

# STUDENT CODE OF CONDUCT

## ***Purpose***

Upon admittance to Young Harris College, students are informed of the standards and expectations associated with entrance into the YHC community. The Student Code of Conduct was adopted to enhance the health and safety of individuals on campus and to promote an atmosphere that is conducive to the educational process.

## ***Standard of Proof***

Because the YHC student conduct system is administrative in nature and not judicial, it is not bound by the standard rules of evidence. It does not enforce outside criminal or civil law and does not intend to mimic such judicial processes. Decisions reached under the student conduct system are based on a preponderance of the evidence. Attorneys and/or legal advisors are not permitted to participate in the YHC student conduct process.

## ***Jurisdiction***

The Standards of Conduct apply to all conduct that occurs on college premises and at college-sponsored activities. The college also has the discretion to discipline a student for an act in violation of the Standards of Conduct that occurs off campus if that conduct adversely affects the YHC community and/or the pursuit of its objectives. The Vice President for Student Development, in their sole discretion and on a case-by-case basis, decides whether student conduct proceedings should be initiated against a student for conduct occurring off campus.

Each student shall be responsible for their conduct from the time of admission through the actual awarding of a YHC degree. Students are responsible for all conduct that may occur before classes begin and after classes end, as well as for conduct that may occur during the academic year and between terms of actual enrollment (even if the conduct is not discovered until after a degree is awarded). College policies apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

Young Harris College student conduct proceedings may be initiated against a student involved in conduct that potentially violates both criminal law and the Standards of Conduct (that is, if both possible violations result from the same factual situation), without regard to the pendency of civil or criminal litigation in court, or criminal arrest and prosecution. Proceedings under the YHC student conduct system may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Vice President for Student Development. Determinations made or sanctions imposed under the student conduct system shall not be subject to change on the grounds that criminal charges regarding the same incident were dismissed, reduced, or resolved in favor of or against the student.

## ***Fundamental Rights of the Accused***

Students and student organizations charged with violating the Standards of Conduct are entitled to the following rights under the Young Harris College student conduct system:

- (1) Notice of the charge(s), an account of the alleged misconduct, a list of witnesses, and notice of the scheduled hearing delivered seventy-two (72) hours before a hearing. The student may request additional time by showing good cause.
- (2) Notice of the maximum allowable penalty (i.e., expulsion).

- (3) The right to a hearing closed to the public.
- (4) The right to: (i) a non-adversarial hearing before the Director of Student Conduct and Community Standards or their designee; or (ii) an adversarial hearing before a college hearing board with jurisdiction.
- (5) The right to testify or remain silent in a college hearing at their option. However, a college board is not prohibited from drawing an adverse inference against a student if the student remains silent or refuses to attend a disciplinary hearing, or testifies in response to evidence offered against them. A college hearing board shall not base its decision solely on a student's failure to attend a hearing or a student's refusal to testify or remain silent.
- (6) The right to present the testimony of witnesses or other evidence at a hearing.
- (7) The presumption of innocence. The burden of proof rests with the college, such that the college must prove the student's guilt by a preponderance of the evidence.
- (8) A written decision specifying the rule violated, penalty assessed, and right of appeal.
- (9) The right to challenge the seating of any board member for good cause. The dismissal of a challenged hearing board member shall be at the discretion of the hearing board chairperson. If the chairperson is challenged, they may be excused at the discretion of the majority of the hearing board.
- (10) The right to have their case heard only on the misconduct specified in the written notice.
- (11) The right to challenge the admissibility of evidence.
- (12) The right to cross-examine all available adverse witnesses.
- (13) Appeal the decision of a college disciplinary board in accordance with the "Appeals Process" as detailed herein.

### ***Standards of Conduct***

A student or student organization may be disciplined for the following types of misconduct:

- (1) Providing false information to a college official.
- (2) Falsifying, distorting, misrepresenting or withholding information in connection with a college investigation or hearing.
- (3) Forging, altering, destroying, falsifying or misusing records, identification or documents, whether in print or electronic form.
- (4) Causing physical harm to any person (including oneself); endangering the health or safety of any person (including oneself); engaging in conduct that causes a reasonable person to fear harm to their health or safety; or making an oral or written statement (including electronically) that an objectively reasonable person hearing or reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence

to a particular individual or group of individuals, although the speaker need not mean to carry out the act of unlawful violence in order to constitute a violation of this rule.

