

Clemson University Student Code of Conduct

I. Purpose

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well being of society. Free inquiry and free expression are indispensable to the attainment of these goals. A Clemson student is expected at all times to show respect for civility, community, and the rights of others and to exemplify a high sense of personal honor and integrity.

Clemson University supports the concept of educational discipline. When a student is not a danger to the University community, or when the repetition of misconduct is unlikely, the University will make an effort to educate the student through a sanction; but should the student demonstrate an unwillingness to obey the rules governing conduct, he or she may be separated from the University.

II. Board of Trustees Policy

The Board of Trustees recognizes that there is a valid function performed by faculty, staff, and the student body alike in considering and supporting any and all issues, controversial or noncontroversial, within the framework of orderly, peaceful and lawful decorum, demeanor, and processes. The board encourages freedom of speech, including constructive criticism, expression of grievances or petition for redress of wrongs, real or fancied, so long as those rights are exercised in a lawful and peaceful manner.

The Board of Trustees is charged by law with the responsibility of making rules and regulations for the University and establishing policy governing the conduct of the University, its employees, and its student body. The President of the University is elected by the Board of Trustees to serve at its pleasure. The President is the chief executive officer entrusted by the Board of Trustees with the execution of its policies and the internal government and administration of the University. The Board of Trustees orders and directs the President of the University to administer and enforce its policies as herein announced. In carrying out this responsibility, the President is vested with authority to take such disciplinary action as in his/her judgment the circumstances warrant. The President has delegated this function to the Vice President for Student Affairs.

III. Powers Reserved to the Administration

The Board of Trustees reserves for the administration the right to retain any case from the jurisdiction of the student body in which:

1. There is an alleged violation of a student regulation where University property has been damaged or destroyed.
2. There is an alleged violation of a student regulation where the conduct in question may threaten the safety of any member of the University community or any University property.
3. There is an alleged violation of a student regulation where the action in question would disrupt the educational process and/or orderly operation of the University.

4. There is an alleged violation of a student regulation where a federal, state or local law may have been violated.

IV. Powers Delegated to the Student Body

The Board of Trustees delegates the following powers regarding student conduct to the student body of Clemson University:

1. To recommend rules that regulate, control and dictate conduct on campus and within student organizations of Clemson University.
2. To create student peer review boards to try cases, not retained by the administration, of alleged violations of student regulations by Clemson University students and to interpret student regulations.
3. To enact procedural rules for student judicial and governmental activities.
4. To enact rules of evidence for the student judicial boards.
5. To recommend to the administration sanctions for students who violate student regulations.

V. Jurisdiction Statement

Sanctions may be imposed against a student or student organization for the violation of any student regulations that occur on campus. Sanctions also may be imposed against a student or student organization for violation of any regulations that occur off campus when the alleged conduct would, if true, impair, interfere with, or obstruct the missions, processes, or functions of the University, or when the alleged conduct would, if true, endanger the health, safety, or welfare of the student or others, or would endanger any University property.

VI. Referrals

Anyone may initiate a complaint against any student or student organization for misconduct. The complaint shall be submitted in writing and directed to the Office of Student Conduct. In cases alleging a violation of a Student Housing regulation or occurring in the residence halls or apartment areas, the initial incident report shall be submitted to a Residential Life staff member, who in turn, will submit the completed case to the Office of Student Conduct.

VII. Pending Criminal or Civil Action

Student discipline proceedings and actions are not subject to challenge or postponement on the grounds that criminal or civil charges involving the same incident have been dismissed, reduced, or are pending in civil or criminal court.

VIII. Standard of Proof

Student and student organization disciplinary cases will be decided on the burden of proof standard of a preponderance of the evidence. In other words, the determination shall be made on the basis of whether it is more likely than not that the referred student violated the Student Code of Conduct.

IX. Student Conduct

A. General Student Regulations

This section establishes the rules and regulations for all students and student organizations of Clemson University. Students are expected to abide by these regulations, and administrators are expected to enforce them. Through the setting of high standards of student conduct and scholarship and through the regulation of the use of University facilities, these regulations are intended to protect the educational purposes of Clemson University. Clemson University believes students are the product of their own experiences and they should assume certain responsibilities for their own conduct and that of their fellow students. These regulations are not designed to define prohibited conduct in exhaustive terms and, therefore, should be interpreted broadly. Also, since Clemson University cannot foresee each and every circumstance that may arise, all may not be included herein. As such, a student may be subject to disciplinary action when such behavior is deemed detrimental or disruptive to the mission, purposes, and/or goals of the University, and may not be provided for herein.

NOTE: For the purpose of this policy a “student” is defined as any person who is admitted, enrolled, or registered for study at Clemson University for any academic period. Persons who are not officially enrolled for a particular term but who have a continuing student relationship with Clemson University are considered “students.” A person shall be considered a student during any period, which follows the end of either the Spring, or Fall semester, which the student has completed until the last day for registration for the following semester. A person shall be considered a student during any period while the student is under suspension from the institution or when the person is attending or participating in any activity preparatory to the beginning of school including, but not limited to, fraternity or sorority rush, orientation, placement testing, and residence hall check-in.

Attempting, abetting or being an accessory to any act prohibited by the General Student Regulations shall be considered the same as a completed violation.

1. Arson and Fire Hazards

No student shall start a fire or create a fire hazard on University-owned or operated property. Willful damage to property by fire shall be prosecuted as arson when appropriate.

