

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 the Clemson University Core Values of Integrity, Honesty and Respect.

Clemson University supports the concept of education. 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/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. Responsibilities of 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 the following exist:

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 action 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. Responsibilities of the Student Body

The Board of Trustees delegates the following responsibilities regarding Community and Ethical Standards to the student body of Clemson University:

1. To recommend rules that regulate, control and dictate conduct of students attending Clemson University.
2. To create student peer review boards to hear 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 or 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. Student conduct associated with computer networks and online environments are included in this jurisdiction.

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 Community and Ethical Standards. 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 Community and Ethical Standards.

VII. Pending Criminal or Civil Action

For the protection of the University's interest as an academic community, the University must act promptly to address an issue of misconduct. Therefore, 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 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. Community and Ethical Standards

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 community and ethical standards 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, because 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, irrespective of whether they are on campus or not. 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, the Bridge to Clemson program, 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 communication or files of others without authorization; falsify the identity of the source of electronic communication or send, without official University authorization, for-profit messages or other unsolicited communication.

3. Contempt

No student shall fail to comply with sanctions, orders and rules set forth by the Office of Community and Ethical Standards, hearing or appeals officials, student judicial board or administrative hearing board without proper excuse or justification as deemed by University student conduct 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 Community and Ethical Standards Process

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

7. Drugs and Alcohol

- a. No student shall unlawfully manufacture, use, possess, distribute or dispense alcohol or any controlled substance or illegal drug or misuse any legal substance for the purpose of intoxication.
- b. No student under legal 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 legal 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, 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 student conduct official, student judicial board or administrative hearing board as summoned without proper excuse or justification as deemed by the University student conduct 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. *Physical assaults may result in suspension from the University.*

13. Hazing

No student shall engage in hazing (See Hazing Policy).

14. Retaliation

No student shall retaliate against members of the University community who make reports regarding potential University-related violations of laws, regulations or University policies. Retaliation is any conduct causing any interference, coercion, restraint or reprisal against a person making a complaint or against a person assisting in any way in the investigation and resolution of the complaint.

15. Sale of Instructional Materials

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

16. Sexual Misconduct

No student shall commit or attempt to commit sexual misconduct. (See Sexual Misconduct Policy).

17. 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.

18. 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, electronic communication, meeting at classes or places of residence and written notes or letters.

19. 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 steal or attempt to steal the intellectual property of any person or the University.
- e. No student shall knowingly give assistance or information to aid in the action of theft.

20. 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.

21. 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.

22. 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 two 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 Center for Student Involvement, 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.

23. 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.

24. University Facilities

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

25. 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.

26. 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

27. University Policies

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

28. 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).

29. 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.

30. 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.

31. Weapons, Firearms and Explosive Materials

- a. No student shall unlawfully 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 a weapon or instrument to simulate a weapon in acts that endanger or threaten any person.

B. Sanctions

A student admitted, enrolled or registered at Clemson University accepts the responsibility to uphold 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. Oral Reprimand:** An oral statement to the student explaining that he/she has violated a student regulation.
- 2. Written Reprimand:** An official written statement to the student explaining that he/she has violated a student regulation. This statement will remain on file with OCES for six years from the date of the reprimand. 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 officer.

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 the privilege to live in University Housing.
 - b. Denial of the privilege to attend or participate in nonacademic University functions and activities, including regular priority in obtaining tickets to athletic events.
 - c. Denial of the privilege to participate, be elected or appointed as a member or officer of Undergraduate or Graduate Student Government or any registered student organization.
 - d. Denial of parking privileges.
 - e. Denial of the use of University facilities.
 - f. 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.
 - g. Denial of residence hall visitation.
 - h. Restriction of room and/or roommate choice in room assignment within University Housing.
 - i. Denial of the use of University funds allocated by the Undergraduate or Graduate Student Government.
 - j. Denial of the use of University vehicles.
 - k. Denial of the privilege to vote in University-held elections.

5. **No Contact Order:** An order of no contact with any individuals who are complainants, victims or witnesses in the student conduct process. This includes, but is not limited to, verbal, written, electronic, cellular, physical or social contact, second or third parties, or allowing others to make any contacts on the referred student's behalf. This can also be issued as an interim sanction prior to the completion of the disciplinary process.

