

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 3-2-106.2

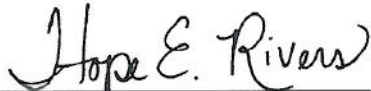
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TITLE: **STUDENT CODE PROCEDURES FOR ADDRESSING ALLEGED ACTS OF SEXUAL VIOLENCE AND SEXUAL HARASSMENT**


POLICY REFERENCE NUMBER: 3-2-106

DIVISION OF RESPONSIBILITY: **ACADEMIC AFFAIRS**

DATE OF LAST REVISION: June 13, 2013



VICE PRESIDENT, ACADEMIC AFFAIRS



EXECUTIVE DIRECTOR

The Student Code for South Carolina Technical Colleges sets forth the rights and responsibilities of the individual student, identifies behaviors that are not consistent with the values of college communities, and describes the procedures that will be followed to adjudicate cases of alleged misconduct. This Code applies to behavior or complaints alleging acts of sexual violence or sexual harassment on college property, at college-sponsored activities and events, and to off-campus behavior that adversely affects the college and/or the college community and the Code applies to all students from the time of applying for admission through the awarding of a degree, diploma, or certificate.

The procedures described in SBTCE 3-2-106.2 will be followed to adjudicate alleged acts of sexual violence and sexual harassment.

Sexual harassment is a form of discrimination prohibited by law as well as by the Student Code for the South Carolina Technical College System. In general, sexual harassment includes any advances, requests for sexual favors, sexual violence, and other verbal or physical conduct of a sexual nature that interferes with a student's ability to participate in or benefit from the college's programs or services. It may include such conduct as offensive jokes, slurs, name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put downs, and/or offensive objects or pictures.

Sexual assault is an extreme form of sexual harassment. It can be defined as a situation in which an individual is forced, threatened or coerced into sexual contact against his/ her free will, or without his/ her consent. Sexual assault may include, but is not limited to, sexual violence, date or acquaintance rape, sexual molestation, unwanted sexual touching or having sexual contact with a person while knowing or having reason to know that the person is incapacitated in some way (i.e., due to drugs or alcohol).

Any student, or other member of the college community, who believes that he/she is or has been a victim of sexual harassment or sexual assault may file a report with the college's Chief Student Services Officer, campus security office, or with the college's Title IX coordinator. The designated coordinator will work with the complaining student to mitigate any injury during the pendency of the investigation and proceedings. Colleges, through their designated coordinators, will change a victim's academic and living situations after an alleged sex offense and discuss the options for those changes, if those changes are requested by the victim and are reasonably available. The Title IX coordinator's office location and phone number are printed in the college's catalog and appear on the college's website.

Reports may also be filed by any other member of the college community. The student may also file a criminal report regarding the alleged conduct.

Due to the seriousness of these issues, the college will provide educational programs to promote the prevention and awareness of rape, acquaintance rape, and other forcible and nonforcible sex offenses, as well as sexual harassment awareness programs.

If the alleged harasser or violator of named in the report is an employee or third party, the case may be adjudicated through the South Carolina State Board for Technical and Comprehensive Education's (SBTCE) Student Grievance Procedure (SBTCE Procedure 3-2-106.2) and/or its Anti-Harassment Procedure (SBTCE 8-5-101.1).

If the alleged harasser or violator of this policy is a student, the case may be adjudicated through the process that follows.

1. Preliminary Hearing

Within 5 instructional weekdays after the charge has been filed, the Chief Student Services Officer, or designee, shall complete a preliminary investigation of the charge and schedule a meeting with the alleged violator and, if needed, the victim. After discussing the alleged infraction with the accused student and reviewing available information, the Chief Student Services Officer, or designee will decide whether the information presented during the meeting indicates that the violation occurred as alleged. When the student cannot be reached to schedule an appointment, or when the student fails to attend the meeting, the Chief Student Services Officer, or designee, will base the decision upon the available information.

