

# College of Charleston Student Handbook A Guide to Civil and Honorable Conduct 2010-2011

## COLLEGE *of* CHARLESTON

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### STUDENT AFFAIRS

The College of Charleston reserves the right to make changes in its policies, regulations, and procedures as printed herein through normal channels. The *Student Handbook* is produced by the Office of Student Affairs.

The College of Charleston is committed to providing leadership of equal employment and equal educational opportunities for all qualified persons regardless of race, religion, sex, national origin, age, disability, or other legally-protected classifications. This effort is in compliance with all federal and state laws, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 503 and 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and all other laws and regulations as they pertain to equal opportunity. For further information, contact the Office of Human Relations and Minority Affairs at 953-5580.

An electronic version of the *Student Handbook* is currently available on the World Wide Web. You can access it through the College of Charleston home page at <http://studentaffairs.cofc.edu/honor-system/studenthandbook/index.php>

# College of Charleston Student Handbook 2010-2011

A Guide to Civil and Honorable Conduct

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## **Letter from the President**

August 1, 2010

Dear Student,

It is my honor and pleasure to welcome you to the College of Charleston. I congratulate you and your family on your fine academic record.

Today, you are beginning an exciting new chapter in your life — a chapter that will be defined by your hard work, your openness to new experiences, and your willingness to learn.

Over the next few years, we expect to challenge you, but we also expect you to have the greatest time of your life. We have more than 150 student groups covering almost any interest you may have. We also have a great intramural program, a strong Greek life system, fantastic sports teams to cheer on, and fun events throughout the year.

I encourage you to take full advantage of all that the College offers — both inside and outside of the classroom. Remember, you're not a number here. The entire College family — faculty, staff, and alumni — is committed to helping you grow and develop. You're a crucial part of the College's life.

I look forward to seeing you around campus and getting to know you better over the course of your academic career at the College.

Sincerely,

P. George Benson  
President

## **Letter from the Executive Vice President for Student Affairs**

August 1, 2010

Dear College of Charleston Student:

Welcome back from your summer jobs, vacations, travel and exchange experiences. I hope this letter finds you ready for a successful academic year. Your educational progress is always my primary concern.

This handbook is designed to share with you many of the policies and procedures for you as a student at CofC. I hope you will adhere to these guidelines and come forward with any suggestions for review. Another issue that is important that I share with you is regarding your status as part of the Charleston community.

Whether this year finds you living on or off campus, you play the major role of being a resident of a local neighborhood. Therefore, your social development and civic responsibility are no small part of our interests. As more of our students take rooms and apartments in the neighborhoods adjacent to campus, and others interact frequently with local residents, more problems between students and permanent residents are surfacing. If there are difficulties, they are typically a direct result of poor communication between neighbors or insensitivities to neighborhood rules and expectations. To help prevent such problems, I offer the following suggestions:

1. Upon moving in, take the time to meet your neighbors and share any concerns the two of you may have.
2. Since many local houses are very close to each other, be conscious of noise level, particularly during the week. Your neighbors may need to study or get to sleep in preparation for class or work the next day.
3. Tell your neighbors ahead of time if you are expecting more than just a few guests, let your guests know where they should properly park, and share neighborhood expectations that might apply to them as visitors.
4. Make sure that you or your landlord maintains the appearance of your house or apartment so that it meets neighborhood standards.
5. Know and obey local and state laws and ordinances. No matter your level of awareness of these mandates, you will be expected to abide by them.

I thank you in advance for your cooperation. Please understand that to your neighbors, you are more than individuals; you are the College of Charleston. While it is my desire for you to have a great experience in college, please represent us well. If there are any ways in which I may be of assistance to you, please do not hesitate to contact me. Have a fantastic and rewarding year.

Sincerely,

Victor K. Wilson  
Executive Vice President for Student Affairs

### **Letter from the Honor Board**

August 1, 2010

Dear Students,

Welcome to the College of Charleston! We are excited that you chose C of C as the place to further your education.

As members of the Honor Board, we would like to remind you that the primary motive for attending college is to obtain an education that will aid you in your search of a successful future. The Honor Board is made up of students, just like you, with the same demands on our time, the same desire to have fun, and capable of making the same mistakes you make. We are not here just to adjudicate cases; we know that circumstances and poor judgment affect us all, and we will help you. If you transgress these rules, we will treat you with fairness, respect, and understanding, but we will not allow you to harm yourself or our community. With over 150 hours per week outside of the classroom of your own free time, we ask you to be responsible adults and to make sound decisions. We invite you get to know the faculty and staff members that help make up this college community so that you not only learn from and with them, but feel able to seek their guidance and wisdom during trying times. Talk to them, they listen; ask them questions, they answer; give them respect, they deserve it; but most importantly, keep their trust.

Most of the academic cases that are presented before the Honor Board could have been avoided if the student had only communicated his or her troubles to the professor ahead of time. Faculty members are here to help you, do not be afraid of them. On the other hand, most of our non-academic cases occur because individuals do not know their tolerance for alcohol or understand that this campus and city take a serious stance against illegal substances. We understand that for many of the freshmen, this is your first year away from

home and a time of experimentation. Be careful of your actions, because they have consequences. You are no longer in high school and will not be treated like you are. You will be held accountable for your actions like adults.

Whether you are beginning or continuing your studies here, we wish you a successful endeavor to gain knowledge, experience and friendships all surrounded by honest learning and civil behavior. Your time at the College of Charleston should be some of the best years of your lives; so remember to have fun, but responsibly.

Sincerely,

The Honor Board

## **Students' Rights and Responsibilities**

### **1. Introduction**

The College of Charleston, one of the country's few colleges that can trace its origins back to the colonial period, was founded in 1770 and chartered in 1785. It is the oldest institution of higher education in South Carolina and the first municipal college in the United States. Today's campus is a modern facility which supports a community of students, faculty, professionals, and staff striving to fulfill the college's mission as a liberal arts institution in a complex and changing world.