6. **Monetary Penalty:** An order of financial payment when a student has engaged in conduct including, but not limited to: damage to property, 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.

7. **Disciplinary Probation:** A specified period of review and adjustment during which a student is under an official warning that his/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/her behavior and/or University privileges.

Students involved in similar or additional disciplinary incidents while on probation may be recommended for immediate suspension or dismissal.

8. **Eviction:** Eviction from University Housing without a refund if the student is currently residing in a residence hall or an on-campus apartment.
9. **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 Community and Ethical Standards. A student who has been issued a suspension sanction is deemed “not eligible to return” to the University during the suspension period.
10. **Dismissal:** The dismissal of a student from the University without the ability to apply for re-enrollment. A student who has been dismissed is deemed “not eligible to return” to the University.
11. **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 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 10 University working days after the interim suspension unless the student waives his time deadline.

X. Community and Ethical Standards 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. The time requirements and deadlines stated in this Code and the enabling procedures are intended to ensure the prompt resolution of situations involving student conduct. Notwithstanding the time requirements and deadlines mentioned, the University reserves the right to convene special hearing boards and/or to waive or extend any deadline

provided such action does not unduly prejudice the affected student (e.g., a deadline may be extended to account for a holiday break when school is not in session).

B. Administration

The director of Community and Ethical Standards 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) and 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. Hearing Authorities

1. 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 Community and Ethical Standards, staff members may be the associate vice presidents for Student Affairs, Residential Life staff and Graduate Assistants.

2. Administrative Hearing Board

The associate vice president for Student Affairs 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. Two students, one faculty member and one 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.

D. 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 separately 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 ensure 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 adviser. This adviser may be a member of the University staff or student body or other individual of the student's choosing. The adviser's role is limited to communicating directly with the student, and the adviser 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.

E. 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. He/she has the option of discontinuing the process if the evidence is based solely on the victim's testimony. In cases of sexual misconduct, if the victim decides to discontinue the process, the matter will be referred to the Title IX Coordinator in the Office of Access and Equity for further review.
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 Community and Ethical Standards 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 adviser to be present during testimony at the hearing. The adviser's role is limited to communicating directly with the victim, and the adviser may not directly participate in the hearing or ask questions of the student or witnesses.
4. The victim shall be informed in writing 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.
5. In cases of sexual misconduct, including sexual harassment, the victim has the right to appeal the finding of the disciplinary hearing.

F. Student Conduct Procedures

The student conduct process is initiated when an incident report, police report or other written complaint is received by a hearing authority as outlined above. The Office of Community and Ethical Standards staff will determine the appropriate type of hearing body to be designated after consideration of a number of variables including, but not limited to: the type of alleged offense, the student's prior conduct record and/or the location of the incident. The following section delineates the types of hearing bodies and the processes utilized by each.

1. The Office of Community and Ethical Standards

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 and 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:
- d. If the contemplated sanction does not include eviction from University housing, suspension, or dismissal from the University:
 1. The student(s) may plead no contest and have the staff member impose sanctions,
or,
 2. The student(s) may appeal to the student conduct code review committee.
- e. If the contemplated sanction includes eviction from University Housing, suspension or dismissal from the University:
 1. The student(s) may plead no contest, have the staff member impose sanctions and waive his/her opportunity for an administrative hearing;
or
 2. The student(s) may request a hearing before the administrative hearing board so that a broader exploration of the facts and circumstances may occur.
 3. 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).

2. University Housing

Upon receipt of an incident report the Residential Life staff member or his/her designee will review the report. Depending upon the severity of the incident and the prior conduct report of the alleged student they will either retain the case locally or the incident report will be sent directly to the Office of Community and Ethical Standards. If retaining they will initiate the following procedures:

- a. A discipline conference will be scheduled 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. If the referred student does not agree with the facts or the sanction(s), then the case will be referred to the Office of Community and Ethical Standards 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.
- d. Upon completion of the discipline case in University Housing, the case will be routed to the Office of Community and Ethical Standards. A staff member in the Office of Community and Ethical Standards 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.

