

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 1 of 18

Department of

Responsibility: Student and Academic Affairs

Authorization:

President

Date Approved: November 27, 2012

Last Revised: December 03, 2024

Last Reviewed: _____

I. Purpose

The Student Code for Orangeburg Calhoun Technical College sets forth the rights and responsibilities of the individual student, identifies behaviors that are not consistent with the values of college communities, and describes the procedures that will be followed to adjudicate cases of alleged misconduct. Alleged incidents of sexual violence, sexual harassment and other sex-based discrimination that do not meet the criteria of OCtech procedure 4.049.02 or State Board for Technical and Comprehensive Education (SCBTCE) procedure 8-5-101.1 or for which a formal complaint is not filed, may be adjudicated under this Code. Cases of alleged acts of sexual violence and sexual harassment must be adjudicated through OCtech procedure 4.049.02 or State Board for Technical and Comprehensive Education (SCBTCE) procedure 8-5-101.1 if it is determined that the alleged acts meet the criteria of sexual harassment Procedures and a formal complaint is filed. This Code applies to behavior on college property, at college-sponsored activities and events, and to off-campus behavior that adversely affects the college and/or the college community. The Code applies to all "students".

II. Principles

OCtech students are members of both the community and the academic community. As members of the academic community, students are subject to the obligations that accrue to them by virtue of this membership.

As members of a larger community, students are entitled to all rights and protections accorded them by the laws of that community, the enforcement of which is the responsibility of duly constituted authorities. When it has been determined that a student might have violated a federal, state, or local law off campus, college disciplinary action may be initiated only when the presence of the student on campus will disrupt the

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: THE STUDENT CODE OF CONDUCT

Number: 4.049.03

Page: 2 of 18

educational process of the college. If a student's alleged behavior simultaneously violates college regulations and the law, the college may initiate disciplinary action independent of that taken by legal authorities through this Student Code.

III. Solutions of Problems

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

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

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

IV. Definitions

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

- A. "College" means any college in the South Carolina Technical College System.
- B. "President" means the chief executive officer of the college.
- C. "Administrative Officer" means anyone designated at the college as being on the administrative staff such as President, Vice President, Dean of Students or Student Services, Chief Academic Officer, Dean of Instruction, Business Manager or Hearing Officer.
- D. "Chief Student Services Officer" means the Administrative Officer at the College who has overall management responsibility for student services, or his/her designee.

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 3 of 18

- E. "Chief Academic Officer" means the Administrative Officer at the College who has overall management responsibility for academic programs and services, or his/her designee.
- F. "Student" means an individual currently enrolled in a program and/or registered for the current or upcoming academic term.
- G. "Instructor" means any person employed by the college to conduct classes.
- H. "Staff" means any person employed by the college for reasons other than conducting classes.
- I. "SGA" means the Student Government Association of the college or other group of students convened for the purpose of representing student interests to the college's administration or in the college's governance system.
- J. "Campus" means any place where the college conducts or sponsors educational, public service, or research activities.
- K. "Violation of Law" means a violation of a law of the United States or any law or ordinance of a state or political subdivision which has jurisdiction over the place in which the violation occurs.
- L. "Instructional Days" means any weekday (M-F) in which classes are in session.
- M. "Close of Business" means the time that the administrative offices of the college close on that specific workday.
- N. "Approved Method of Notification" means any communication from college personnel through a communication channel to which the student has consented or which confirms receipt of the communication by the student, such as a hand-delivered letter, restricted mail delivery services, or e-mail. A student who communicates with the college via e-mail or otherwise provides an e-mail address in connection with communications relating to a grievance thereby consents to the service of documents and all other correspondence associated with the grievance by e-mail, and the date and time of such e-mail(s) shall be deemed the date and time of service.

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 4 of 18

STUDENT CODE

V. Student Rights

- A. Freedom from Discrimination--There shall be no discrimination in any respect by the college against a student or applicant for admission as a student on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, gender, veteran status, pregnancy, childbirth or other categories protected by applicable law.
- B. Freedom of Speech and Assembly--Students shall have the right to freedom of speech and assembly without prior restraints or censorship subject to clearly stated, reasonable, and nondiscriminatory rules and regulations regarding time, place, and manner developed and approved by the college.