The College of Charleston is a liberal arts and sciences institution, which includes a School of Education, Health, and Human Performance and a School of Business and Economics. Liberally educated men and women gain a broad acquaintance with the principal areas of human knowledge: the humanities (literature, languages, history, and philosophy), mathematics, logic, the fine arts, the natural sciences, and the social sciences. They have mastered the basic intellectual skills: how to reason logically, how to think critically, how to communicate effectively, and how to perceive the wide implications of what they have learned.

At the core of the College of Charleston community are individuals from diverse backgrounds whose lives are intertwined in support of the uplifting of the human condition through comprehensive studies. As with all communities, there is a moral code of ethical behavior that binds participants together, and a body of official rules and regulations that defines personal freedoms and responsibilities. The former is codified in the College of Charleston Honor Code and Code of Conduct – our Honor System. The Honor System applies to all members of the college community and is intended to promote an atmosphere of trust and fairness in the classroom and in the conduct of daily campus life. The codes and the judicial process for reporting and hearing violations are addressed in greater detail later in this publication. The latter refers to official College of Charleston academic/administrative rules and regulations which define processes for accomplishing routine requests and transactions, as well as penalties for failure to acknowledge them. These regulations are outlined in this publication and Undergraduate and Graduate Catalogs.

The purpose of this Handbook is to assist you in understanding your rights, freedoms, and responsibilities as a student. This Handbook is an official publication of the College. As such, it is a legal and contractual document between the College and its student body. As a student, you will be held accountable for its contents. This means that while officially enrolled at the College you are responsible for abiding by its rules which are intended to facilitate and sustain, in an orderly fashion, the on-going business of the College. For its part, the College has committed itself to your holistic development and to the support of those regulations designed to enhance and protect your individual rights.

The College of Charleston has for many years maintained a stated, formal policy prohibiting discrimination or harassment on our campus. This prohibition applies irrespective of race, age, religion, gender, sexual identity or sexual orientation. Quite simply, we cannot satisfactorily co-exist and meet the mission of the College to provide high-quality education in the face of either discrimination or harassment. Such actions are wholly antithetical to the precepts of higher education and, in particular, the College of Charleston. An integral part of education is the exposure to different views and different cultures. We must not only accommodate this diversity, but, if we are to maximize the educational opportunities presented at this institution, we must embrace this diversity as well. The ability to recognize differences and see linkages between and among these differences lies at the core of a liberal arts education, to which this college is dedicated. We must, therefore, exercise true tolerance and seek an understanding of others, for in an awareness of differing traditions and views, we grow as individuals. Further, we must respect the intrinsic worth of individuality and work together continuously to create and nurture an environment that stimulates intellectual and personal growth.

A second fundamental value inherent in a liberal arts education is that of intellectual freedom and freedom of expression. In educational institutions, this value is firmly entrenched in the doctrine of academic freedom. In our nation, this fundamental value is enshrined in the First Amendment of the U.S. Constitution. As with other values, however, it is important that we live by these concepts and not simply be satisfied with mere rhetoric. Our institution must always serve as a dynamic marketplace of ideas if we are to maximize our potential both as individuals and as an institution. We must recognize, however, that there will be times when the fundamental values of freedom from discrimination or harassment will intersect with those of freedom of expression. The dilemma for each of us is to reconcile such conflicts in ways that do the least possible damage to either of these fundamental values. It is important for us to remember that freedom of expression in no way assures that every expression has merit. As G.K. Chesterton once noted, 'To have the right to do a thing is not at all the same as to be right in doing it.' It is both acceptable and, on occasion, required that we affirm the right to freedom of expression, while at the same time stating our unequivocal disapproval of the contents of that expression.

Ultimately, each of us in this college community must exercise our freedoms in a responsible and careful manner, just as we must analyze what we are hearing in a careful manner and critical way. This institution's potential is limitless if we engender and maintain an atmosphere of respect for the individual, a tolerance and sensitivity towards different cultures and differing points of view, and a support for the rights of others to freely express their opinions. You are urged to adopt or reaffirm these fundamental values as the cornerstone of the College of Charleston.

## **2. The Honor System of the College of Charleston**

### **Preamble**

The Honor System of the College of Charleston is intended to promote and protect an atmosphere of trust and fairness in the classroom and in the conduct of daily life. The Honor System is composed of two major components: The Honor Code and the Code of Conduct. Specific policies fall under each major component. Students and student organizations at the College of Charleston are bound by honor and by their enrollment at the College to abide by the Honor and Conduct codes and are required to report violations. Faculty and staff members are equally required to report violations of the Honor Code or Code of Conduct.

As members of the college community, students are expected to evidence a high standard of personal conduct and to respect the rights of other students, faculty, staff members, community neighbors, and visitors on campus. Students are also expected to adhere to all federal, state, and local laws.

Alleged violations of the Honor Code or Code of Conduct which are not admitted by the student will be heard by a disciplinary panel, an Honor Board, a body composed of students, faculty, and staff members or an administrator.

A student who admits to a violation of the Honor Code or Code of Conduct may elect to have the violation adjudicated by the reporting faculty member(s), a disciplinary panel, an Honor Board or an administrator.

### **3. Definitions**

**1.** The term "College" means College of Charleston.

**2.** The term "student" means an individual:

2.1. Who has received an offer of admission to the College, or who has been accepted for enrollment in one or more classes offered by the College of Charleston, and

2.2. Who has either:

a) Registered for one or more classes or academic instruction to be given at the College (including those educational institutions operating under an academic agreement with the College as part of a College-approved program of study), or

b) Who has firmly expressed an intent to so register, either in writing or through one or more overt acts (such as attending orientation, submitting a housing deposit, or paying part or all of the relevant fees, tuition or other expenses), and

c) Whose registration or intent to register relates to one or more classes scheduled for the current or following semester (6-month period).