- (5) Harassment, which is defined as unwelcomed conduct that is so severe or pervasive and objectively offensive that it substantially interferes with the ability of a person to work, learn, live or participate in or benefit from the services, activities or privileges provided by the college.
- (6) Engaging in sexual misconduct, including sexual assault, sexual harassment, dating violence, domestic violence, stalking and retaliation. See the sections in this handbook entitled "Sexual Misconduct" and "Retaliation" for definitions of the above terms.
- (7) Invasion of another person's privacy when that person has a reasonable expectation of privacy. Using electronic or other means to make a video or photographic record of any person, without the person's knowledge or consent, in a location in which the person has a reasonable expectation of privacy. This includes, but is not limited to, making a video or photographic record of a person in shower/locker rooms and/or restrooms. The storing and/or distributing of such unauthorized recordings by any means is also prohibited.
- (8) Theft, misappropriation, unauthorized possession or unauthorized sale of private or public property including, but not limited to, college property.
- (9) Vandalizing, destroying, damaging or engaging in conduct that reasonably could cause damage to, or misusing property including, but not limited to, college property.
- (10) Participating in hazing. "Hazing" is defined as any intentional or reckless act, on or off college property, by one (1) student, acting alone or with others, which is directed against any other student that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger their own mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. The college also upholds the position on hazing adopted by the Association of Fraternity/Sorority Advisors ([www.afa1976.org](http://www.afa1976.org)), and the Fraternal Information and Programming Group ([www.fig.org](http://www.fig.org)), and looks to the groups' definition of hazing for guidance identifying acts of hazing.
- (11) Engaging in disorderly, lewd, indecent or obscene conduct. "Disorderly" conduct means fighting or other physically violent or threatening conduct, creating a hazardous or physically offensive condition by any act that serves no legitimate purpose, making noise that could unreasonably disturb others who are carrying on lawful activities, and conduct that breaches the peace. "Lewd, indecent, or obscene" conduct includes, but is not limited to, public exposure of one's sexual organs, public urinating, and public sexual acts.
- (12) Engaging in speech, either orally or in writing, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.
- (13) Any act of arson; falsely reporting a fire, the presence of an explosive or incendiary device, or other emergency; damaging fire alarms; setting off a false fire alarm; or tampering with or removing fire extinguishers or any other safety or emergency

equipment from its proper location, except when removed in a situation in which there is a reasonable belief of the need for such equipment.

- (14) Possessing, using or duplicating college keys, access cards or identification cards without authorization; or possessing, using, or entering college property without authorization.
- (15) Theft, misuse, or unauthorized use of information technology facilities, resources, or access codes including, but not limited to: unauthorized entry into or transfer of a file; using another person's identification and/or password without that person's consent; using information technology facilities or resources to interfere with the work of another student, faculty member, staff member or other member of the college community; using information technology facilities or resources to interfere with normal operation of a college information technology system or network; circumventing college information technology systems or network security; using information technology facilities or resources in violation of copyright laws; falsifying an e-mail header; and conduct that violates the college's Acceptable IT Use Policy which can be found at [www.yhc.edu/information-technology](http://www.yhc.edu/information-technology).
- (16) Possessing, using, storing, or manufacturing any weapon or any facsimile of a weapon on college property or in connection with a college-affiliated activity, unless authorized in writing by the YHC Chief of Police or their designee.
- (17) Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages on college property or in connection with a college-affiliated activity.
- (18) Consuming, manufacturing, possessing, distributing, dispensing, selling or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law.
- (19) Providing an alcoholic beverage to a person younger than twenty-one (21) years of age, unless permitted by law.
- (20) Using, manufacturing, possessing, distributing, selling, dispensing or being under the influence of drugs, if prohibited by federal, state, or local law; displaying, distributing, dispensing, possessing, or selling drug paraphernalia; using or possessing a prescription drug, if the prescription was not issued to the student; or distributing or selling a prescription drug to a person to whom the prescription was not originally issued.
- (21) Failing to pay a college bill, account, or other college financial obligation.
- (22) Failing to respond to a request to report to a college administrative office; failing to comply with a lawful directive of a college employee or other public official acting within the scope of their duties; or failing to identify oneself to a college employee or other public official acting within the scope of their duties when requested to do so.
- (23) Failing to appear at a college hearing including, but not limited to, a hearing of a college disciplinary board following a request to appear either as a party or as a witness.
- (24) Violating the terms of an interim suspension, a no-contact directive, or a disciplinary penalty imposed by the college.