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

- C. Freedom of the Press--In official student publications, students are entitled to the constitutional right of freedom of the press, including constitutional limitations on prior restraint and censorship. To ensure this protection, the college shall have an editorial board with membership representing SGA, faculty, and administration. Each college has the responsibility of defining the selection process for its editorial board. The primary responsibility of the board shall be to establish and safeguard editorial policies.
- D. Freedom from Unreasonable Searches and Seizures--Students are entitled to the constitutional right to be secure in their persons, dwellings, papers, and effects against unreasonable searches and seizures. College security officers or administrative officers may conduct searches and seizures only as authorized by law.
- E. Right to Participate in College Governance--Students should have the opportunity to participate on college committees that formulate policies directly affecting students, such as in the areas of student activities and student conduct. This participation may be coordinated through a Student Government Association whose constitution or bylaws have been approved by the college's area commission.

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 5 of 18

- F. Right to Know Academic and Grading Standards--Instructors will develop, distribute, explain, and follow the standards that will be used in evaluating student assignments and determining student grades.

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

- G. Right to Privacy--Information about individual student views, beliefs, and political associations acquired by instructors, counselors, or administrators in the course of their work is confidential. It can be disclosed to others only with prior written consent of the student involved or under legal compulsion.
- H. Right to Confidentiality of Student Records--All official student records are private and confidential and shall be preserved by the college. Separate record files may be maintained for the following categories: (1) academic, (2) medical, psychiatric and counseling, (3) placement, (4) financial aid, (5) disciplinary, (6) financial, and (7) veteran's affairs. In addition, disciplinary records are maintained by the Chief Student Services Officer.

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

- I. Right to Due Process--At a minimum, any student charged with misconduct under this code is guaranteed the following: 1) the right to receive adequate notice of the charge(s); 2) the right to see and/or hear information and evidence relating to the charge(s), and 3) the right to present information and evidence relating to the charge(s). Additional due process requirements will be identified in other sections of this Code.

VI. Student Responsibilities

- A. Students are expected to conduct themselves in a manner that is civil, that is respectful of the rights of others, and that is compatible with the college's educational mission.
- B. Students are expected to comply with all of the college's duly established rules

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 6 of 18

and regulations regarding student behavior while on campus, while participating in off-campus college sponsored activities, and while participating in off-campus clinical, field, internship, or in-service experiences.

C. Students are expected to comply with all course requirements as specified by instructors in course syllabi and to meet the standards of acceptable classroom behavior set by instructors. Instructors will announce these standards during the first week of classes. Ordinarily, if a student's behavior disrupts class, the instructor will provide a warning about said behavior. However, if the unacceptable conduct/disruption jeopardizes the health, safety, or well-being of the student or others, or is otherwise severe or pervasive, the instructor may immediately dismiss the student for the remainder of the class. Any disruption may result in a written referral to the Chief Student Services Officer. This written referral may result in the initiation of disciplinary action against the student. The college reserves the right to review syllabi in connection with this provision.

VII. Student Conduct Regulations

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

A. Academic Misconduct

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

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

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 7 of 18

2. "Plagiarism" is defined as the appropriation of any other person's work and the unacknowledged incorporation of that work in one's own work.
3. "Collusion" is defined as knowingly assisting another person in an act of academic dishonesty.
4. "Fabrication" is defined as falsifying or inventing information in such academic exercises as reports, laboratory results, and citations to the sources of information.

B. Abuse of Privilege of Freedom of Speech or Assembly

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

C. Falsification of Information and other Acts Intended to Deceive

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

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

D. Actions which Endanger Students and the College Community

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

- 1) Possessing or using on campus a firearm or other dangerous or potentially dangerous weapon unless such possession or use has been authorized by the college.
- 2) Possessing, using, or threatening to use any incendiary device or explosive

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 8 of 18

unless such possession or use has been authorized by the college.