2.3. Who withdraws after allegedly violating a code.

2.4. Student status continues until it is terminated upon the occurrence of one or more of the following events:

a) Graduation (without any indication of intent to pursue post graduate activities at the College during the following or the immediately following semester);

b) Voluntary withdrawal of the student from all courses of academic instruction;

c) Involuntary dismissal (or other withdrawal of the student initiated by the College) from all programs and activities of the College, and the exhaustion of all internal grievance procedures to redress the dismissal or withdrawal (if applicable);

d) Unauthorized absence from the College for one or more semesters, as determined appropriate under the circumstances by Academic Affairs; or

e) Cancellation of all classes for which the student is currently registered or for which the student is seeking registration.

**3.** The term "Honor System" means the Honor Code and the Student Code of Conduct (which includes the Alcohol and Drug policies).

**4.** The term "Codes" means the Honor Code and the Student Code of Conduct.

**5..** The term "College official" includes any person employed by the College and any person serving the College in an official capacity.

**6.** The term “member of the College community” includes any person who is a student, College official, trustee, or any other person serving the College in an official capacity. The Executive Vice President for Student Affairs shall determine a person’s status in a particular situation.

**7.** The term “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College.

**8.** The term “organization” means any registered student organization.

**9.** The terms “shall” and “will” are used in the imperative sense.

**10.** The term “may” is used in the permissive sense.

**11.** The term “working day” means a day when the College is open for normal business, regardless of whether classes are in session (e.g., the day preceding Thanksgiving). In determining any deadlines as set forth in the codes, references to a number of “days” prior to or after occurrence of an event shall not include the day of the event.

**12.** The term “day” means a calendar day.

**13.** The term “Complainant” means any person filing a complaint of suspected misconduct under these codes.

**14.** The term “Respondent” means a student or organization against whom a complaint has been filed under these codes.

**15.** The term “health” means physical or mental well-being.

**16.** For the purposes of the Honor System, the term “residence hall” means any hall, house or any other living unit owned or leased by the College for the principal purpose of providing student housing.

#### **4. Honor System Authority**

Ultimate authority for student discipline is vested in the Board of Trustees of the College of Charleston. The Board of Trustees has delegated authority for student discipline to the President. The Dean of Students is the person designated by the President and the Executive Vice President for Student Affairs to be responsible for the administration of the Codes. Discipline authority may be delegated to College officials and committees as set forth in these Codes, in accordance with other College policies, rules, or regulations, and as deemed appropriate by the Executive Vice President for Student Affairs. The Dean of Students shall develop policies for the administration of the Honor System and procedural rules for the conduct of Honor System hearings that are not inconsistent with the provisions of the Honor System.

#### **5. Violations Which Also Violate Municipal, State, or Federal Law**

Students may be accountable to both outside authorities and to the College for acts which constitute violations of law and of the Honor System and other campus regulations. Disciplinary action at the College will normally proceed during the pendency of criminal or civil proceedings and will not be subject to challenge on the ground that criminal or civil charges involving the same incident have been dismissed, reduced or resolved in favor or against the student. Determinations made or sanctions imposed under a judicial process shall not be subject to change because charges arising out of the same facts giving rise to

violation of College rules were dismissed, reduced or resolved in favor of or against the student.

## **6. Other Official Intervention/Resolution**

Letters of no contact, cease and desist letters, mediation agreements, and other written forms of intervention may be initiated after determination by officials in Student Affairs that such action is appropriate and warranted. The student(s) will be given the opportunity to appear personally before an official of Student Affairs to contest the determination and discuss the original circumstances that gave rise to the no contact or other intervention order. Intervention letters do not constitute a formal disciplinary charge or sanction. However, formal disciplinary proceedings could be initiated if any conditions outlined within the correspondence are violated and reported.

## **7. Jurisdiction of Residence Life and Housing and the Dean of Students Office for Incidents which Take Place in College Residence Halls/Houses**

**1.** Residence Life and Housing: The Department of Residence Life and Housing will review alleged violations of the Residence Hall Contract (which may also constitute violations of the Student Code of Conduct) that are NOT likely to lead to removal from the residential system AND any form of suspension or expulsion from the College. Such offenses will be resolved under policies as stated by Residence Life and Housing.

**2.** Alleged violations of the Residence Hall Contract unrelated to violations of the Student Code of Conduct shall be subject to administrative action by the Department of Residence Life and Housing. For more information on regulations and policies concerning residence halls, please consult the *Guide to Residence Living* and the Residence Hall Contract.

**3.** Student Affairs Office: Alleged violations likely to lead to removal from the residential system AND any form of suspension or expulsion from the College shall be subject to action by the Dean of Students. This includes, but is not limited to, all drug-related and multiple alcohol violations, weapons, arson, sexual misconduct, physical assault and serious vandalism. Identifying charges, notifying the respondent and hearings will be conducted in accordance with procedures contained within the *Student Handbook*. The Dean of Students or his/her designee will contact student(s), interview and, if appropriate, deliver a charge letter and announce the adjudication timeline.

## **8. Off-Campus Jurisdiction of the College of Charleston**

**1.** Student Affairs officials shall determine, on a case-by-case basis, whether an incident that occurs off campus adversely affects the College's mission or members of the College community in pursuit of their institutional and educational goals and thus falls within the scope of the Honor System. As an urban campus, clearly, good relations with the City of Charleston and our neighbors are essential to the overall mission of the College. Accordingly, the Student Affairs shall have discretion to exercise jurisdiction over conduct which occurs off-campus.

**2.** In determining whether or not to exercise off-campus jurisdiction in such cases, the Student Affairs officials will consider the number of complaints, the seriousness of the alleged offense, whether drugs and/or alcohol are involved, the risk of harm involved, whether the victim(s) are members of the campus community or surrounding neighborhoods and/or whether the off-campus conduct is part of a series of actions which occurred both on and off campus.