- (25) Obstructing or disrupting teaching, learning, studying, research, public service, administration, disciplinary proceedings, emergency services or any other college-affiliated activity, or the free flow of pedestrian or vehicular traffic on college property.
- (26) Violating a college policy or rule including, but not limited to, those relating to facilities use, smoking, the acceptable use of information technology resources, research misconduct, access to college data or materials, college libraries, dining services, parking or transportation, college identification card use, sexual misconduct, residence life, and registered student organizations.
- (27) Committing an act that is prohibited by local, state, or federal law.
- (28) Attempting to commit a violation of a Standard of Conduct or being an accessory to the commission of an act or attempted act in violation of a Standard of Conduct.

### ***Student Conduct Process***

Once an incident report is submitted, the Vice President for Student Development or their designee will review the report, gather further information, if necessary, and establish appropriate charges, if any. If charges are established, the accused student or student organization will be notified by the Office of Student Development and required to schedule an appointment with the Director of Student Conduct and Community Standards or with the student's Residence Life Coordinator (if the offense is minor).

After being advised of their fundamental rights and the pending charge(s), an accused student or student organization has two available courses of action:

#### **1. Administrative Hearing**

The accused student or student organization may accept responsibility for violating the Standard(s) of Conduct described in the Record of Administrative Hearing and accept the college's sanction recommendation. Such disposition shall be final and there shall be no subsequent proceedings.

\*If the agreed upon conditions and outcomes are not met within the stated timeframe, new charges may be brought against the accused student or student organization.

#### **2. Student Disciplinary Board Hearing**

An accused student or student organization may elect to have a hearing before the Student Disciplinary Board to contest the pending charges and/or recommended sanction. Those appearing before a Student Disciplinary Board are responsible for presenting information related to their involvement or non-involvement in the incident in which they are being charged. A representative from the Office of Student Development will provide information to the Board to support the college's claim against the accused student or student organization.

### ***Interim Suspension***

When the Vice President for Student Development or their designee has reason to believe the continued presence of a student or student organization poses a threat to the health, safety, or welfare of members of the YHC community or to the preservation of YHC property, or poses an

ongoing threat to the disruption of or interference with the normal operations of the college, the Vice President for Student Development or their designee may impose an interim suspension prior to the conclusion of a full hearing.

Notice of an interim suspension shall be provided in writing to the accused student or student organization. The written notice shall explain the basis for the interim suspension and state that the suspension shall remain in effect until the conclusion of a full hearing in accordance with the Young Harris College student conduct process.

During the interim suspension, a student or student organization shall be denied access to YHC-controlled property including campus housing facilities, educational buildings and classrooms, and all other YHC activities and/or privileges for which the student or student organization might otherwise be eligible. The Vice President or their designee shall determine the appropriateness of such denial of access.

The interim suspension does not replace the regular conduct process which shall proceed as normal under the guidelines outlined in this section.