- 3) Setting fires or misusing or damaging fire safety equipment.
- 4) Using, or threatening to use, physical force to restrict the freedom of action or movement of others or to harm others.
- 5) Endangering the health, safety, or wellbeing of others through the use of physical, written, or verbal abuse, threats, intimidation, harassment, and coercion.
- 6) Sexual violence, which refers to physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent. Cases of alleged acts of sexual violence will be adjudicated through OCtech procedure 4.049.02 if the accused is another student or SBTCE Procedure 8-5-101.1 if the accused is a college employee.
- 7) Retaliating, or threatening to retaliate, against any person for filing a complaint, providing information relating to a complaint, or participating as a witness in any hearing or administrative process.

E. Infringement of Rights of Others

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

- 1) Stealing, destroying, damaging, or misusing college property or the property of others on campus or off campus during any college activity.
- 2) Sexually harassing another person. In addition to sexual violence, sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, when submission to such conduct is made a term or condition of a student's education, a basis for academic conditions affecting the student, or the conduct is sufficiently serious to interfere with the student's academic performance or otherwise deny or limit the student's ability to participate in any aspect of the college's program, thereby creating an intimidating or hostile learning environment. Cases of alleged acts of sexual harassment must be adjudicated through OCtech procedure 4.049.02 if the accused is another student or SCBTCE procedure 8-5-101.1 if the accused is a college employee.

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 9 of 18

- 3) Stalking, which is defined as engaging in a course of conduct, through physical, electronic, or other means, that would place a reasonable person in fear for his/her safety, or that has, in fact, placed an individual in such fear. Where the stalking is based on sex, race, national origin, color, age, religion or disability, it may constitute harassment under other provisions of this Code.
- 4) Bullying or harassing conduct, including verbal acts and name calling; graphic and written statements, which may include the use of cell phones, the internet, or other electronic devices; and other conduct that may be physically harmful, threatening, or humiliating. Bullying or harassment based on race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, gender, veteran status, pregnancy, childbirth or other categories protected by applicable law, will be a violation of the Code when it is a basis for academic decisions affecting the student or the conduct is sufficiently serious to interfere with the student's academic performance or otherwise deny or limit the student's ability to participate in any aspect of the college's program, thereby creating an intimidating or hostile learning environment.
- 5) Engaging in any activity that disrupts the educational process of the college, interferes with the rights of others, or adversely interferes with other normal functions and services.

F. Other Acts which Call for Discipline

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

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

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 10 of 18

VIII. Student Disciplinary Procedures

The procedures and sanctions that follow are designed to channel faculty, staff or student complaints against students, except for those complaints alleging acts of sexual violence or sexual harassment which are processed under OCtech procedure 4.049.02 if the accused is another student or SBTCE procedure 8-5-101.1 if the accused is a college employee. Because due process is essential in dealing with infractions of college regulations, any disciplinary actions taken and sanctions imposed on a student or student organization will follow the provisions of this code.

A. Interim Suspension

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

The interim suspension process is as follows:

1. When the Chief Student Services Officer or designee becomes aware of a situation which may warrant interim suspension, the Chief Student Services Officer, or designee, will consult with the President or designee, to confirm the imposition of interim suspension. This consultation includes providing the President, or designee, with the nature of the alleged infraction, a brief description of the incident(s) and the student's name.
2. The Chief Student Services Officer or designee will inform the student through an approved method of notification about the decision to impose an interim suspension. This notification must be sent within five (5) instructional days of receiving the information from the President or designee.