2. Computer Misuse

- a. No student shall allow any person to use his/her ID and/or password, create access into the computing network in such a way that will bypass University security systems, attempt unauthorized access and use other computing resources or data, violate software licenses or copyrights while using University equipment, or use computing services in any way which may violate federal, state, or local law.
- b. No student shall send abusive, obscene, or threatening messages by use of computing facilities and services; attempt to read, delete, copy, or modify electronic mail or files of others without authorization; falsify the identity of the source of electronic mail messages; or send, without official University authorization, for-profit messages, chain letters, or other unsolicited junk.

3. Contempt

No student shall fail to comply with sanctions, orders, and rules set forth by the Office of Student Conduct, hearing or appeals official, student judicial panel, or judicial committee without proper excuse or justification as deemed by University judicial officials.

4. Damage to Property

No student shall take any action, which willfully or accidentally damages or has the potential to damage public or private property.

5. Disorderly Conduct

- a. No student shall take any action, which, is disorderly, lewd, or indecent, or be found in a grossly intoxicated condition.
- b. No student shall take any action that creates hazardous conditions including, but not limited to, actions such as dropping, throwing, or causing objects to fall from windows, doors, ledges, balconies, or roofs.
- c. No student shall take any action, which intentionally interferes with or disrupts normal University or University-sponsored activities including, but not limited to, teaching, service, research, or administration.

6. Disruption of Student Conduct Process

- a. No student shall willfully show disrespect or provide false and/or misleading information to any University judicial official, student judicial panel, or judicial committee.
- b. No student shall disrupt the University judicial process.

7. Drugs and Alcohol

- a. No student shall unlawfully manufacture, use, possess, distribute, or dispense any illegal drug, controlled substance, or alcohol.
- b. No student under 21 years of age shall possess, sell, purchase, or consume alcoholic liquor, beer, or wine.
- c. No student of legal age shall purchase for or sell or provide to a person under 21 years of age any alcoholic liquor, beer, or wine.
- d. No student of legal age shall possess or consume alcoholic liquor, beer, or wine except in areas designated by the University.
- e. No student shall violate any provisions of the University Drug and Alcohol Policy (see Drug and Alcohol Policy).

8. Failure to Comply with Official Request

- a. No student shall fail to comply with any reasonable and lawful request (verbal, written, or other) of University officials including, but not limited to, police officers, fire or paramedic personnel, Resident Directors, Resident Assistants, Department of Housing and Residence Life staff, maintenance personnel, security officers, and other administrators or University officials acting in the performance of their official duties.
- b. No student shall fail to appear before any University judicial official, student judicial panel, or judicial committee as summoned without proper excuse or justification as deemed by the University judicial officials.

9. Fire Alarms and Safety Equipment

- a. No student shall make, or cause to be made, a false fire alarm or emergency report of any kind.
- b. No student shall tamper with, damage, disable, or misuse fire safety equipment.

10. Fraud

- a. No student shall misrepresent himself/herself in, or with regard to, any transaction with the University, whether oral, written, or by other means.
- b. No student shall alter, misuse, or intend to misuse University documents, records, or identification cards.

11. Harassment

No student shall commit any act, verbal or physical, which has the intent or effect of unreasonably interfering with an individual's or group's educational or work performance at Clemson University or which creates an intimidating, hostile, or offensive educational, work, or living environment.

12. Harm to Person

No student shall cause physical harm or threaten to cause physical harm to another person, nor shall any student take any action, which creates a danger to any person's health, safety, or personal well being.

13. Hazing

No student shall engage in hazing. Hazing is defined as intentionally or recklessly engaging in acts, which have a foreseeable potential for causing physical or emotional harm to any person for the purpose of initiation or admission into or affiliation with any chartered student, fraternal, or sorority organization. Depending on the circumstances, such actions may include, but are not limited to, paddling, consumption of alcohol or gross mixtures, causing excessive fatigue, physical or psychological shock, blindfolding, treasure hunts, scavenger hunts, road trips, causing the wearing of apparel which is insufficient or excessive for weather conditions, buffoonery, morally degrading or humiliating games or events, and work sessions which interfere with scholastic requirements.

14. Sale of Instructional Materials

No student shall sell or attempt to sell any information provided by a faculty member in any course of study offered at Clemson University.

15. Sexual Assault

No student shall commit or attempt to commit sexual assault. (See Sexual Assault Policy).

16. Skateboards/Bicycles/Motorcycles/Rollerblades

No student shall utilize skateboards, bicycles, rollerblades, or any motor vehicle in unauthorized areas or in a manner that threatens physical safety, damages University or personal property, disrupts University classes or activities, or disrupts normal pedestrian or vehicular traffic flow.

17. Stalking

No student shall engage in conduct that may cause a person to fear for his/her safety due to a pattern of behavior that is unwanted and/or an emotional/mental disruption of his/her daily life. Such acts may include, but are not limited to, following another person, telephone calls, e-mail messages, meeting at classes or places of residence, and written notes or letters.

18. Stealing

- a. No student shall steal or attempt to steal public or private property.
- b. No student shall be in possession of stolen property.
- c. No student shall appropriate or attempt to appropriate public or private property without the consent of the owner or the person legally responsible.
- d. No student shall knowingly give assistance or information to aid in the action of theft.

19. Student Housing

- a. No student shall violate the terms of the Student Housing Contract.
- b. No student shall violate any residence hall regulations. Students living in residence halls shall be held responsible for the actions of their guests.

