, including off-campus locations, if such conduct adversely affects the College community is a violation of College policy.
  24. Students and their guests are required to engage in responsible social conduct that reflects positively upon the Emory & Henry College community and to model good citizenship in any community.
- D. Disciplinary Hearing Process
1. Preliminary Investigation
    - a. The Dean of Students Office or designee will investigate reports of alleged violations of the Code of Student Conduct or local, state or federal laws.
    - b. After completing a preliminary investigation and finding information to support an alleged violation, the student will be notified by email and/or in writing of assessed charges and notice to appear at a Pre-Hearing Conference.
    - c. In certain circumstances, based on campus or external incident/police reports, the Dean of Students or designee may impose a no-contact order (CSC.IV.H.13), residence hall suspension (CSC.IV.H.8) or interim suspension prior to the hearing.
      1. Interim Suspension = Interim suspension is an action requiring that a student immediately leave the campus and property owned, occupied, or leased by the College. It may be imposed upon a student by the Dean of Students or designee when there is reasonable cause to believe, based on the 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, a notice is given with the reasons for the suspension, the duration, and any special conditions that apply. The case for a student who is suspended on an interim basis will be heard by an administrator or by the Student Conduct Board within ten (10) business days of the interim suspension, unless circumstances such as incarceration of the respondent 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 College 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 Dean of Students or designee, or to participate in disciplinary procedures may be granted in writing by the Dean of Students Office.
    - d. A student who has violated or who has been charged with a violation of any non-academic regulations of the College will need to request the permission of the Dean of Students or designee to withdraw. A notation of the circumstances under which the respondent was permitted to withdraw will be entered in the student's conduct record. The withdrawal of a student with or without such approval



will not deprive the College of the power to hear charges against the student, and in the event of being found in violation, the College may restrict the student's readmission on such terms or under such circumstances as it may prescribe.

- e. The College's action shall be independent of civil and/or criminal proceedings pending in the city, state, or federal court. The outcome of court proceedings has no bearing on the College student conduct process or action plans. At a disciplinary hearing, the technical rules of evidence applicable to civil and criminal cases shall not apply.

## 2. Pre-Hearing Conference

- a. A hearing officer will conduct the conference. The complainant may or may not be present.
- b. This conference will occur as soon as possible after the report or complaint is received. The hearing officer will inform the respondent of these facts
  - 1. The charge(s) assessed;
  - 2. the disciplinary hearing options; and
  - 3. possible action plans involved.
- c. At the Pre-Hearing Conference, a hearing officer will provide the respondent:
  - 1. A written notice of the charge(s) and an outline of rights. In the event that additional charges are assessed, a further written notice must be forwarded to the student. These notices may be mailed, hand-delivered or electronically mailed.
  - 2. A review of all available information, documents, exhibits, and a list of witnesses.
  - 3. The choice not to appear at the hearing. In that case, the hearing will be conducted in the student's absence.
  - 4. Assistance by a personal adviser. The personal adviser provides the student moral support and must be a member of the College community. The College has the right to disqualify a particular adviser when participation of that adviser allows the potential for disruption of the student conduct 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 hearing officer.
    - b. Accompany the student to all student conduct proceedings whenever possible.
    - c. Not serve as a witness.
- d. At the conclusion of the pre-hearing conference, one of the following will occur:
  - 1. The hearing officer and the student agree to move into an administrative resolution.
  - 2. The hearing officer may delay completion of a review until further investigation is completed.
  - 3. The conduct case is referred by either the hearing officer or the respondent to a hearing with the Student Conduct Board. (Refer to Section E: Student Conduct Board.)

## 3. Student Conduct Administrative Resolution

- a. The respondent will be provided the opportunity to present information in response to the assessed charges.
- b. The hearing officer determines whether a violation has occurred based on the majority of the information and provides written documentation of the decision.

- 4. In cases of violence and sex offenses, the victim/complainant may have support person(s) present during the Pre-Hearing Conference/Administrative Resolution and Student Conduct Board hearing. The support person(s) may not participate in the hearings in any way.