## 9. The Honor Code

The Honor Code of the College of Charleston specifically forbids:

**1. Lying:** knowingly furnishing false information, orally or in writing, including but not limited to deceit or efforts to deceive relating to academic work, to information legitimately sought by an official or employee of the College, and to testimony before individuals authorized to inquire or investigate conduct; lying also includes the fraudulent use of identification cards and fabrication of data, endnotes, footnotes and other information related to academic work.

**2. Cheating:** the actual giving or receiving of unauthorized, dishonest assistance that might give one student an unfair advantage over another in the performance of any assigned, graded academic work, inside or outside of the classroom, and by any means whatsoever, including but not limited to fraud, duress, deception, theft, talking, making signs, gestures, copying, electronic messaging, photography, unauthorized reuse of previously graded work, unauthorized dual submission, unauthorized collaboration and unauthorized use or possession of study aids, memoranda, books, data, or other information. The term cheating includes engaging in any behavior related to graded academic work specifically prohibited by a faculty member in the course syllabus or class discussion.

**3. Attempted cheating:** a willful act designed to accomplish cheating, but falling short of that goal.

**4. Stealing:** the unauthorized taking or appropriating of property from the College or from another member of the college community. Note also that stealing includes unauthorized copying of and unauthorized access to computer software.

**5. Attempted stealing:** a willful act designed to accomplish stealing, but falling short of that goal.

### 6. Plagiarism:

6.1. The verbatim repetition, without acknowledgement, of the writings of another author. All significant phrases, clauses, or passages, taken directly from source material must be enclosed in quotation marks and acknowledged either in the text itself and/or in footnotes/endnotes.

6.2. Borrowing without acknowledging the source.

6.3. Paraphrasing the thoughts of another writer without acknowledgement.

6.4. Allowing any other person or organization to prepare work which one then submits as his/her own.

### 7. Penalties (Sanctions) for Violations of the Honor Code

#### 7.1. XF – Transcript Notation (See Appendix A for full description.)

a) The grade of "XF" has been added to our grading options at the College. The grade of XF means failure due to academic dishonesty. If a student is found responsible for an act of "serious" academic dishonesty, the instructor for that course must assign an XF. The XF remains on the student's official transcript for a minimum of 2 years. After 2 years, the student can petition the Honor Board for removal of the X. The F will remain.

b) Instructors, with assistance from the Dean of Students if requested, will assess whether the behavior of the student falls into one of three classes: **Class 1** – act involves significant premeditation; conspiracy and/or intent to deceive, e.g., purchasing a research paper. **Penalties:** XF and either suspension or expulsion assigned if student found responsible by Honor Board.

**Class 2** – act involves deliberate failure to comply with assignment directions, some conspiracy and/or intent to deceive, e.g., use of the Internet when prohibited, some fabricated endnotes or data, copying several answers from another student’s test. **Penalties:** XF and other sanctions assigned if student found responsible by Honor Board.

**Class 3** – act mostly due to ignorance, confusion and/or poor communication between instructor and class, e.g., unintentional violation of the class rules on collaboration. **Penalties:** Student and instructor agree upon the response and forward agreement to the Dean of Students. See “Class 3 Report and Resolution Form” on the Student Affairs, Honor System website.

7.2. **Other penalties** for violations of the Honor Code range up to and include expulsion from the College. Other penalties may be combined with the XF. Attempted cheating, attempted stealing, and the knowing possession of stolen property shall be subject to the same punishment as the other offenses. Because the potential penalties for an Honor Code violation are extremely serious, all students should be thoroughly familiar with the above definitions and be guided by them.

## 10. Student Code of Conduct

The following Student Code of Conduct is in force while on College premises or at College-sponsored or supervised activities. Officials in Student Affairs shall determine, on a case-by-case basis, whether an incident that occurs off campus jeopardizes the College or members of the college community in pursuit of their institutional and educational goals and thus falls within the scope of the Honor System. (See also section on “Off-Campus Jurisdiction.”)

The Student Code of Conduct of the College of Charleston specifically forbids:

**1.** Acts of dishonesty, including but not limited to the following:

1.1. Furnishing false information to any college official, faculty member, or office.

1.2. Forgery, alteration, or misuse of any college or non-college document, record, or instrument of identification.

1.3. Tampering with the election of any college-recognized student organization.

**2.** Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other college activities, including its public service functions on or off Campus, or other authorized non-college activities, when the act occurs on college premises.

**3.** Physical abuse, verbal abuse, threats, intimidation, harassment, sexual harassment, stalking, sexual assault, coercion, and/or other conduct which threatens or endangers the health or safety of self or any person(s).

**4.** Sexual misconduct (See Sexual Misconduct Policy below).

- 5.** Attempted or actual theft of and/or damage, (including, but not limited to any form of vandalism or arson) to property of the College or property of a member of the College community or other personal or public property, on or off campus; and/or knowingly possessing stolen property or unauthorized possession of College property or property of a member of the College community, on or off campus.
- 6.** Hazing, defined as an act which endangers the mental or physical health or safety of a student, which subjects a student to harassment, ridicule, intimidation, physical exhaustion, abuse, or mental distress, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy and/or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
- 7.** Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- 8.** Unauthorized possession, duplication, or use of keys to any College premises, trespassing or unauthorized entry to or use of College premises.
- 9.** Violation of published college policies, rules, and/or regulations published in hard copy or available electronically on the College of Charleston website.
- 10.** Violation of federal, state, or local law.
- 11.** Use, possession\*, manufacturing, intent to distribute, distribution, dispensation, purchase, attempted purchase of marijuana, cocaine, narcotics or other illegal drugs or controlled substances, including prescription medications, except as expressly permitted by law. The possession or sale of drug paraphernalia (such as scales, roach clips, bong, water pipes, glass pipes, cocaine spoons). (For more information about violations and our responses to drug-related activity see Drug Policy below.)
- 12.** Use, possession\*, manufacturing or distribution of alcoholic beverages, except as expressly permitted by the law and College regulations, and/or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age. (For more information about our responses to alcohol-related activity see Alcohol Policies below, *The Guide to Residence Living* and *The Compass*.)
- 13.** Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
- 14.** Participating in a campus demonstration or off-campus demonstration, riot or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
- 15.** Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored or supervised functions.
- 16.** Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in, by the College or members of the academic community.