20. Student Organization Alcohol

- a. No University funds, including those raised by a student organization, may be used either directly or indirectly for the purchase of alcoholic beverages.
- b. No student organization shall sell alcoholic beverages.
- c. At any event sponsored by a student organization involving alcoholic beverages, that student organization is responsible for verification of the ages of guests and will be held responsible for ensuring that any alcoholic beverages are legally dispensed.
- d. At an event sponsored by a student organization involving alcoholic beverages, the cost of the alcoholic beverages may not be included in any admission, meal, or entertainment charge.
- e. No student organization shall collect a cover charge, donation, or admission fee, which entitles a guest to alcoholic beverages.
- f. No student organization may utilize alcoholic beverages as contest prizes.
- g. No student organization shall participate in any activity or promotion with an establishment whose primary business function is the selling of alcoholic beverages.
- h. No student organization shall enter into an agreement with said establishment with regard to the sale or distribution of alcoholic beverages. This shall include, but is not limited to, any of the following arrangements:
 1. The student organization sells or otherwise shares a profit from the sale of alcohol or serves as a cosponsor of an event involving alcohol with an establishment whose primary business is the selling of alcoholic beverages.
 2. The student organization advertises or distributes advertising for programs or activities sponsored by an establishment whose primary business function is the selling of alcoholic beverages.
 3. The student organization receives free or discounted room rental rates or other goods or services in exchange for holding an event with alcohol or meeting a bar receipt minimum.

21. Student Organization Conduct

- a. No unrecognized student organization shall use the rights and privileges of recognized groups as defined in the *Student Handbook* under Student Organization Legislation.
- b. No recognized student organization shall act in a manner that does not promote or uphold the outstanding image of Clemson University as defined by the Vice President for Student Affairs or the Vice President's designee(s).
- c. All student organizations which sponsor a period of new member education, prior to full admittance into membership, must adhere to the following provisions:
 1. All new member education programs must be completed 2 weeks prior to the beginning of the final examination period as listed in the Academic Calendar each semester.
 2. New member education may not be carried over to the following semester.
 3. With prior written permission from the Office of Student Activities, the formal initiation ceremony may be held the following semester.
 4. New member education includes but is not limited to: new member education classes/activities, final votes, final initiation preparation weeks, and any and all activities that could cause a new member to be released and not initiated into full membership.

22. Trespassing/Unauthorized Entry

- a. No student shall gain access to any University facility in a forcible or Unauthorized manner.
- b. No student shall occupy any University facility that has not been reserved through the appropriate University offices.

23. University Facilities

No student shall take any action, which violates the rules relating to the use of University-operated, owned, and/or approved grounds, properties, facilities, and services.

24. University ID Card

- a. No student shall fail to present his/her student identification to a University official upon request. Clemson University ID cards are nontransferable, and students may not lend their ID cards or use the ID cards of other students.
- b. No student shall fail to carry his/her student identification at all times when within reason.

25. University Keys

- a. No student shall use or possess any University key without proper authorization.
- b. No student is allowed under any condition to have a University key duplicated

26. University Posting

No student or student organization shall post flyers, posters, banners, or any other material without prior approval from a University official. (See University Posting Policy).

27. University Policies

No student shall take any action, which violates any published University policies or procedures.

28. Vandalism

No student shall engage in willful or malicious destruction or defacement of property owned or operated by the University, students, faculty, staff, or administration. This includes, but is not limited to, physical destruction using paint or sidewalk chalk or damage created by skateboards or rollerblades.

29. Violation of Federal, State, or Local Law

No student shall violate any federal, state, or local law wherein the conduct in question impairs, interferes with, or obstructs the missions, processes, or functions of the University.

30. Weapons, Firearms, and Explosive Materials

- a. No student shall possess or use firearms, explosive devices, or weapons of any kind. Such weapons may include, but are not limited to, guns, BB guns, air pistols, rifles, knives with at least a 2 1/2-inch blade, martial art devices, and bows.
- b. No student shall use instruments to simulate weapons in acts, which endanger or threaten any person.

B. Sanctions

A student admitted to Clemson University accepts the responsibility to conform to all Clemson University rules and regulations. Failure to meet this obligation will justify appropriate disciplinary sanctions. Failure to satisfactorily complete a disciplinary sanction may result in more severe sanctions. The sanctions are listed in ascending order of severity. The following sanction(s)(or any combination thereof) may be imposed upon any student found to have violated any Student Regulation:

1. **Admonition:** An oral statement to the student explaining that he or she has violated a student regulation.
2. **Censure:** An official written statement to the student explaining that he or she has violated a student regulation. It is intended to communicate most strongly both the disapproval and the reprimand of the University community.
3. **In-Kind Restitution (may include but is not limited to):** An order may be issued to make restitution when a student has engaged in conduct including but not limited to: physical harm to any person resulting in injury, damage to, or destruction of, University property or property of any person, the theft or misappropriation of property, or fraudulent behavior.

Restitution may be in the form of financial payment, appropriate service to the University, relocation of the student within University housing facilities, required attendance of the student to the appropriate educational programs based on the circumstances of the case, or other special activities designated by the hearing authority.