## 5. Appeal Process

- a. Refer to Section G: Appeal Process for Non-Academic Violations for process.

## 6. Student Conduct Board Hearing

- a. Refer to Section E: Student Conduct Board for the hearing process.

## E. Student Conduct Board

### 1. Members

- a. The Student Conduct Board (SCB) will consist of 5 elected faculty at large; 5 administrative staff or faculty members appointed by the College President; and 15 students.
  - 1. The Chair of the SCB will be a faculty member, elected by the members of the SCB. A Vice Chair (faculty/staff member) will also be elected and will serve in the absence of the Chair.
  - 2. 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, maintain a cumulative GPA of 2.5 or higher, and be appointed by the Student Government Association. A student is not in good disciplinary standing while suspended, on disciplinary probation, or has past due action plans.

3. If an SCB is scheduled during breaks or summer sessions and the SCB appointees are not available, the 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 College.
4. If a member of the SCB is not fulfilling the responsibilities of the position, the Dean of Students or designee may recommend replacement of the member to the appointing body.
- b. A sitting panel will be selected for each case based on the availability of SCB members and will consist of two students and four of the faculty/staff members.  
NOTE: Title IX hearings may require a special panel composition.
- c. The Dean of Students or designee may serve as an adviser to a sitting panel and share the discipline file of the respondent.
2. Term of Office
  - a. 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.
  - b. When an SCB member resigns, vacancies will be filled as follows: the Faculty Senate Executive Committee will appoint or elect faculty for elected faculty vacancies; the College President will make a new appointment for appointed vacancies; and the SGA President will make a new appointment for student representative vacancies.
3. Jurisdiction
  - a. The SCB will conduct hearings and appeals of students alleged to have committed violations of the Code of Student Conduct.
  - b. The SCB has jurisdiction over alleged violations committed by College 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 Dean of Students or designee. (SGA impeachment proceedings will be held according to the procedures outlined in the SGA constitution.)
  - c. To accomplish fundamental fairness, the SCB may change or modify its rules and procedures to apply to particular facts, circumstances or cases before it.
4. Referrals
  - a. The Dean of Students or designee may refer cases to the SCB.
5. Powers, Decisions, and Effects of Noncompliance.
  - a. The SCB has the authority to enforce its decisions and to impose action plans.
  - b. In the event that a student called before the SCB fails to appear for the scheduled hearing, the board will not find the student in violation solely because the student did not participate in the hearing.
  - c. The failure of a student to comply with the decision of the SCB may result in additional penalties. The Dean of Students Office on behalf of the SCB may notify the Provost's Office, Registrar, and other relevant College offices of noncompliance with any of its decisions.
  - d. The Dean of Students or designee will monitor the compliance of SCB decisions.
6. Rights and Responsibilities of a Student Called Before the Student Conduct Board
  - a. All College students have rights and responsibilities. For a complete list, refer to Section II.
  - b. A student called before the SCB will also have the following rights:
    1. A notice of the date, time, place, and the format of the hearing.
    2. A written notice of charges and an outline of student rights and hearing options.
    3. All hearings will be closed to parties not directly involved with the case.
  - c. A student called before the SCB has the following responsibilities:
    1. Prompt response to all delivered correspondence is necessary to expedite student conduct matters.
    2. If the student does not respond to the charge letter by the date requested, the student forfeits the above rights and the hearing will be heard in the student's absence.
  - d. During the SCB hearing, a student charged with a violation is entitled or subject to:
    1. Advisory assistance: The personal adviser provides the student moral support and must be a member of the College community. The College has the right to disqualify a particular adviser when participation of that adviser allows the potential for disruption of the student conduct process. The adviser may not also serve as a witness.
    2. 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.
    3. Present signed witness statements from person(s) who are unable to attend the hearing.