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

- a) Reprimand--A written warning documenting that the student violated a student conduct regulation and indicating that subsequent violations could result in more serious disciplinary sanctions.
- b) Restitution--Compensation for loss or damage to college property or the property of others while on the campus, or at a college event or activity including but not limited to field trips, internships, and clinical settings.
- c) Special Conditions—Completion of a variety of educational activities, relating to the nature of the offense may be imposed. Examples include, but are not limited to, the following: a formal apology, an essay or paper on a designated topic, or participation in a special project or activity.
- d) Disciplinary Probation--A written reprimand documenting that the student violated a student conduct regulation. Probation is for a specified period of time and it serves as a warning that subsequent violations could most likely result in more serious disciplinary sanctions.
- e) Loss of Privileges-- Suspension or termination of particular student privileges.
- f) Suspension from the college--Separation from the college for a specified period of time. Suspended students will not receive academic credit for the semester in which the suspension was imposed. During the suspension period, the student may not return to the campus unless prior permission by the Chief Student Services Officer has been granted.
- g) Expulsion from the college--Permanent separation from the college. An expelled student may not return to the campus unless prior permission by the Chief Student Services Officer has been granted. An expelled student will not receive academic credit for the semester in which the expulsion was imposed.
- h) Any combination of the above.

Within 5 instructional weekdays of the preliminary hearing, the Chief Student Services Officer will send a certified letter to the student charged with violating the Student Code and to the victim. This letter will confirm the date of the preliminary hearing, identify the specific regulation(s) that the student allegedly violated, identify the decision, summarize the rationale, and, if the student violated the regulation(s), state the sanction that was imposed. This letter must also state that if the student charged with the violation or the victim disagrees with the decision or the sanction, either party may request a hearing before the Hearing Committee, that the request must be submitted no later than two instructional weekdays after receiving the decision letter unless a request is made and approved by the Chief Student Services Officer for an extension, and that any decision made and sanction imposed at the preliminary hearing may be held in abeyance pending the outcome of the Hearing Committee's meeting.

2. Hearing Committee

- a) The Hearing Committee shall be composed of the following:
 - 1) Three faculty members appointed by the Chief Academic Officer and approved by the President.

- 2) Three student members appointed by the appropriate student governing body and approved by the President.
 - 3) One member of the Student Services staff appointed by the Chief Student Services Officer and approved by the President.
 - 4) The Chief Student Services Officer, or designee, who serves as an ex officio nonvoting member of the Committee and who presents the case.
- b) The Hearing Committee shall perform the following functions:
- 1) Hear cases of alleged violations of the Code of Student Conduct.
 - 2) Insure that the student's procedural rights are met.
 - 3) Make decisions based only on evidence and information presented at the hearing.
 - 4) Provide the student with a statement of the committee's decision including findings of fact and, if applicable, impose one or more of the following sanctions:
 - a) Reprimand—A written warning documenting that the student violated a student conduct regulation and indicating that subsequent violations could result in more serious disciplinary sanctions.
 - b) Special Conditions—Completion of a variety of educational activities, relating to the nature of the offense may be imposed. Examples include, but are not limited to, the following: a formal apology, an essay or paper on a designated topic, or participation in a special project or activity.
 - c) Restitution—Compensation for loss or damage to college property or the property of others while on the campus or loss or damage to property at a college event or activity, including but not limited to field trips, internships, and clinical settings.
 - d) Disciplinary Probation—A written reprimand documenting that the student violated a student conduct regulation. Probation is for a specified period of time and it serves as a warning that subsequent violations could most likely result in more serious disciplinary sanctions.
 - e) Loss of Privileges-- Suspension or termination of particular student privileges.
 - f) Suspension from the college--Separation from the college for a specified period of time. Suspended students will not receive academic credit for the semester in which the suspension was imposed. During the suspension period, the student may not return to the campus unless prior permission by the Chief Student Services Officer has been granted.
 - g) Expulsion from the college--Permanent separation from the college. An expelled student may not return to the campus unless prior permission by the Chief Student Services Officer has been granted. An expelled student will not receive academic credit for the semester in which the expulsion was imposed.
 - h) Any combination of the above.
- c) Hearing Committee Procedures
- 1) The Chief Student Services Officer shall refer the matter to the Hearing Committee together with a report of the nature of the alleged misconduct, the

name of the person(s) filing the complaint(s), the name of the student against whom the charge(s) has (have) been filed, and a summary of the findings from the preliminary hearing.