4. **Restriction of Privileges:** The restriction of University privileges for a specified period of time. These restrictions may include, but are not limited to, the following:
 - a. Denial of regular priority for room assignment in University housing.
 - b. Denial of regular priority in obtaining tickets to athletic events.
 - c. Denial of residence hall visitation privileges.
 - d. Denial of the privilege to vote in University-held elections.
 - e. Denial of the privilege to attend nonacademic University functions.
 - f. Denial of the privilege to participate in nonacademic University organizations or activities.
 - g. Denial of parking privileges.
 - h. Denial of the use of University facilities.
 - i. Denial of the use of University funds allocated by the Student Government.
 - j. Denial of the use of University vehicles.
 - k. Denial of the privilege to represent the University to anyone outside the University community in any way, including representing the University at any official function, intercollegiate athletics or any forms of intercollegiate competition or representation.
 - l. Denial of the privilege to participate, be elected, or appointed as a member or officer of Student Government or any registered student organization.
 - m. Denial of the privilege to live in University housing.

5. **Monetary Penalty:** An order of financial payment when a student has engaged in conduct including but not limited to: fraudulent behavior, threat to fire safety, repeat violations of alcohol and/or drug or University Housing policies. Additional monetary penalties for other violations may be assessed as a punitive measure.

6. **Disciplinary Probation:** A specified period of review and adjustment during which a student is under an official warning that his or her violation was very serious. While on disciplinary probation, a student will be considered to be “not in good standing” with the University and may face specific restrictions on his or her behavior and/or University privileges. Students involved in similar or additional disciplinary incidents while on probation may be recommended for immediate suspension or expulsion.

7. **Eviction:** Eviction from University housing without a refund if the student is currently residing in a residence hall or an on-campus apartment.

8. **Suspension:** The denial of enrollment, attendance, and other privileges at the University for a specified period of time. Permission to apply for readmission upon the termination of the period may be granted with or without conditions/ restrictions. The student must receive clearance for re-enrollment from the Office of Student Conduct. A student who has

been issued a suspension sanction is deemed “not eligible to return” to the University during the suspension period.

9. **Expulsion:** The dismissal of a student from the University without the ability to apply for re-enrollment. A student who has been expelled is deemed “not eligible to return” to the University.
10. **Interim Suspension:** An interim suspension may be imposed, by the Vice-President for Student Affairs or his/her designee, prior to the beginning of the administrative process. The interim suspension may be imposed in extreme cases where the alleged action of a student(s) may pose a threat to the well-being of the University, any of its members, or him/herself, or there is substantial evidence that the continued presence of the student(s) on the campus will disrupt the University. Prior to imposing an interim suspension, every effort will be made by the Vice President for Student Affairs or his/her designee to give the student an opportunity to respond to the charge(s). Following the imposition of an interim suspension, the opportunity for an administrative hearing as described above will be provided as expeditiously as possible but no later than ten calendar days after the interim suspension unless the student waives the ten days.

X. Student Conduct Procedures

A. Purpose

Clemson University has a duty to develop policies and procedures, which provide an environment that is conducive to learning and promotes a sense of community. These policies and procedures are developed within the framework of general standards of conduct with the broadest possible participation of the members of the University community and are consistent with the principles of due process of the law applicable to state land grant universities.

B. Administration

The Director of Student Conduct is responsible for the coordination of discipline programs and proceedings. The Director and his/her designee have the authority to determine the appropriateness of a referral, accept a student’s admission(s) to a violation(s) and impose sanction(s), hear cases involving alleged violations of the general student regulations as well as alleged violations by student organizations. The Director and his/her designee may present the facts, circumstances, and evidence on behalf of the University or on behalf of the complainant to the various hearing boards. Further, students who have been suspended from the University must petition for readmission through the Director or his/her designee. Readmission may be granted with conditions or restrictions and a period of disciplinary probation may be imposed at the time of return.

C. Administrative Discipline Procedures

1. Hearing Authorities

a. University Hearing Officers

Staff members deemed appropriate have the authority to hear cases involving alleged violation(s) of the student code. In addition to the Director and Associate/Assistant

Director(s) of Student Conduct, staff members may be the Associate Vice Presidents for Student Affairs, Residence Life staff, and Graduate Assistants.

b. **Administrative Hearing Board**

The Dean of Students or his/her designee will serve as the chairperson of the Administrative Hearing Board for cases in which the contemplated sanction for an alleged violation may include eviction from University housing, suspension, or expulsion from the University. A student, a faculty member, and a staff member will also serve on the Administrative Hearing Board unless the student waives this option or extenuating circumstances occur. The chairperson shall exercise control over the hearing to prevent the harassment or intimidation of participants.

2. The Office of Student Conduct

Upon receipt of an incident report, police report, or written complaint from the complainant, the Director or his/her designees will review the report and initiate the following procedures in cases retained by the administration:

- a. The student(s) will be contacted by a staff member via letter, telephone, or email to schedule an appointment for a discipline conference, when possible, to discuss the alleged violation(s) of student regulation(s) and the disciplinary process.
- b. During the discipline conference, the student(s) will be given an opportunity to review the information describing the alleged violation and respond to the allegations.
- c. If the facts and/or sanctions concerning the alleged violation(s) cannot be agreed upon by the staff member and the referred student, the staff member will provide the following options to the student:
 1. If the contemplated sanction does not include eviction from University housing, suspension, or expulsion from the University:
 - a. The student(s) may plead no contest and have the staff member impose sanctions, or,
 - b. the student(s) may appeal to the student conduct code review committee.
 2. If the contemplated sanction includes eviction from University housing, suspension or expulsion from the University:
 - a. The student(s) may plead no contest, have the staff member impose sanctions, and waive his/her opportunity for a hearing; or
 - b. The student(s) may request a hearing before the administrative hearing board so that a broader exploration of the facts and circumstances may occur.
 - c. If a referred student or students fail to appear at a scheduled discipline conference, an additional charge of failure to comply with an official request will be added and the staff member may render a decision in the absence of the student(s).