3. Administrative Hearings

In cases where the contemplated sanction is eviction from University housing, suspension or dismissal 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 Community and Ethical Standards 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. 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 Community and Ethical Standards.
 - c. The hearing shall be recorded. The recording shall be kept in the Office of Community and Ethical Standards for 6 months. 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 Community and Ethical Standards or to request a transcript of the recording at the student's expense with FERPA-protected information regarding other students redacted from the transcript.
 - 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. On behalf of the University, OCES staff will contact and request the presence of witnesses deemed necessary to appear. University students and employees contacted by OCES are required to attend hearings unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities. Referred students are responsible for contacting and requesting witnesses to attend the hearing on his/her behalf and witnesses serving as character references are limited to three people.
 - f. The University, Administrative Hearing Board members, the referred student and complainant 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 opportunity of presenting and questioning their own witnesses. The University, referred student and the complainant shall have the opportunity 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.
 - g. 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.
 - h. 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.

- i. 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.
- j. 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.
- k. The decision of the administrative hearing board shall be final unless the decision is eviction from University Housing, suspension or dismissal from the University. In those cases, an appeal may be filed and heard by the Vice president for Student Affairs. In cases involving allegations of sexual harassment, which includes sexual misconduct, the referred student or the victim may file an appeal to be heard by the Vice president for Student Affairs.
- l. Deviation from prescribed procedures will not necessarily invalidate a decision or proceeding unless significant prejudice to the referred student is shown to have resulted.

4. Student Judiciary Discipline

A. 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 Community and Ethical Standards or his/her designee will determine the process of case referral to the Student Judicial Boards.

B. Student Judicial Board Procedures

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

1. A staff member will notify the referred student within a minimum of three 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:
 - a. A brief description of the action that is an alleged violation and the student regulation allegedly violated.
 - b. The time, date and location of the hearing.
2. The hearing shall be considered closed. All statements, information, or comments given during hearings shall be held in the strictest confidence by Student Judicial Board members in keeping with the Family Educational Rights and Privacy Act (FERPA).
3. A recording shall be maintained by the Student Attorney General for appeal

purposes. Recordings 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 Community and Ethical Standards or his/her designee for approval.

4. On behalf of the University, OCES staff will contact and request the presence of witnesses deemed necessary to appear. University students and employees contacted by OCES are required to attend hearings unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities. Referred students are responsible for contacting and requesting witnesses to attend the hearing on his/her behalf and witnesses serving as character references are limited to three people.
5. 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.
6. 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.
7. The determination shall be made on the basis of whether it is more likely than not that the referred student violated the Student Code.
8. The Student Judicial Boards will render the decision to the student as soon as the decision has been made.
9. In cases where the sanction(s) recommended are not eviction from University Housing suspension, or dismissal, the referred student may appeal the decision of the student judicial boards to the student supreme court.
10. In cases where the sanction(s) recommended is eviction from University Housing, suspension, or dismissal, the referred student will be referred to the administrative process.

G. The Appeals Process

Regardless of the type of hearing, one of four criteria must be met in order for an appeal process to begin:

1. A procedural error so substantial that the 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

1. Administrative Discipline Conference Appeals

- a. Administrative discipline conference decisions NOT resulting in eviction from University Housing, suspension, or dismissal may be appealed by the referred student to the Community and Ethical Standards Code Review

- Committee (SCCRC) within five business 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 a minimum of 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 Community and Ethical Standards. Failure to submit an appeal within the allotted time will render the original decision final and conclusive.
 - 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. Request that the staff member clarify the original decision and then render a written decision to the student.
 - e. The decision of the Community and Ethical Standards Code Review Committee shall be final.

2. Administrative Hearing Appeals

- a. Administrative Hearing Board decisions resulting in eviction from University Housing, suspension, or dismissal may be appealed by the referred student to the vice president for Student Affairs or his/her designee within five business days of the receipt of the decision of the administrative hearing board.
- b. In cases involving sexual harassment, which includes sexual misconduct, Administrative Hearing Board decisions may be appealed by the referred student or the victim of sexual misconduct. The written appeal must be delivered to the vice president for Student Affairs or his/her designee within five business days of the receipt of the decision of the administrative hearing board.
- c. Such appeals must be in writing and delivered to the Office of the Vice President for Student Affairs and the Office of Community and Ethical Standards. Failure to submit an appeal within the allotted time will render the original decision final and conclusive.
- d. 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.
- e. The decision of the vice president for Student Affairs shall be final unless the decision is suspension or dismissal 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. In cases involving sexual harassment, which includes, sexual misconduct, the victim or referred student may appeal the decision of the vice president for Student Affairs.
- f. Appeal decisions sustaining suspension or dismissal may be appealed to the president of the University within five business 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 shall be final.