**17.** Facilitating and/or accepting improper behavior: Facilitating and/or accepting improper behavior are defined as aiding and/or choosing not to confront a person violating the Honor Code, Code of Conduct or other regulation, choosing not to leave such a situation, or choosing not to tell a College staff member about the violation. \*\*

**18.** Use of any technology to create, display or distribute an audio, video, digital file, picture or film of another individual without that person's knowledge and consent while the person is in a place where he or she would have reasonable expectation of privacy.

**19.** Theft or other abuse of the campus network, computers, or computer time, including but not limited to:

19.1. Unauthorized entry into a file to use, read, or change the contents or for any other purpose.

19.2. Unauthorized transfer of a file.

19.3. Unauthorized use of another individual's identification and/or password.

19.4. Use of computing facilities and resources to send obscene or abusive messages.

19.5. Use of computers or computing facilities and resources to interfere with the work of another student, faculty member, or college official.

19.6. Use of computing facilities and resources in violation of copyright laws. (Also see College Policy on Peer-to-Peer File Sharing.)

19.7. Any violation of the College's information technology policies.

**20.** Abuse of the judicial system, including but not limited to:

20.1. Failure to obey the notice of a judicial body or college official to appear for a meeting or hearing as part of a judicial process.

20.2. Falsification, distortion, or misrepresentation of information before a judicial body.

20.3. Disruption or interference with the orderly conduct of a judicial proceeding.

20.4. Institution of a judicial proceeding knowingly without cause.

20.5. Attempting to discourage an individual's proper participation in, or use of, the judicial system.

20.6. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding.

20.7. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding.

20.8. Failure to comply with the sanction(s) imposed under the Honor System.

20.9. Influencing or attempting to influence another person to commit an abuse of the judicial system.

\* Possession

Possession as used in this Code is defined as having actual knowledge of a substance or property and/or being in such close proximity to the substance or property that it is a reasonable presumption that one had knowledge of the substance or property. For example, 1) those in a room where a controlled or prohibited substance is present would be presumed to be in possession of the substance absent compelling evidence to the contrary or 2) a bong found on a desk during a health and safety inspection would be presumed to be the possession of the student to whom the desk belongs absent compelling evidence to the contrary.

\*\* Facilitating and/or Accepting Improper Behavior

Making this choice is an interpersonal communication issue. As such, the typical sanction is a warning and/or a session that teaches students how to confront others in difficult situations, decision-making skills, and interpersonal communication. Facilitating and/or Accepting Improper Behavior is a violation that should occur once. The College's expectation is that students who are found responsible for this situation will learn from it and not repeat it. In cases where students are responsible for Facilitating and/or Accepting Improper Behavior a second time, additional charges beyond Facilitating and/or Accepting Improper Behavior (e.g., Possession) will usually be incurred with their resulting sanctions. A student in the presence of a policy violation and who is not actively involved, has three choices: 1) leave the situation; 2) ask the student(s) to stop the behavior and/or take it out of the room; or 3) seek assistance from a college staff member (for example: Resident Assistant or Public Safety). A student, who does not do any of the above, can be held responsible for the policy violation.

## 11. Future Revisions

The College of Charleston reserves the right to update all policies contained within the *Student Handbook*. Students are responsible for being aware of changes as they are disseminated to the college community.

## 12. Sexual Misconduct Policy

**1.** The core values that define the character of the College of Charleston community exclude behavior that in any way violates the rights or diminishes the dignity of any person. Sexual misconduct can, therefore, never be tolerated. The information provided below offers clarity in defining "sexual misconduct" and provides an outline for initiating a campus judicial process for an allegation involving another student.

1.1. **Sexual misconduct**, defined as any non-consensual conduct of a sexual nature, encompasses a broad range of behavior from inappropriate touching to sexual assault and includes, but is not limited to:

a) **Non-consensual Sexual Intercourse** - vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact). *Engagement in such behavior is also a crime under South Carolina law as Criminal Sexual Conduct.*

b) **Non-consensual Sexual Touching** - touching of intimate body parts such as genitalia, groin, breast, buttocks, or any clothing covering them, touching a person with one's own intimate body parts, or compelling another to touch one's intimate body parts. *Engagement in such behavior is also a crime under South Carolina law as Criminal Sexual Conduct.*

c) **Sexual Exploitation** - non-consensual sexual advantage of another for one's personal or third-party benefit that does not otherwise constitute rape or sexual assault. Examples of sexual exploitation include, but are not limited to such acts as:

- i) inducing incapacitation with the intent to rape or sexual assault another student;
- ii) non-consensual video or audio taping of sexual activity;
- iii) allowing others to observe a personal act of consensual sex without knowledge or consent of the partner;
- iv) voyeurism (Peeping Tom activity)
- v) knowingly transmitting an STD or HIV to another student;
- vi) prostituting another student (monetary gain, privilege or power from the sexual activities of another student)

d) **Non-consensual** – the absence of explicit verbal consent or overt action clearly expressing consent. Such signals of consent must be mutual and ongoing. Consent obtained through fraud or force, whether that force is physical or through threats, intimidation or coercion is not regarded as legitimate consent.

**2.** It is the responsibility of the initiator (the person who wants to engage in the specific sexual activity) to make sure that they have consent from their partner. Use of alcohol or drugs shall not diminish one's responsibility to obtain consent.