3. University Housing

Upon receipt of an incident report the Area Coordinator or his/her designee will review the report. If 1) the student has three or more prior violations of Student Regulations, 2) the alleged action could result in a suspension or expulsion, or 3) there was police involvement, the incident report will be sent directly to the Office of Student Conduct. Otherwise, the Area Coordinator will initiate the following procedures:

- a. The student(s) will be contacted by a staff member to schedule an appointment for a discipline conference to discuss the alleged violation(s) of student regulation(s) and the disciplinary process.
- b. During the discipline conference, the student will be given an opportunity to review the report describing the alleged violation and respond to the allegations.
- c. If the facts and/or sanctions concerning the alleged violation(s) can be agreed upon by the staff member and the referred student, a sanction(s) may be imposed and a case disposition will be completed. If the referred student does not agree with the facts or the sanction(s), then the case will be referred to the Office of Student Conduct for further review. If a referred student fails to appear at a scheduled discipline conference, an additional charge of failure to comply with official request will be added and the staff member may render a decision in the student's absence. However, cases reviewed by a resident director will be referred to a student judicial board for resolution.
- d. Upon completion of the discipline case in University housing, the case will be routed to the Office of Student Conduct. A staff member in the Office of Student Conduct will enter the case as a discipline record, review the case, formally apply the sanction(s) and notify the student by mail of the action.

4. Administrative Hearings

In cases where the contemplated sanction is eviction from University housing, suspension or expulsion from the University and the referred student requests an administrative hearing, the Director or Associate Director will initiate the following procedures:

- a. The referred student will be notified in writing a minimum of five (5) calendar days prior to the date of the hearing unless the referred student waives this right or extenuating circumstances preclude this possibility. Such notice shall include the following:
 1. A statement of the specific regulation(s) which the referred student is being charged with violating.
 2. A description of the incident upon which the charge(s) are based.
 3. The names of the possible witnesses, except when their physical welfare may be in jeopardy as a result of this disclosure.
 4. A copy of any documents in the Office of Student Conduct possession that will be presented to the Administrative Hearing Board.
 5. The possible sanction(s) to be imposed if the charges are supported.
 6. The time, date and location of the hearing.
- b. The hearing shall be considered closed and confidential. All statements, information, or comments given during hearings shall be held in strictest confidence by administrative hearing board members, University staff and witnesses, before, during, and after deliberations in keeping with the Family Educational Rights and Privacy Act (FERPA). Video, audio, stenographic, or photographic recording of hearing proceedings are prohibited, except as authorized by the Office of Student Conduct.
- c. The hearing shall be tape recorded for appeal purposes only. The tape shall be kept in the Office of Student Conduct. No typed record of the hearing shall be required. The referred student shall have the right, upon request, to listen to the recording in the presence of a staff member from the Office of Student Conduct.
- d. On behalf of the University, or at the request of the complainant, the facts,

- circumstances, and evidence will be presented by the Director or his/her designee.
- e. The University, Administrative Hearing Board members and the referred student shall have the opportunity to present and examine statements, facts, and any relevant information regarding the case. The University, the referred student, and the complainant, shall have the privilege of presenting and questioning their own witnesses. The University, referred student, and the complainant shall have the privilege of presenting any questions for the witnesses (other than their own) to the chairperson of the administrative hearing board in order to refute or respond to the testimony.
 - f. All procedural questions are subject to the final decision of the chairperson. The rules of evidence as used in the legal system will not be applied in this hearing. Repetitious or irrelevant evidence may be excluded from the hearing. Any person who disrupts the hearing will be asked to leave the hearing room.
 - g. After all the information has been presented, the Administrative Hearing Board will go into closed deliberations to determine whether the student has violated each section of the Student Code, which the student is charged with violating.
 - h. The determination shall be made on the basis of whether it is more likely than not that the referred student violated the Student Code. A referred student will be found in violation of a student regulation based on a majority decision of the Administrative Hearing Board members.
 - i. The chairperson shall be responsible for rendering a decision in writing to the referred student. The decision shall include a summary of the findings and the sanctions imposed. In cases involving a victim of violence, the victim will also be notified of the outcome of the hearing.
 - j. The decision of the administrative hearing board shall be final and the tape will be erased unless the student qualifies for an appeal.
 - k. Deviation from prescribed procedures will not necessarily invalidate a decision or proceeding unless significant prejudice to the referred student is shown to have resulted.

5. Administrative Discipline Conference Appeals

- a. Administrative discipline conference decisions NOT resulting in eviction from University housing, suspension, or expulsion may be appealed by the referred student to the Student Conduct Code Review Committee (SCCRC) within five calendar days of the receipt of the decision of the staff member.
- b. Members of the SCCRC will be responsible for reviewing appeals submitted by students found in violation during the administrative discipline process. Appeals of administrative conferences will be considered by two students and one faculty or staff member. Whenever feasible, at least one undergraduate and one graduate student representative will be present.
- c. Such appeals must be in writing and delivered to the Office of Student Conduct. Failure to submit an appeal within the allotted time will render the original decision final and conclusive. Appeals must address one of the following conditions to be considered:
 1. A procedural error so substantial that the referred student did not receive a fair hearing.