The notification must include the following information:

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

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 11 of 18

B. Academic Misconduct

1. An instructor who has reason to believe that a student enrolled in his/her class has committed an act of academic misconduct must discuss the matter with the student. The instructor must advise the student of the alleged act of academic misconduct and the information upon which it is based. The student must be given an opportunity to refute the allegation. If the student chooses not to participate in the discussion, the instructor will make a decision based upon the available information.
2. If the instructor, after meeting with the student, determines that the student has likely engaged in academic misconduct as alleged, the instructor will inform a designated authority such as the academic dean, or the college's student conduct office, as applicable, in order to make a determination of academic misconduct and impose an appropriate academic sanction from the following list:
 - a. Completion of an educational activity relating to the nature of the offense.
 - b. Assign a lower grade or score to the paper, project, assignment or examination involved in the act of misconduct.
 - c. Require the student to repeat or resubmit the paper, project, assignment, or examination involved in the act of misconduct.
 - d. Assign a failing grade for the course.
 - e. Require the student to withdraw from the course.

If the student chooses not to participate in the discussion, the instructor will make a decision based upon the available information. Egregious or repeat offenders may be referred to the College's Chief Student Services Officer or designee or conduct officer for a review of the matter. Such referrals will follow the Student Misconduct procedures and the sanctions that accompany it. Alleged acts implicating both academic and student misconduct may be pursued through the Academic Misconduct Procedure (Section VIII.B.) and Student Misconduct Procedure (VIII.C.) simultaneously

3. If the student is found responsible for the academic misconduct, within five (5) instructional days of the meeting with the student, the instructor or designee will submit a written report about the incident and the sanction imposed to the Chief Academic Officer.

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 12 of 18

4. The Chief Academic Officer or designee will send a notification to the student summarizing the incident, the finding, the terms of the imposed sanction, and informing the student that the decision and/or the sanction may be appealed by submitting a written request to the Chief Academic Officer within seven (7) instructional days of the date of the Chief Academic Officer's notification.
5. An appeal may be considered solely by the Chief Academic Officer or designee, or the Chief Academic Officer may convene a panel to consider the appeal. If convened, a panel will be made up of at least three persons, which shall include (1) the Chief Academic Officer or designee; and (2) instructor(s), staff, or student(s), as determined by the Chief Academic Officer. The Chief Academic Officer designee or panel will then render one of the following decisions:
 - a. Accept the decision and the sanction imposed by the designated authority or the college's student conduct office.
 - b. Accept the decision of the designated authority or the college's student conduct office but impose a less severe sanction.
 - c. Overturn the decision of the designated authority or the college's student conduct office.
6. Within two (2) instructional days of the meeting with the student, the Chief Academic Officer, or designee, will inform the student of the decision through an approved method of notification. The notification must also inform the student that the decision of the Chief Academic Office/Panel may be appealed to the Hearing Committee (see section VIII.D).
7. A student may appeal the Hearing Committee's decision to the College's President or designee in accordance with Section IX of this Procedure (Appeal to President).
8. If additional information become available during the appeal process that indicates academic misconduct by other students who are not a party to the underlying proceeding or appeal, the Chief Academic Officer or designee may conduct or direct further investigation as appropriate and in accordance with Section VIII.B. (Academic Misconduct). Additional investigations of academic misconduct are not intended to delay proceedings in progress, and it is within the college's discretion whether to consolidate multiple proceedings or process them individually.

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 13 of 18

C. STUDENT MISCONDUCT

Any member of the college community may file charges alleging a violation of the Code. A charge, that includes a description of the alleged violation, must be submitted in writing to the Chief Student Services Officer as soon as possible after the incident occurs, but no later than ten (10) instructional days after the incident, unless the person filing the charge demonstrates that exceptional circumstances prevented filing the charge within this time period. The Chief Student Services Officer, or designee, will determine whether the circumstances merit an extension of the deadline.

Preliminary Investigation

Within seven (7) instructional days after the charge has been filed, the Chief Student Services Officer, or designee, shall complete a preliminary investigation of the charge and schedule a meeting with the student. After discussing the alleged infraction with the student and reviewing available information, the Chief Student Services Officer, or designee will decide whether the information presented during the meeting indicates that the violation occurred as alleged. When the student cannot be reached to schedule an appointment, or when the student fails to attend the meeting, the Chief Student Services Officer, or designee, will base the decision upon the available information.