**2.1. Incapacitation** – constitutes a lack of consent. Examples of incapacitation include, but are not limited to, the following:

- a) use of force
- b) threat of force
- c) fear
- d) a person who is intoxicated, passed out, asleep, or for any other reason physically unable to communicate unwillingness

### **3. Initiating Campus Judicial Action:**

3.1. While it is the choice of a student to determine whether he/she will initiate judicial action through the Dean of Students office for a violation of sexual misconduct, we strongly encourage a student to do so. The Dean of Students will discuss the suspected violation(s) with the person reporting it, with other persons having pertinent knowledge, with other College officials, and with the College's Office of Legal Affairs when the Dean of Students deems it necessary in order to determine whether or not there is a reasonable basis for the allegation(s). If, after proper consultation, the Dean of Students determines that there is not a reasonable basis for the allegation(s), he/she will inform the person who reported the suspected violation of that fact and take no further action. If, after proper consultation, the Dean of Students determines that there is a reasonable basis for the allegation, he/she will notify the respondent individual(s) of the allegation(s).

### **4. Hearings**

Honor Board hearings are closed to the public, unless the respondent requests that others attend or that the hearing be open to the public. The complainant may also request that others attend the hearing in a sexual misconduct case. The granting or denying of this request is subject to a majority vote of the Honor Board presiding over the case.

## **5. Special Needs**

Special needs regarding the hearing set-up should be communicated to the Dean of Students. After careful review, the Dean will ask the Honor Board/Panel to accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, audio tape, written statement, or other means.

## **6. Violations Which Also Violate Municipal, State, or Federal Law**

Students may be accountable to both outside authorities and to the College for acts which constitute violations of law. Disciplinary action at the college will normally proceed during the pendency of criminal or civil proceedings and will not be subject to challenge on the ground that criminal or civil charges involving the same incident have been dismissed, reduced or resolved in favor or against the student. Determinations made or sanctions imposed under a judicial process shall not be subject to change because charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced or resolved in favor of or against the student.

## **7. Other Official Intervention/Resolution**

Letters of no contact, cease and desist letters and other written forms of intervention may be initiated after determination by officials in Student Affairs that such action is appropriate and warranted.

## **8. Rights and Options for Judicial Action**

8.1. A student who becomes a victim of sexual misconduct:

- a) has the right to file charges and pursue criminal prosecution and conviction of a perpetrator (another student)
- b) whether the incident occurs on or off campus
- c) may choose to initiate campus proceedings in addition to criminal proceedings
- d) may consider pursuing a civil suit

8.2. Under the Sexual Assault Victims' Bill of Rights, victims of sexual assault are entitled to:

- a) be treated with respect
- b) be informed of the option to notify law enforcement
- c) be afforded the same opportunity to have others present at on-campus judicial proceedings
- d) be informed of the outcome of any disciplinary proceeding
- e) be aware of counseling services
- f) be notified of options for changing academic and living situations

8.3. For those electing to initiate campus judicial action, the complainant in sexual misconduct cases is afforded the same opportunities as the respondent to have others present at Honor Board proceedings. Notification of the outcome of the proceedings is communicated directly to the complainant and the respondent.

8.4. Both the respondent and the complainant may be accompanied at the hearing by an honor advisor, another non-attorney advisor, or an attorney.

## **9. Sanctions:**

9.1. *Precedent set by previous Boards for a finding of responsibility for non-consensual sexual intercourse is either expulsion or suspension for the duration of enrollment of the complainant with special conditions attached for re-enrollment.*

9.2. A partial listing of other possible sanctions for any violation of our Code of Conduct follows:

- a) Disciplinary warning
- b) Restriction
- c) Disciplinary probation
- d) Deferred suspension or expulsion
- e) Disciplinary suspension
- f) Expulsion
- g) Other - work hours may be assessed; fines or reimbursement for damage to or misappropriation of property may be assessed; or rehabilitative educational experiences may be ordered.

For detailed information on the process for reporting a violation for judicial action and what occurs once a report has been initiated, please refer to "Procedures for Reporting."

**10. The Office of Victim Services (OVS)**, staffed by two full-time certified victim assistance specialists, is a specially designed program that works specifically with College of Charleston students who may become a victim of a violent or potentially violent crime. It does not matter where the crime occurs, on or off campus, or whether the student elects to file an official police report or not. OVS services are available to any currently enrolled student. The OVS victim assistance specialists are available to: explain the reporting process and assist the student, if he/she chooses, in filing a report with the appropriate law enforcement agency; accompany and/or act on behalf of the victim, as needed; offer immediate crisis intervention and initial support; explain the victim's rights, responsibilities and options; assist in arranging meetings or initiate direct contact with individuals involved in on-campus disciplinary action or the criminal justice process; serve as the spokesperson for the student within the College community so that the victim's privacy and dignity are maintained in all aspects of intervention and assistance and, as necessary, to serve as liaison with individuals off campus; work with the student to reasonably accommodate possible disruption to the student's class attendance, class work, academic schedule, or initiating necessary changes that may result from the victimization; assist in locating appropriate on campus and community resources to meet the student's specific ongoing needs; work with appropriate personnel within the court system to provide information relevant to the victim's circumstances and/or direct assistance to the victim, and provide access to legal information. This program is designed to prevent re-victimization and provides comprehensive victim assistance at one convenient location. The OVS team is accessible 24-hours a day to work with a student who needs immediate assistance for a victimization that has just occurred.

### **13. Parental Notification and Alcohol and Drug Violations**

**1.** Achieving autonomy and acceptance of one's personal responsibility are student development goals promoted throughout every facet of collegiate life. Such goals are promoted within the Family Rights and Privacy Act (FERPA). In 1998, however, amendments to FERPA gave colleges and universities the option to notify parents or guardians of a student's violation of any federal, state, or local law, or an institutional disciplinary policy relating to the use or possession of alcohol or a controlled substance. The amendment clearly recognizes the cooperative partnership colleges have with parents and guardians that moves beyond enrollment to those times when intervention is a practical response to prevent the loss of a student's personal and collegiate goals.

**2.** In support of our mutual investment in the success of each student and the preservation of a climate conducive to living and learning, an official of the College will notify parents or guardians when a student under the age of 21 at the time of disclosure regarding the College's determination that the student violated federal, state or local law or College policy governing the use or possession of alcohol or a controlled substance.