2. Significant information or evidence has become available that was not available previously to the original administrative conference
 3. The sanction was arbitrary or grossly disproportionate to the offense
 4. The decision was completely unsupported by the evidence
- d. Upon receipt of a properly filed appeal, the SCCRC may do one or more of the following:
1. Review the record and render a written decision to the student.
 2. Grant an appeals hearing and then render a written decision to the student.
 3. Request that the staff member clarify the original decision and then render a written decision to the student.
- e. The decision of the Student Conduct Code Review Committee shall be final.

6. Administrative Hearing Appeals

- a. Administrative Hearing Board decisions resulting in eviction from University housing, suspension, or expulsion may be appealed by the referred student to the Vice President for Student Affairs or his/her designee within five calendar days of the receipt of the decision of the administrative hearing board.
- b. Such appeals must be in writing and delivered to the Office of the Vice President for Student Affairs and the Office of Student Conduct. Failure to submit an appeal within the allotted time will render the original decision final and conclusive. Appeals must address one of the following conditions to be considered:
1. A procedural error so substantial that the referred student did not receive a fair hearing
 2. Significant information or evidence has become available that was not available previously to the original administrative hearing
 3. The sanction was arbitrary or grossly disproportionate to the offense
 4. The decision was completely unsupported by the evidence
- c. Upon receipt of a properly filed appeal, the Vice-President for Student Affairs may do one or more of the following:
1. Review the record and render a written decision to the student.
 2. Grant an appeals hearing and then render a written decision to the student.
 3. Request that the administrative hearing board clarify the original decision and then render a written decision to the student
 4. Remand the case to the Administrative Hearing Board for a rehearing. This action will be taken only when:
 - i. The student alleges that new evidence has been found that could materially affect the decision.
 - ii. The Vice President for Student Affairs agrees that the new evidence could materially affect the decision.
 - iii. The Vice President for Student Affairs is satisfied that the student was unable to present the new evidence at the original hearing through no fault of his or her own. If a rehearing is granted before the original Administrative Hearing Board, the student shall have the same right of appeal.
- d. The decision of the Vice President for Student Affairs shall be final unless

the decision is suspension or expulsion from the University and the referred student files an appeal. Sanctions by the Administrative Hearing Board may be upheld, dismissed, or amended by the Vice President for Student Affairs. The tape will be erased unless the student qualifies for an appeal to the President.

- e. Appeal decisions sustaining suspension or expulsion may be appealed to the President of the University within five calendar days of receipt of the decision of the Vice President for Student Affairs. Such appeals must be in writing, based on the above conditions, and delivered to the office of the President. The President will render a written decision to the student and the tape will be erased.

D. Student Judiciary Discipline

1. Student Judicial Boards

The judicial powers of Student Government are vested in a Student Government judicial branch. The judicial branch has jurisdiction over the student body and student organizations in all cases involving violation of any student regulation except those retained by the administration. The Director of Student Conduct or his/her designee will determine the process of case referral to the Student Judicial Boards.

2. Student Judicial Board Procedures

In cases delegated to Student Judicial Boards for alleged violations of the Student Code, the following procedures will be initiated:

- a. A staff member will notify the referred student within a minimum of five calendar days prior to the hearing unless the student waives this right or extenuating circumstances preclude this possibility. Such notice to the student shall include, in writing, the following:
 1. A brief description of the action that is an alleged violation and the student regulation allegedly violated.
 2. The time, date, and location of the hearing.
- b. The hearing shall be considered closed and confidential. All statements, information, or comments given during hearings shall be held in the strictest confidence by Student Judicial Board members.
- c. A taped record shall be maintained by the Student Attorney General for appeal purposes. Taped records will be erased after time for appeals has elapsed. All Student Judicial Board decisions will be transmitted by the Student Attorney General to the Director of Student Conduct or his/her designee for approval.
- d. The referred student shall have the opportunity to present and examine statements, facts, and any relevant information regarding the case. The referred student shall have the privilege of presenting any questions for witnesses to the Student Judicial Board when appropriate.
- e. After all the information has been presented, the Student Judicial Board members will go into closed session to determine whether the student has violated each section of the Student Code which the student is charged with violating.
- f. The determination shall be made on the basis of whether it is more likely than not that the referred student violated the Student Code.

- g. The Student Judicial Boards will render the decision to the student as soon as the decision has been made.
- h. In cases where the sanction(s) recommended are not eviction from University housing suspension, or expulsion, the referred student may appeal the decision of the student judicial boards to the student supreme court.
- i. In cases where the sanction(s) recommended is eviction from University housing, suspension, or expulsion, the referred student will be referred to the administrative process.

3. Student Judiciary Appeals

- a. Disciplinary hearing decisions by the Student Judicial Boards may be appealed by the referred student to the Student Supreme Court within five calendar days of notification of the decision. Such appeals must be in writing and delivered to the Office of Student Conduct. An appeal must be based upon one or more of the following grounds:
 - 1. A procedural error so substantial that the referred student did not receive a fair hearing.
 - 2. Significant information or evidence has become available that was not available previously to the original administrative hearing.
 - 3. The sanction was arbitrary or grossly disproportionate to the offense
 - 4. The decision was completely unsupported by the evidence

The Student Attorney General will determine if the appeal meets one of the above criteria.
- b. The Student Supreme Court may make one of the following decisions as the result of an appeal:
 - 1. The appeal may be denied.
 - 2. Sustain the decision of the Student judicial Board, but alter the sanction.
 - 3. Remand the case to the original Student Judicial Board for further consideration on the specific issues.
 - 4. Reverse the decision of the Student Judicial Board.
- c. Decisions resulting in sanctions other than eviction from University housing, suspension or expulsion are final after appeal to the Student Supreme Court.