### ***Sanctions***

The following sanction options may be imposed upon any student found to have violated the Standards of Conduct:

- (1) **Administrative Warning.** A written notice to the student that the student is violating or has violated the Standards of Conduct.
- (2) **Loss of privilege.** Denial of specified privileges for a designated period of time. This may include denial of participation in college-sponsored activities and/or events, extracurricular activities, social activities, scholarships, and the use of certain college-controlled property.
- (3) **Parental Notification.** The Family Educational Rights and Privacy Act (FERPA) gives colleges and universities the option to release specific types of information from a student's conduct record.
- (4) **Educational & Treatment Programs.** Students may be required to attend classes, at their own expense, regarding issues involving alcohol or drug use, civility, ethics, or other topics as deemed appropriate by the Director of Student Conduct and Community Standards.
- (5) **Restitution.** Restitution may be required in situations that involve destruction, damage or loss of property, or unreimbursed medical expenses resulting from physical injury. Restitution may take the form of a monetary payment or appropriate services to repair the destruction, damage, or loss.
- (6) **Fines.** Monetary fines may be imposed for certain violations of the Student Code of Conduct.
- (7) **Work Sanction/Community Compensation.** A work sanction is the assignment to work a specific number of hours at the college or a community service agency.

- (8) **Housing Suspension.** Removal of the student from campus housing for a definite period of time, after which the student may be eligible to return. Conditions for readmission must be specified. If a student is suspended from campus housing, they may still be charged room and board during the time of suspension.
- (9) **Housing Expulsion.** Permanent removal of the student from campus housing. If a student is expelled from campus housing prior to the end of the semester, they may still be charged the full amount for room and board.
- (10) **Disciplinary Probation.** Disciplinary probation permits a student to remain at the college on probationary status, but with the understanding that a future violation of the Standards of Conduct may result in suspension. Probation may be for a defined or indefinite period. Other conditions of probation are specific to each individual case and may include a requirement of community service or other requirements or restrictions.
- (11) **Suspension.** Separation of the student from YHC for a definite period of time, after which the student is eligible to return. Upon return, the student may be placed on indefinite disciplinary probation. Additional conditions for readmission may also be specified.
- (12) **Expulsion.** Permanent separation of the student from YHC.
- (13) **Revocation of Admission and/or Degree.** Admission to, or a degree awarded from YHC may be revoked for fraud, misrepresentation, or other violations of the Standards of Conduct committed by a student in order to obtain a degree or admittance.
- (14) **Withholding Degree.** YHC may withhold awarding a degree otherwise earned until the completion of the student conduct process, including the completion of all sanctions imposed, if any.
- (15) **Other Sanctions.** A disciplinary hold may be placed on a student's account until the completion of the student disciplinary process and/or until the student satisfies the terms and conditions of any penalties imposed.

In addition to the above list, the following sanctions may be imposed upon groups or recognized student organizations:

- (1) **Social Probation.** Social probation prohibits a student organization from sponsoring or participating in specified social activities. While on social probation, a student organization may not host social events (e.g., dances, formals, tabling, etc.) or participate in college-sponsored activities (e.g., Homecoming, Greek Week, intramurals, etc.). Exceptions may be made for philanthropic events but must be approved, in advance, by the Vice President for Student Development.
- (2) **Disciplinary Probation.** Disciplinary probation means that a student organization is permitted to retain its YHC recognition on a probationary status. A violation of the Code of Conduct during the period of disciplinary probation may result in more serious penalties, including revocation of YHC recognition.

- (3) **Loss of YHC Recognition/Charter.** A recognized student organization may be placed on permanent or temporary suspension from Young Harris College and may lose its status as a recognize student organization and not be allowed to plan or use college facilities or other resources for any functions.

A sanction imposed for any single violation may include more than one of the sanction options listed above.

Students who receive a suspension or expulsion must vacate the campus as directed in a hearing and/or appeal. Students who are suspended or dismissed from Young Harris College are banned from the campus and/or college property. Violators shall be subject to arrest for criminal trespass.

If a student fails to complete an assigned sanction within the specified amount of time, a Failure to Comply violation may be assessed to the student. An administrative STOP shall be placed on the student's account preventing the student from registering for classes, accessing grades, obtaining a transcript and performing other administrative functions until the original sanction is complete. In addition, monetary fines may also be imposed and placed on a student's account.