In cases involving sexual harassment, which includes sexual misconduct, Administrative Hearing Board decisions may be appealed by the referred student or the victim of sexual misconduct. The written appeal must be delivered to the president within five business days of the receipt of the decision of the decision of the vice president for Student Affairs. The decision of the president shall be final.

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 business days of notification of the decision. Such appeals must be in writing and delivered to the Office of Community and Ethical Standards.
- b. The Student Attorney General will determine if the appeal meets one of the four criteria.
- c. 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.

H. **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.

I. **Disciplinary Records**

The Office of Community and Ethical Standards will maintain disciplinary records for six years after disciplinary action has been taken. In the case of suspension or dismissal, the record will be maintained indefinitely. In disciplinary cases where charges have been dismissed or the student was found not in violation, 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 except in cases of properly filed court orders. However, educational institutions where the referred student may transfer to may receive information without signed consent. Notification of discipline action taken against a student 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 dismissal, notification is sent to several University departments. In the case of suspension or dismissal, a notation is placed on the student's official transcript describing the suspension period or dismissal.

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 Community and Ethical Standards 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 the Clemson Core Values to all members of the community in addition to all other outlined expectations within this document and within the organization's bi-law documentation. 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. Organizations are not afforded the same rights and responsibilities as individual students.

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. Restitution:** When an organization has damaged or destroyed University or personally owned property the organization may be required to make restitution, or receive additional educational sanctions.
- 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 at University events.
 - 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, observation and/or restrictions 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 dismissal of recognition. 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. **Dismissal 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 dismissal. Space vacated due to dismissal 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.
7. **Interim Suspension of Organizational Recognition:** 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 cases where:
- a. The alleged action of the student organization may pose a threat to the well-being of the University or any of its members, or to preserve University property;
 - b. The student organization poses a threat of disruption or interference with the normal operations of the University.

During any interim suspension, the organization shall be required to discontinue with all organizational activities. The organization will be denied access to all University activities and privileges for which the organization might be eligible. In certain circumstances, organizational leadership may be restricted from communication with the organizational membership or students may be required to vacate organizational housing units.

Prior to imposing an interim suspension, every effort will be made to give the student organization 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 fifteen university working days after the interim suspension unless the student organization waives the time deadline or there are extenuating circumstances.

B. Student Organization Discipline Procedures

The Director of Community and Ethical Standards 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 dismissal.
2. Refer the student organization to an administrative hearing.
3. Schedule an administrative hearing for the referred student organization in cases where the contemplated sanction is suspension or dismissal 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 section F. 3. Administrative Hearings. If the student organization waives its right to a hearing, the recommended sanction will be imposed.

C. Student Organization Major Incident Response Plan

In the event an incident occurs involving a student organization and it is necessary to meet with a large number of the student members, an emergency meeting will be scheduled and interviews will be held. In order to meet with the members in a timely manner, representatives from OCES, University Housing, Gantt Center for Student Life, Fike Recreation and/or the Dean of Students Office will be contacted to assist with the interviews. The types of incidents that may fall under this protocol include, but not limited to:

- Major Hazing Cases
- Major Alcohol Cases
- Major Disorderly Conduct Cases

An OCES staff member or designee will be responsible for coordinating the date, place and time and contacting the President and/or vice president of the student organization. It is the responsibility of the President and/or vice president to ensure that all members be in attendance unless there are extenuating circumstances.

OCES will also arrange to have staff members from Counseling and Psychological Services on call and/or present for incidents where student organizational members are experiencing a tragic or critical event and are in need of counseling.

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

1. The members of SCCRC shall be:
 - a. Two faculty members appointed by the Faculty Senate
 - b. Two staff members appointed by the Staff Senate
 - c. Five full time enrolled students in good standing appointed in the following manner:
 - i. 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.
 - ii. One graduate student appointed by the Graduate Student Government President and one graduate student appointed by the Graduate Student Senate President.

2. The Director of Community and Ethical Standards 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.