E. Rights and Responsibilities of Referred Student

- 1. In investigating alleged violations of student regulations, University hearing officials, student judicial board members, or administrative hearing board members shall respect the right of individuals to remain silent.
- 2. Pending action on alleged violations of University regulations or pending final disposition of any appeal, the status of a student shall not be altered, nor shall the right to be present on the campus to attend classes be suspended, except when an interim suspension has been imposed.

3. Students who are alleged to violate public law may have also violated a student regulation and will be subject to dual jurisdiction, which means the University can process a student's case separate from any action taken by the criminal justice system.
4. In cases of alleged violations of student regulations, students are required to meet with a University hearing official, the student judicial board, or an administrative hearing board to facilitate the resolution of the case. Prior cases of discipline cannot be used against a student in determining whether the action is a violation of a student regulation, however, prior discipline can be used in determining the sanction if found in violation of a student regulation. Failure to meet with a University official will result in an additional charge of Failure to Comply and may result in forfeiture of certain procedural rights.
5. A University hearing official shall inform students in writing of the reasons for any proposed disciplinary action in sufficient time to insure that the student has an opportunity to prepare for a hearing, if applicable.
6. To assist in preparing for a disciplinary hearing and to assist the student at such a hearing, a student may choose one advisor. This advisor may be a member of the University staff or student body or other individual of the student's choosing. The advisor's role is limited to communicating directly with the student, and the advisor may not directly participate in the hearing or ask questions of the student or witnesses.
7. The student is responsible for contacting any witnesses on his/her behalf.

F. Rights of Victims of Violence

1. The victim has the right to be informed of the discipline process prior to any disciplinary action involving his/her incident and has the option of discontinuing the process if the evidence is based solely on the victim's testimony.
2. The victim has the right to attend the hearing involving the referred student. The victim will have the option of providing testimony regarding the incident. The Office of Student Conduct will attempt to make special accommodations when deemed necessary. The victim will be listened to and treated with respect.
3. The victim is entitled to bring one advisor to be present during testimony at the hearing. The advisor's role is limited to communicating directly with the victim, and the advisor may not directly participate in the hearing or ask questions of the student or witnesses.
4. The victim shall be informed of the outcome of the disciplinary hearing. In the event the referred student appeals the decision, the Director or his/her designee will keep the victim informed of the status of those appeals.

G. Withdrawals/Completion of Semester with Pending Disciplinary Action

1. Should a referred student be academically dismissed or withdraw from Clemson University before pending disciplinary charges have been resolved, the Director or his/her designee may proceed with the administrative conference or hearing according to the procedures above. A disciplinary hold on the student's records, including future registration and the granting of a degree may be imposed until the case is resolved.
2. A student who has a disciplinary charge pending at the end of an academic semester term may have a disciplinary hold placed on his/her records, including the posting of grades and

the granting of a degree until the disciplinary charge has been resolved and/or sanctions completed.

Furthermore, a student who has a disciplinary charge brought against him/her after the end of an academic semester or term, but prior to graduation, will have a disciplinary hold placed on his/her records, including the posting of grades and the granting of a degree until the disciplinary charge has been resolved and/or sanctions completed.

H. Disciplinary Records

The Office of Student Conduct will maintain disciplinary records for six years after disciplinary action has been taken. In the case of suspension or expulsion, the record will be maintained indefinitely. In disciplinary cases where charges have been dismissed or the student was found not guilty, records will be maintained for one year.

All student cases are kept confidential except cases involving crimes of violence, when the victim may be informed of the outcome of the discipline hearing. Student disciplinary records requested by agencies are available only upon the signed consent of the student. However, educational institutions where the referred students may transfer to may receive information without signed consent. Notification of discipline action taken against students may be made available on a “need to know “ basis within the university community or any other educational institution. This may include notification to any university official who has a legitimate educational interest regarding a student’s discipline file.

In the case of suspension or expulsion, notification is sent to several University departments. In the case of suspension or expulsion, a notation is placed on the student’s official transcript describing the suspension period or expulsion. Lesser sanctions, such as admonition, censure, and probation, do not affect a student’s academic standing and do not appear on the official transcript.

XI. Conduct of Student Organizations

This policy sets forth the rules governing the conduct of student organizations and also sets forth the sanctions that may be imposed on student organizations for violations of University rules and regulations. The Office of Student Conduct is primarily responsible for the supervision and administration of the conduct of student organizations.

Individuals who join together as a student organization to share common interests and purposes also collectively share a responsibility to themselves, their organization, and the University. The organization must ensure that members acting individually or as a group reflect favorably upon the University community. Organization leaders bear a special responsibility for ensuring that constituents recognize and embrace these values in carrying out the organization’s mission. All University organizations accept responsibility for the actions of their members related to the organization.

As a guiding principle, groups will be held responsible for the acts of their members when those acts grow out of or are in any way related to group life. Isolated violations of individuals should not be chargeable to the group, but evidence of group conduct exists when:

- A. Members of the organization are acting together in violating a University regulation.
- B. A violation of a University regulation arises out of an organization-sponsored, financed, or endorsed event.
- C. An organization's leader(s) has knowledge of the potential for a violation of University regulations before it occurs and fails to take corrective action.
- D. A violation of a University regulation occurs on the premises owned, leased, or operated by the organization.
- E. A pattern of individual violations of University regulations is found to have existed without proper and appropriate organization control, remedy, or sanction.
- F. The organization, or members of the organization, provides the impetus for a violation of University regulations.