## 14. Alcohol Policies

### 1. Residence Life and Housing

1.1. Approximately 85 percent of our residence hall population is not of legal age to purchase or drink alcoholic beverages. Further, abuse of College of Charleston property is usually directly related to excessive use of alcohol. Accordingly, the following restrictions apply: a limited amount of beer and wine is allowed in only "upper-class" residence halls and houses. There will be no alcoholic beverages allowed in Berry, Buist, College Lodge, Craig, Liberty Street, McAlister, and McConnell Halls. Where allowed, beer and wine must be in the private possession and control of the owner. All persons consuming alcohol must be of legal drinking age and are responsible for their behavior and actions. NO KEGS are allowed in the residence hall system at any time.

Residential students are strongly encouraged to know the pertinent rules and procedures as listed in *The Guide to Residence Living*.

### 2. Alcohol-Related Violation (possession, use, disorderly conduct, intoxication, etc.) Responses within the Residence Halls, On Campus or Off Campus

**The College of Charleston will impose on students the following sanctions and other sanctions for proven violations of its alcohol policies.**

2.1. First Violation (Adjudication by Residence Life and Housing staff/Student Affairs official) Sanctions include, but are not limited to:

- a) Receive a letter of warning, probation period or be placed on residence life probation for a minimum of one semester if a residential student and incident occurs within the residential system.
- b) Have a parental/guardian notification letter sent concerning the violation.
- c) Participate in an alcohol risk reduction program or assessment at Counseling and Substance Abuse Services. Fees will be charged.
- d) Educational activities.

Failure to complete first offense sanctions will result in a fine (\$150.00 or more) and other sanctions.

2.2. Second Violation (Adjudication by Student Affairs official/Honor Board/Panel) Sanctions include, but are not limited to:

- a) Be placed on probation, residence life probation, or deferred disciplinary suspension (one more violation and student is suspended from enrollment) and/or removed from residence life housing for a minimum of one semester.

If a student is removed from residence life housing for disciplinary reasons full payment of the contract is due if a residential student and incident occurs within the residential system.

- b) Participate in an alcohol risk reduction program or assessment at Counseling and Substance Abuse Services or through an off-campus provider. Fees will be charged.
- c) Have a parental/guardian notification letter sent concerning the violation.
- d) Educational activities.

Failure to complete second offense sanctions will result in a fine (\$200.00 or more) and other sanctions unless student is on deferred suspension.

2.3. Third Violation (Adjudication by Student Affairs official/Honor Board/Panel)  
Sanctions include, but are not limited to:

- a) Be removed from residence life housing with full payment of the contract due if a residential student and incident occurs within the residential system.
- b) Be placed on disciplinary suspension from the College for a minimum of one semester.
- c) Have re-admission to the College dependent on successful completion of a pre-approved substance abuse counseling program.
- d) Have a parental/guardian notification letter sent concerning the violation.

### **3. Noise Violation Responses for Off-Campus Incidences**

3.1. First Violation (Adjudication by Student Affairs official) Sanctions include, but are not limited to:

- a) Receiving a warning or probationary period.

3.2. Second Violation (Adjudication by Student Affairs official/Honor Board/Panel)  
Sanctions include, but are not limited to:

- a) Be placed on probation or deferred disciplinary suspension for a minimum of one semester.
- b) Have a parental/guardian notification letter sent concerning the violation.
- c) Denial of on-campus housing and other privileges.
- d) Complete a pre-approved substance abuse/risk reduction program or assessment at Counseling and Substance Abuse Services or an off-campus provider. Fees will be charged.

Failure to complete second offense sanctions will result in a fine (\$200 or more) and other sanctions unless student is on deferred suspension.

3.3. Third Violation (Adjudication by Student Affairs official/Honor Board/Panel)  
Sanctions may include, but are not limited to:

- a) Be placed on disciplinary suspension from the College for a minimum of one semester.
- b) Have re-admission to the College dependent on successful completion of a pre-approved substance abuse counseling program.
- c) Have a parental/guardian notification letter sent concerning the violation.

#### **4. South Carolina Scholarships – Hope, Life, Palmetto – and Violations of State Alcohol and Drug Laws**

Students who have been adjudicated delinquent or have been convicted or pled guilty or nolo contendere to any South Carolina alcohol or other drug-related misdemeanor offense more than once are ineligible for the scholarship for one academic year after the adjudication, conviction, or plea occurred. The student will lose eligibility the next academic year immediately following conviction and will lose the scholarship for the fall and spring terms.

### **15. Good Samaritan / Medical Amnesty Policy**

#### **1.0 SUMMARY OF POLICY**

This Policy provides that any student who is in need of medical care during an alcohol-related emergency (as defined in Section 3.2), and who receives or actively seeks out such care in a timely fashion, may do so without fear of being subjected to Student Disciplinary action.

#### **2.0 PURPOSE**

Unfortunately, when alcohol related emergencies arise many students hesitate to contact Public Safety officials or healthcare professionals out of fear that disciplinary consequences may follow. The Good Samaritan/Medical Amnesty Policy will grant conditional amnesty from Student Disciplinary action for those students in need of medical attention, as well as those students who call for assistance to aid another student, because of alcohol abuse. The purpose of the Good Samaritan/Medical Amnesty Policy is to encourage student to seek assistance when that student is need of medical attention or when that student knows of another student in need of medical care due to alcohol abuse or alcohol poisoning (an "Alcohol Related Medical Emergency"). Those who receive medical attention for their abuse of alcohol will also receive education concerning their own habits so that they may make healthy decisions in the future.