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

- a. **Reprimand**--A written warning documenting that the student violated a student conduct regulation and indicating that subsequent violations could result in more serious disciplinary sanctions.
- b. **Restitution**--Compensation for loss or damage to college property or the property of others while on the campus or at a college event or activity including but not limited to field trips, internships, and clinicals.
- c. **Special Conditions**--Completion of a variety of educational activities, relating to the nature of the offense may be imposed. Examples include, but are not limited to, the following: a formal apology, an essay or paper on a designated topic, or participation in a special project or activity.
- d. **Disciplinary Probation**-- A written reprimand documenting that the student violated a student conduct regulation. Probation is for a specified period of time and it serves as a warning that subsequent violations could most likely result in more serious disciplinary sanctions.
- e. **Loss of Privileges**-- Suspension or termination of particular student privileges.

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 14 of 18

- f. Suspension from the College--Separation from the college for a specified period of time. Suspended students will not receive academic credit for the semester in which the suspension was imposed. During the suspension period, the student may not return to the campus unless prior permission by the Chief Student Services Officer, or designee, has been granted.
- g. Expulsion from the college--Permanent separation from the college. An expelled student may not return to the campus unless prior permission by the Chief Student Services Officer, or designee, has been granted. An expelled student will not receive academic credit for the semester in which the expulsion was imposed.
- h. Any combination of the above.

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

A student may appeal the Hearing Committee's decision to the College's President in accordance with Section IX of this Procedure (Appeal to President).

D. Hearing Committee

1. The Hearing Committee shall be composed of the following:
 - a. Two instructors appointed by the Chief Academic Officer and approved by the President or designee.
 - b. Two student members appointed by the appropriate student governing body and approved by the President or designee.
 - c. One member of the Student Services staff appointed by the Chief Student Services Officer and approved by the President or designee.
 - d. The Chief Student Services Officer or designee who serves as an ex officio non-voting member of the Committee and who presents the case.

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 15 of 18

2. The Hearing Committee shall perform the following functions:
 - a. Hear cases of alleged violations of the Code of Student Conduct.
 - b. Ensure that the student's procedural rights are met.
 - c. Make decisions based only on evidence and information presented at the hearing.
 - d. Provide the student with a statement of the committee's decision including findings of fact and, if applicable, impose one or more of the following sanctions:
 - i. Academic Misconduct Sanctions
 - a) Refer to Student Code;VIII. Disciplinary Procedures; B. Academic Misconduct; Section 2
 - ii. Student Misconduct Sanctions
 - a) Refer to Student Code;VIII. Disciplinary Procedures; C. Student Misconduct; Section 1

E. Hearing Committee Procedures

- 1) The Chief Student Services Officer or designee shall refer the matter to the Hearing Committee together with a report of the nature of the alleged misconduct, the name of the person(s) filing the complaint(s), the name of the student against whom the charge(s) has (have) been filed, and a summary of the findings from the preliminary investigation.
- 2) At least seven (7) instructional days before the date set for the Hearing meeting, the Chief Student Services Officer or designee shall send an approved method of notification to the student's address of record. The notification must contain the following information:
 - a) A statement of the charge(s).
 - b) A brief description of the incident that led to the charge (s).
 - c) The name of the person(s) submitting the incident report.
 - d) The date, time, and place of the scheduled hearing.
 - e) A list of all witnesses who might be called to testify.
 - f) A statement of the student's procedural rights. These rights follow:
 - i. The right to consult counsel. This role of the person acting as counsel is solely to advise the student. Counsel may not address the Hearing Committee or participate in any of the questioning. However, where a student faces disciplinary or honor code violations as a result of a criminal charge that is associated with the complaint, the student has a right to retain counsel to provide full legal representation in all proceedings

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 16 of 18

including, but not limited to, allowing counsel to appear on behalf of the student, speak on behalf of the student, question witnesses, protect the statutory and constitutional rights of the student, and to otherwise fully participate in all proceedings on behalf of the student. The student has the responsibility for paying any of the counsel's fees and any other of the counsel's charges.