- 2) At least seven instructional weekdays before the date set for the Hearing Committee's meeting, the Chief Student Services Officer, or designee, shall send a certified letter to the charged student's last known address and to the victim's last known address. The letter must contain the following information:
 - a) A statement of the charge(s).
 - b) A brief description of the incident that led to the charge (s).
 - c) The name of the person(s) submitting the incident report.
 - d) The date, time, and place of the scheduled hearing.
 - e) A list of all witnesses who might be called to testify.
 - f) A statement of each party's procedural rights. These rights follow:
 - 1) The right to consult counsel. This role of the person acting as counsel is solely to advise the student. Counsel may not address the Hearing Committee or participate in any of the questioning. The student has the responsibility for paying any of the counsel's fees and any other of the counsel's charges.
 - 2) The right to present witnesses on one's behalf.
 - 3) The right to know the names of any witnesses who may be called to testify at the hearing.
 - 4) The right to review all available evidence, documents, exhibits, etc., that may be presented at the hearing.
 - 5) The right to present evidence; however, the Hearing Committee will determine what evidence is admissible.
 - 6) The right to know the identity of the person(s) bringing the charge(s).
 - 7) The right to hear witnesses on behalf of the person bringing the charges.
 - 8) The right to testify or to refuse to testify without such refusal being detrimental to the student.
 - 9) The right to a fair and impartial decision.
 - 10) The right to appeal the Hearing Committee's decision.
- 3) On written request of the charged student or the victim, the hearing may be held prior to the expiration of the seven day advance notification period if the Chief Student Services Officer, or designee, concurs with this change.
- 4) The chairperson of the Hearing Committee, in his/her discretion, may postpone the hearing due to circumstances beyond the control of the parties.
 - a) Hearing Committee Meetings
 - 1) The chair shall be appointed by the President from among the membership of the Committee. Ex officio members of the committee may not serve as the chair of the committee.

- 2) Committee hearings shall be closed to all persons except the student, the person(s) initiating the charge(s), counsels for any student and for the College, witnesses who will be invited into the hearing and a person, mutually agreed upon by the Committee and the student(s), to serve as the recorder.
- 3) The Committee may identify someone to take written notes and the committee will have the hearing, with the exception of deliberations, recorded. No other party in the hearing may record the proceedings and no other party is entitled to a copy of the notes or the recording. The written notes and the recording will be maintained in the office of the Chief Student Services Officer. The student may review the notes and listen to the recording under the supervision of the Chief Student Services Officer or designee.
- 4) Witnesses shall be called in one at a time to make a statement and to respond to questions.
- 5) After hearing all of the information, the Hearing Committee will go begin its deliberations. Using the “preponderance of evidence” standard, which means that it is more likely than not that the violation occurred as alleged, the members will determine, by majority vote, whether the violation occurred. If it is determined that the violation occurred as alleged, by majority vote, the members will decide upon the appropriate sanction.
- 6) The Chair of the Hearing Committee will send a certified letter to the student’s and to the victim’s last known address within two instructional weekdays of the Committee’s decision. The letter shall inform the students about the Committee’s decision, the date of the decision, and, if applicable the sanction(s) imposed. The letter will also inform each recipient about the appeal process.
 - a) When the case results in a finding that the student engaged in an act of sexual violence, the Chair’s letter to the victim will also include the sanction imposed by the Hearing Committee.
 - b) When the case results in a finding that the student engaged in an act of non-violent sexual harassment, the Chair’s letter to the victim will only include the sanction imposed by the Hearing Committee if the sanction directly relates to the victim (e.g., the harasser has been directed to stay away from the victim while on the college’s campus).

3. Appeal

If either student disagrees with the decision or, only in the cases involving charges of sexual violence, the sanction, the student may submit a written appeal to the College’s President. This letter must be submitted within ten instructional weekdays of the date on which the Hearing Committee made its decision. The written appeal must include a statement indicating why the student disagrees with the Hearing Committee’s findings.

The President, or designee, shall review the Hearing Committee’s findings, conduct whatever additional inquires as deemed necessary, and render a decision within ten

instructional weekdays of receiving the appeal. The President, whose decision is final, shall have the authority to approve, modify, or overturn the Hearing Committee's decisions and, if needed, void the process and reconvene another Hearing Committee.

The President, or designee, will inform each student about the outcome of the appeal in a certified letter sent to the student's last known address.