### ***Student Conduct Council***

The purpose of the Young Harris College Student Conduct Council is to hear allegations of student misconduct involving violations of the Standards of Conduct, and to determine the responsibility of the student or student organization charged and establish an appropriate penalty in cases where the student or student organization is found responsible.

#### **Membership**

Twelve to fifteen (12-15) full-time YHC students shall be selected each year to serve on the Student Conduct Council. To apply, a student must be a rising sophomore or above. An applicant may be disqualified because of previous conduct violations or not meeting the minimum qualifications for membership. All students selected to serve on the Student Conduct Council must maintain a 2.5 GPA. A member may be removed from the Council, for cause, by the Vice President for Student Development.

#### **Advisor**

The Director of Student Conduct and Community Standards shall serve as advisor to the Student Conduct Council.

### ***Student Disciplinary Board Hearing***

After being advised of their fundamental rights and the pending charge(s), an accused student or student organization may elect to have a hearing before the Student Disciplinary Board to contest the charge(s) and/or the recommended sanction. Students appearing before the Disciplinary Board are responsible for presenting relevant information related to their involvement or noninvolvement in the alleged incident. A representative from the Office of Student Development will provide information to the Board to support the college's claim against the accused student or student organization. Student Disciplinary Board Hearings are closed to the public and shall remain confidential except as provided by law.

### **Composition of the Board**

The Student Disciplinary Board shall be comprised of Student Conduct Council members. A quorum of five (5), including a non-rotating Chairperson elected by the Student Conduct Council and approved by the Vice President of Student Development, must be present in order for a hearing to proceed. If a quorum is not present, the accused student or student organization shall be given an opportunity to reschedule the hearing, or to waive their right to a quorum and proceed with the hearing with approval of the Chairperson.

### **Witnesses and Exhibits**

Both parties may arrange for witnesses to present pertinent information at the hearing. If a party wishes to have a witness present, it is their responsibility to supply a list of witnesses, including contact information and a description of how the witness is relevant to the incident, to the Board at least three (3) business days prior to the start of the hearing for approval. Upon approval, notification of hearing details to witnesses is the sole responsibility of the person submitting the request. Pertinent records, exhibits, and signed written statements may be accepted as information for consideration by the Board at its discretion. Such information must be presented by a party at least three (3) business days prior to the start of the hearing for approval by the Board.

### **Standard of Proof**

The college has the burden of proof and must establish, by a preponderance of the evidence, that the accused student or student organization is responsible for the alleged student conduct violation. All procedural questions are subject to the final decision of the Chair of the Board.

### **Responsibility Phase**

During the responsibility phase both parties may present relevant information in order to help the Board determine whether the accused student or student organization should be found responsible for the alleged charge(s). Character evidence is not permitted during the responsibility phase of the hearing. The determination of the Board shall be made on the basis of whether it is more likely than not that the accused student or student organization violated one or more of the Standards of Conduct. Board deliberations shall be closed and out of the purview of the parties.

### **Penalty Phase**

If a student or student organization is found to be responsible for violating one or more of the Standards of Conduct, the hearing shall proceed to the penalty phase. During the penalty phase, the Board may consider a student or student organization's conduct history. The Board may also consider the student's present demeanor, the nature of the offense, the severity of any damage, injury or resulting harm, and any other relevant factors in order to determine an appropriate sanction. Character witnesses are permitted during the penalty phase.

All hearings may be audio/video recorded by the Office of Student Development and may become part of a student's official conduct file.

At certain times of the year, hearing boards are unavailable. An administrative hearing is necessary when: 1) the Student Disciplinary Board or Traffic Appeals Board is unable to meet (including summer session, between terms, during the week of finals or any other time it is not feasible to convene); or 2) deemed appropriate by the Vice President for Student Development.