4. Hear and question all witnesses and have access to all relevant information. Special conditions for questioning witnesses may be imposed in sensitive cases.
  5. Challenge sitting panel members for cause. The removal of a panel member will be at the discretion of the Chair of the panel.
  6. 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.
  7. Elect not to appear at the hearing. The hearing will be conducted in the student's absence.
  8. Be found in violation, based upon the information introduced at the hearing and if responsibility is strongly indicated.
7. The Procedure of the Student Conduct Board
- a. Prior to the meeting
    1. Members of the SCB will be contacted by the Dean of Students Office regarding their availability for a case. A sitting panel will be chosen based on the availability of members as noted in Section IV.E.1.a. Documents and details of the case will be available at the time of the hearing.
    2. The student who is the subject of the alleged violation(s) will receive notification of the time and place of the hearing.
  - b. General information about the Hearing.
    1. Members of the SCB 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.
    2. The Chair 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 action plan.
    3. Statements, information, or comments given during the hearings will be held in confidence by members of the panel.
    4. A record of all hearings will be made by the SCB by tape recording or by another method determined by the board. The recordings will constitute the official record of all such proceedings.
    5. During the hearing, any mitigating circumstances may be introduced by either side to the panel.
    6. Proceedings of the SCB 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
    7. The Chair will determine the appropriateness of questions and make decisions regarding procedural questions that arise during the hearing.
  - c. Procedures of a Student Conduct Board Hearing
    1. 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.
    2. The Chair will call upon the Dean of Students or designee to present information to support violations of the Code of Student Conduct, documentation of past violations and/or outcomes on the record of the respondent.
    3. The student who is the subject of the complaint may be present throughout the hearing and may consult with an adviser during testimony.
    4. The SCB may hear and question each witness separately.
    5. The SCB may call any witnesses whose testimony bears on the case.
    6. The SCB insists on honest and forthright responses to its questions and may issue decisions, 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.
    7. 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 place of the respondent.
    8. Decisions are based upon a majority vote from the SCB sitting panel. The Chair of the SCB only votes in case of a tie.
  - d. Post-Hearing
    1. Only sitting panel members and the Dean of Students or designee may be present and participate in the deliberations.
    2. The Dean of Students or designee will be responsible for notifying the student of the SCB decision in writing, ensuring that proper record entries are made, and that appropriate follow-up on the action plan occurs.

3. After complaints of violence of sex offenses, the Dean of Students 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 follow-up on the action plan occurs.
  4. SCB case files are maintained in the Dean of Students Office.
- e. Decisions and Appeals
1. Refer to Section F: Hearing Decisions and Notification for Violations and Section H: Non-Academic Action Plans
  2. Refer to Section G: Appeal Process for Non-Academic Violations
  3. If a student is found in violation of the Code of Student Conduct, the Official of Financial Aid may be informed and subsequent financial aid decisions may be impacted.
- F. Hearing Decisions and Notification of Violations
1. Finding of Not In Violation
    - a. A finding of not in violation as a result of a decision by any hearing body will resolve the matter with no further action. A finding of not in violation by any of the appellate bodies will result in a complete reversal and/or modification of action plans previously imposed and may not be appealed further. After a finding of not in violation in the case of an appeal, all record of the action plan previously issued will be removed from the student's record.
  2. Finding of In Violation - Action Plans
    - a. Disciplinary action plans may be imposed upon students found in violation of the Code of Student Conduct. Elements of the action plan may be imposed either singularly or in combination. Action plans do not take effect until the completion of the appeal process unless otherwise specified by the hearing officer reviewing the case of the Student Conduct Board.
    - b. The purpose of developing action plans is twofold: to protect the College 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 College.
    - c. 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.
    - d. Action plans include, but are not limited to, those listed with Section H: Non-Academic Action Plans
  3. Notification
    - a. At the discretion of the Dean of Students or designee and in compliance with FERPA, decisions of cases and action plans may be shared with the student's parents or guardian, the complainant, and/or the academic dean or other appropriate College 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 respondent will be notified of the outcome of the proceedings by the Dean of Students or designee.
    - b. Notifications and hearing decisions to the student will be in writing and electronically mailed, mailed on a certified/receipt requested basis, or hand-delivered.
- G. Appeal Process for Non-Academic Violations
1. The appeal authority will generally limit its review of the original hearing record to the following two issues:
    - a. Whether College disciplinary procedures were followed that provided notice of the charges and an opportunity to respond; and/or
    - b. whether new information exists that is sufficient enough to alter the original decision and why such information was not available or not presented at the original hearing. In accordance with Title IX, the accuser has the opportunity to submit an appeal in Title IX cases.
    - c. The student must submit the appeal in writing and should be specific about which element of the action plan is being appealed. The appeal must be submitted within three (3) business days of the decision.
- H. Non-Academic Action Plans
1. Warning: a written notice to the student that the student is violating or has violated College policy.
  2. Fees: requirement that a student remit a specific amount of money, typically in relation to services or goods provided as a result of a violation (assessments, education programs, etc.).
  3. Restitution: an order to make restitution is issued when a student has engaged in conduct injurious to the property of another (individual, group, or the College) for which monetary damages may be determined. For example, this may be an element of the action plan in cases of property damage, theft, fraud, deception, or misappropriation.

