

Code of Conduct

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.

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), and the Fraternal Information and Programming Group (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.
- (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.