## ***Appeals Process***

The disciplinary action of the Student Disciplinary Board may be appealed. An appeal shall be heard by members of the Student Conduct Council who did not serve on the initial Student Disciplinary Board. The request for appeal must be submitted in writing to the Student Development Office within five (5) business days of the decision of the Student Disciplinary Board. All appeals (except those to the Traffic Appeals Board) must be taken upon the record made before the original board. Pending the outcome of an appeal, the penalty specified in the original decision shall not be imposed. An interim suspension may be imposed if the Vice President for Student Development or their designee has reason to believe the continued presence of a student or student organization poses a threat to the health, safety, or welfare of members of the YHC community or the preservation of YHC property, or poses an ongoing threat to the disruption of, or interference with, the normal operations of the college.

The following reasons shall constitute valid grounds for an appeal:

- (1) **To determine whether the initial hearing was conducted fairly** in light of the charges and information presented, and in conformity with prescribed procedures, giving both parties a reasonable opportunity to prepare and present evidence to the Board. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
- (2) **To determine whether the decision reached was based on substantial information**, that is, whether there were facts in the case that, if believed by the finder, were sufficient to establish that a violation of the college's Standards of Conduct occurred.
- (3) **To determine whether the sanction imposed was appropriate for the violation** of which the student was found responsible.
- (4) **To consider new information** sufficient to alter a decision or other relevant facts not brought out in the original hearing because such information and/or facts were not known to the person appealing at the time of the original hearing, nor could have reasonably been obtained by the person.

**Outcomes of the Appeals Board are final; however, they are subject to review by the Director of Student Conduct and Community Standards and the Vice President for Student Development for consistency and fairness.**

## ***Traffic Appeals Board***

The purpose of the Traffic Appeals Board is to hear appeals regarding traffic or parking tickets issued on campus by the Young Harris College Police Department, and determine whether a student violated the YHC traffic policy and establish an appropriate penalty, if necessary.

### **Submission**

Any student may appeal a traffic or parking ticket issued on campus by the Young Harris Police Department. Students wishing to appeal a ticket must submit a YHC Student Conduct Appeal Form to the Student Development Office within five (5) business days of the ticket being issued. The ticketing officer then has the opportunity to read the appeal and submit a written response to the Traffic Appeals Board twenty-four (24) hours prior to the hearing. All hearings are closed meetings of the board.

### **Information Considered**

Information considered during the appeal is limited to that which is submitted in writing to the board. A student or ticketing officer may submit a written request with the appeal to present information in person. If granted, notice will be given forty-eight (48) hours prior to the appeal hearing inviting both the student and ticketing officer to speak. If a student or officer is granted the opportunity to present information at the appeal and is not present at the time of the hearing, the hearing will **not** be delayed or rescheduled and only their written statement will be considered. The board may uphold, overturn, or modify the original decision or fine.

Notice of the decision will be given via the student's YHC email address within three (3) business days of the hearing. Any decision rendered by the Traffic Appeals Board shall be considered final and binding upon all involved.

### **Composition of the Board**

The Traffic Appeals Board shall be comprised of Student Conduct Council members. A quorum of three (3) must be present in order for a hearing to proceed.

### ***Notification to Others***

In an effort to holistically develop students and more effectively identify behavior patterns, there are times when those with a "need to know" are notified about a student's involvement, or alleged involvement, in an incident. To the extent allowed by FERPA, this "need to know" may include administrators, faculty members, advisors, the college retention officer, coaches, health and wellness professionals and Residence Life Staff. Those considered "need to know" are determined by the Vice President for Student Development and Director of Student Conduct and Community Standards on a case-by-case basis.

### ***Student Conduct Records***

Incidents involving the imposition of sanctions other than suspension, expulsion, or revocation or withholding of a degree shall be expunged from the student's confidential disciplinary record seven (7) years from the date of the student's last violation.

**Student Conduct records, including hearing outcomes and sanctions, shall follow a student for their entire enrollment at Young Harris College.**

### ***Special Circumstances***

The Vice President for Student Development may choose to review a case directly and has the right to initiate legal action when necessary. This includes, but is not limited to, cases involving the use or possession of illegal drugs and drug paraphernalia, sexual misconduct, or violence. The student will be given the opportunity to refute the charges or accept responsibility for their behavior. Decisions at this level may be appealed to the President or their designee.