4. **Community Service:** provide some type of community service to the community as a whole. The service should, where appropriate, be relevant to the nature of the violation. Service opportunities should have some educational value, and should not be unduly burdensome to other staff or students. This element of the action plan may include, but is not limited to, service on-campus, to the surrounding community, or to others in need. Service opportunities must be independent of any pre-existing relationship (family, friends, student organizations, paid employment, etc) and must be verifiable in order to fulfill action plan requirements.
5. **Educational Programs:** assigned as an opportunity for personal development. This includes, but is not limited to, alcohol education, drug education, psychological assessment, reflection document, essay, presentation, development publicity material, etc.
6. **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 element of the action plan may include, but is not limited to, denial of the right to represent the College 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.
7. **Disciplinary Probation:** a designated period of review and observation during which a student is under an official warning that the student's conduct, although not serious enough to warrant a form of suspension, violated the code. Subsequent violations of College rules, regulations or policies could result in a more severe action plan.
8. **Residence Hall Suspension:** separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for re-admission may be specified.
9. **Loss of Housing:** permanent separation or separation for a designated time period of the student from the residence halls.
10. **Suspension for a Period of Time:** denial of enrollment, attendance and other privileges at the College for a given period; conditions for re-admission may be specified. When the action plan includes suspension, 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 College activities except as may be authorized by the Dean of Students or designee. During the period of suspension, the student is denied the right to register for classes or to visit the College. The student is subject to arrest for trespassing should the student be found on property owned, occupied or leased by the College. In extenuating circumstances, a suspension may be deferred. If the student is found in violation of any College policy during the time of deferred suspension, the suspension takes effect immediately without further review. An additional student conduct action plan appropriate to the new violation also may be issued. A student who has been issued a deferred suspension is deemed "not in good standing" with the College.

A student who is on disciplinary suspension from Emory & Henry College may be required by the Dean of Students Office or the Student Conduct Board at a specified approved level of engagement to perform some approved combination of:

- a. paid work;
  - b. community service;
  - c. taking courses (that would transfer back to Emory & Henry College 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
  - d. participating in treatment/rehabilitation programs (when prescribed by SCB or the Dean of Students Office); or Educational programs (alcohol education, drug education, psychological assessment, reflection document, essay, presentation, development of publicity materials, etc.).
11. **Permanent Dismissal Involuntary separation** of the student from the College without future re-admission. The student must leave the campus and is not eligible to participate in classes or any College-sponsored or College-related activities. The student is subject to arrest for trespassing should the student be found on property owned, occupied or leased by the College.
  12. **No-Contact Order** A no-contact order is a College directive that restricts contact between individuals in any way, including in person, via email, telephone, text messaging, social networking or any other method of communication. Direct or indirect contact would be considered a violation of harassment and failure to comply. This violation could be grounds for suspension or permanent dismissal.