- ii. The right to present witnesses on one's behalf.
- iii. The right to know the names of any witnesses who may be called to testify at the hearing.
- iv. The right to review all available evidence, documents, exhibits, etc., that may be presented at the hearing.
- v. The right to present evidence; however, the Hearing Committee will determine what evidence is admissible.
- vi. The right to know the identity of the person(s) bringing the charge(s).
- vii. The right to hear witnesses on behalf of the person bringing the charges.
- viii. The right to testify or to refuse to testify without such refusal being detrimental to the student.
- ix. The right to a fair and impartial decision.
- x. The right to appeal the Hearing Committee's decision.

- 3) On written request of the student, the hearing may be held prior to the expiration of the seven (7) day advance notification period if the Chief Student Services Officer or designee concurs with this change.
- 4) The Chief Student Services Officer or designee may postpone the hearing due to circumstances beyond the control of the parties.

F. Hearing Committee Meetings

- 1) The Chair shall be appointed by the College's President or designee from among the membership of the Committee. Ex officio members of the Committee may not serve as its Chair.
- 2) Committee hearings shall be closed to all persons except the student ("Student") accused of the violation(s), the person(s) initiating the charge(s), respective counsel for the Student and the College, witnesses authorized by the Committee to participate in the hearing, and one or more persons designated by the Committee to be responsible for making an official written record or audio recording of the hearing.
- 3) At the college's sole discretion, hearings may be held in person or by means of electronic equipment. The Committee will arrange for an official audio

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT CODE OF CONDUCT**

Number: 4.049.03

Page: 17 of 18

recording or written record of the hearing (not including deliberations) to be made, and only the person(s) designated by the Committee may make any kind of record of the proceedings. No record of the Committee's deliberations shall be permitted to be made by any means. The official audio recording or written record of the hearing is the property of the College and will be maintained in the office of the Chief Student Services Officer. The Student may review the official audio recording or written record of the hearing (as applicable) under the supervision of the Chief Student Services Officer or designee, but the Student is not entitled to a copy of the audio recording or written record. Notes made by Committee members for use as a personal memory aid shall not be made a part of the written record and are not subject to review by the Student.

- 4) Witnesses shall be called in one at a time to make a statement and to respond to questions, as permitted by the Chair.
- 5) After the portion of the hearing concludes in which all pertinent information has been received, everyone other than the Committee will be excused and its deliberations will begin. The "preponderance of the evidence" standard shall apply to the deliberations, which means that the Committee members must determine if the information presented at the hearing leads them to conclude that it is more likely than not that the violation(s) occurred as alleged. The Committee members will determine by majority vote whether the violation(s) occurred and, if so, the Committee members will decide upon the appropriate sanction(s) by majority vote.
- 6) The Chair of the Committee will send an approved method of notification to the Student's address of record within two (2) instructional weekdays of the Committee's decision. The letter shall inform the Student of the Committee's decision, the date of the decision, any sanction(s) imposed, and the appeal process.

IX. Appeal to the President

The student may appeal a decision or the sanction to the College's President or designee if the student can provide new evidence not available during the Hearing Committee's review that could affect the determination, can demonstrate bias by the Hearing Committee that affected its determination, or if the sanction is suspension or expulsion from a program or the college. An appeal must be submitted in writing within seven (7) instructional days of the date on which the Hearing Committee made its decision. Unless the sole basis for the appeal is challenging the sanction of suspension or expulsion, the appeal must set forth new evidence or the rationale to support allegations of bias by the Hearing Committee.

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: THE STUDENT CODE OF CONDUCT

Number: 4.049.03

Page: 18 of 18

The decision of the President or designee is final and cannot be appealed further. The President or designee shall review the Hearing Committee's findings, conduct additional inquiries as deemed necessary, and render a decision within ten (10) instructional days of receiving the appeal. The President or designee whose decision is final, shall have the authority to approve, modify, or overturn the Hearing Committee's decisions and, if needed, void the process and reconvene another Hearing Committee. The President's decision regarding disciplinary actions under the Student Code 4.049.03 is not grievable.

The President or designee will inform the student about the outcome of the appeal by an approved method of notification.