Cases involving student organizations are not considered confidential under the Family Educational Rights and Privacy Act (FERPA); therefore, the University does not protect the confidentiality of the disciplinary records regarding the conduct of student organizations.

A. Sanctions

The following disciplinary sanctions may be imposed upon student organizations when they have been found in violation of the Student Code. All sanctions may be imposed individually or in combination. Disciplinary sanctions are imposed for the purpose of holding student organizations accountable for their actions and the actions of their guest(s), whether on campus or at any organizational event. Failure to satisfactorily complete a disciplinary sanction may result in more severe sanctions.

1. **Reprimand:** An official statement to the student organization explaining that they have violated a University regulation. Any further misconduct could result in additional disciplinary action.
2. **In-Kind Restitution:** An organization may be required to make restitution when the organization has damaged or destroyed University or personally owned property. Restitution may also be in the form of community service or other educational activities.
3. **Restriction of Privileges:** Restrictions placed upon a student organization which limits University privileges for a specified period of time. These limitations may include, but are not limited to, the following:
 - a. Denial to represent the University in any capacity.
 - b. Denial to maintain an office or other assigned space on University property.
 - c. Denial to receive or retain University funds.
 - d. Denial to participate in intramural sports.
 - e. Denial to sponsor, co-sponsor, and/or participate in any social event or other activity.
 - f. Denial to sponsor any speaker or guest on campus.
 - g. Denial of rush or membership recruitment activities.

- h. Denial of the request for block seating.
 - i. Denial of the use of University vehicles.
 - j. Denial of the use of University facilities.
 - k. Denial of advertising on campus for organizational activities.
 - l. Denial of soliciting and/or selling any items on campus.
4. **Disciplinary Probation:** A specified period of review and observation during which a student organization is under official warning that its misconduct was very serious. Subsequent violations of University rules, regulations, or policies could result in more severe sanctions, including suspension or expulsion. During the probationary period, a student organization is deemed “not in good standing” with the University and may be subject to specific limitations upon its behavior or University privileges.
5. **Suspension of Organizational Recognition:** The denial of privileges of a recognized organization for a designated period of time, which will be no less than one semester. Any organization whose recognition is suspended must:
- a. Cease all organizational activities.
 - b. Vacate any appointed or elected office with that organization’s governing body for the duration of the organization’s period of suspension.
 - c. Surrender balances of all organizational funds granted by Student Government.
 - d. Vacate office or housing space assigned by the University from the date of the notice of suspension. Space vacated due to suspension may be reassigned to other eligible University organizations. In the case of housing, individual members will be reassigned provided space is available. There will be no University housing contract cancellations.
6. **Expulsion of Organizational Recognition:** Permanently excludes the organization from the University without any recourse to reapply for recognition. Any organization whose recognition is permanently revoked must:
- a. Cease all organizational activities.
 - b. Vacate any appointed or elected office.
 - c. Surrender balances of all organizational funds granted by Student Government.
 - d. Vacate office or housing space assigned by the University from the date of the notice of expulsion. Space vacated due to expulsion may be reassigned to other eligible University organizations. In the case of housing, individual members will be reassigned provided space is available. There will be no University Housing contract cancellations.

B. Student Organization Discipline

Procedures

The Director of Student Conduct or his/her designee will investigate all allegations of student organization misconduct. The investigation will include interviewing those individuals with information about the incident and meeting with the appropriate officers of the organization. The Director shall have the authority to do the following:

1. Institute all sanctions except suspension or expulsion.

2. Refer the student organization to a peer review board.
3. Schedule an administrative hearing for the referred student organization in cases where the contemplated sanction is suspension or expulsion of recognition, unless the student organization waives its right to a hearing. The notice of an administrative hearing, the procedure during an administrative hearing, and the appeal process of an administrative hearing will follow the same format as described in the sections on Administrative Discipline Procedures (above). If the student organization waives its right to a hearing, the recommended sanction will be imposed.

XII. Student Conduct Code Review Committee

SCCRC will be responsible for reviewing annually, the Student Code of Conduct and recommending changes to the Vice President for Student Affairs and may also review, upon written request of students or University entities, other University policies affecting students to determine if those policies are consistent with the philosophy and intent of the Student Code.

- A. Membership on the Student Conduct Code Review Committee (SCCRC) shall be governed by the following:
 1. The members of SCCRC shall be a) two faculty members appointed by the Faculty Senate, b) two staff members appointed by the Classified Staff Senate, and c) five students appointed in the following manner:
 - a. One undergraduate student appointed by the Student Government President, one undergraduate student appointed by the Student Senate President, and one undergraduate student appointed by the Student Attorney General. Undergraduate students serving on the committee must be full-time students.
 - b. One graduate student appointed by the Graduate Student Government President and one graduate student appointed by the Graduate Student Senate President. Graduate students serving on the committee must be admitted to an authorized degree or credential program and be full-time students.
 2. The Director of Student Conduct or his/her designee shall serve as the non-voting executive secretary to SCCRC. Faculty and staff members will be appointed for three-year staggered terms. Students will be appointed as needed. Undergraduate students serving on the committee must be full-time students.

SCCRC will also review appeals submitted by students found in violation during the administrative discipline process.