#### **3.0 DEFINITIONS**

**3.1 Conditional Amnesty** – Students who report an Alcohol Related Medical Emergency in accordance with this Policy will not be subjected to formal student disciplinary action. As a condition for this courtesy, however, the student or students involved will be required to undertake a series of affirmative measures to redress any damages they may have caused and to receive one or more interventions to assist them correct unacceptable behavior. Conditional amnesty granted under this Policy does not negate the laws and ordinances enforced by local, state, and federal law enforcement authorities. Nor will it excuse violations of other College policies. If any policy or law violation beyond alcohol abuse and possession are committed, conditional amnesty will not apply. Such other violations may include, but are not limited to, threats of harm to self/others, hazing, property damage, sexual misconduct, illegal use of other drugs, and assault. Students who have been charged with such other violations in direct relation to the incidence in which they pursue amnesty will not qualify for amnesty. Moreover, any organization providing alcohol to students during an event or gathering at which multiple students become ill will not qualify for amnesty. This Policy will only apply in cases under the jurisdiction of Residence Life and Housing, the Office of Student Affairs and/or the College Department of Public Safety.

**3.2 Alcohol-Related Medical Emergency** – Alcohol-Related Medical Emergencies include an alcohol overdose and alcohol poisoning that warrant immediate medical attention to protect the health of the student or others. Signs of alcohol overdose and poisoning may include one or more of the following:

- a) Unresponsiveness to shouting and vigorous shaking;
- b) Skin that is pale, clammy, bluish, or blotchy;
- c) Depressed respiration, lapses in breathing;
- d) Mental confusion, stupor, or coma;
- e) Seizures, convulsions, or rigid spasms; or
- f) Vomiting while asleep or unconscious coupled with failure to awake.

**3.3 Medical Attention** – In order for a student to qualify for conditional amnesty, he/she must receive or actively seek out medical attention. This may include a range of efforts evidencing an unequivocal intention to receive medical help such as a voluntary examination by College of Charleston First Responders/EMS, contacting local EMS, or seeking transportation to or visiting a hospital for more intensive care. It also includes asking for the assistance of Student Health Services. A student will qualify for conditional amnesty only if the student makes no effort to resist the help of the College, local emergency staff, or healthcare clinicians. Medical intervention must be sought at the time of the observed conditions that give rise to a reasonable suspicion of alcohol abuse.

**3.4 Helper** – A helper is any student or student organization who seeks help for a student suffering from an alcohol overdose or poisoning. Although helpers are appreciated and encouraged to take action if they see a student in need, their amnesty is also conditional. Helpers that are found to have committed other violations of law or College policies such as hazing (see Section 3.1 above) will be held accountable for their actions. They will not be eligible for amnesty and will receive disciplinary sanctioning as a result of their infractions.

#### **4.0 PROCEDURES**

**4.1 Assignment of a Conduct Officer** – In the event that an Alcohol-Related Medical Emergency should arise, the Office of Student Affairs (the "Office") will be notified. Thereafter, a Conduct Officer will be assigned by the Office to the parties involved. The Conduct Officer may be a Residence Life and Housing Official or a Student Affairs official. Each student will be sent a written notice that he/she must meet with the assigned Conduct Officer for an interview.

**4.2 Decision** – The assigned Conduct Officer(s) will make the decision of whether or not each concerned student qualifies for conditional amnesty under this Policy after giving full consideration to the circumstances of the case.

**4.3 Assignment of Amnesty Conditions** – Should the student(s) qualify for conditional amnesty the Conduct Officer(s) will evaluate the case and surrounding circumstances in order to assign appropriate conditions as alternatives to judicial sanctioning. These conditions will be educational or therapeutic in nature, designed to benefit the student and improve his/her future decision making. These conditions will most likely include mandatory sessions with a professional in the Office of Counseling and Substance Abuse Services (CASAS). All service fees for assigned substance abuse counseling will be waived if the student qualifies for conditional amnesty.

**4.4 Failure to Complete Conditions** – If the student fails to agree to the amnesty conditions, or fails to satisfactorily complete the assigned conditions deemed necessary by his/her Conduct Officer, conditional amnesty will not be given, and any amnesty previously given shall be revoked. Student disciplinary charges will be filed. Thereafter, the case will be

turned over to the Judicial Services of the Department of Residence Life and Housing or Student Affairs where it will be subject to conduct processes. This will most likely result in the creation of a formal disciplinary record of the incident in question and, if culpability is found, may require the imposition of disciplinary sanctions.

**4.5 Documentation and Record Keeping** – If a student qualifies for conditional amnesty, documentation or evaluation of the case will not be placed in any disciplinary record. A record, however, will exist in Student Affairs that the incident transpired, but this record is not normally reportable to outside employers, agencies or other higher education institutions without the permission of the student. However, some background checks for local, state and/or Federal employment may require full disclosure and release of student records, in which case, the record of the incident may be reported. In addition, the College may be served with a subpoena or other legal process that requires that the College produce the record. In such cases, the College will comply with all applicable provisions of law. In addition to the foregoing, the record will exist in the Division of Student Affairs to track the student's behavior should there be another incident of a similar nature.

#### **4.6 Amnesty for Multiple Alcohol-Related Medical Emergencies**

(a) For those needing assistance – This policy is intended for one-time use only by any individual student. It is intended to serve as a wake-up call and a way for students to improve their decision-making skills as well as to learn healthy habits of living. Amnesty under this Policy is granted as a matter of comity and not of right. It should be viewed as an opportunity and is not to be abused by those who break rules of conduct on repeated occasions. Accordingly, any student needing medical attention for an Alcohol Related Emergency on more than one occasion may not receive amnesty even if all other terms and conditions of this Policy are met. The granting of any form of amnesty remains a matter of discretion with the Office of Student Affairs.

(b) For helpers – Helpers, or those who seek help for the endangered student, are not limited to only one use of the Good Samaritan/Medical Amnesty Policy. It is expected that members of the College of Charleston community will always make an effort to help a fellow student that is in need even if they have been using alcohol themselves. Notwithstanding the foregoing, if a Conduct Officer has reasonable suspicions that the Good Samaritan/Medical Amnesty Policy is being abused in any way, he/she may hold in abeyance the amnesty to a helper until an investigation of the incident is completed.

#### **5.0 FUTURE REVISION**

This Good Samaritan/Medical Amnesty Policy can be revised at any time in accordance with the College's *Campus Wide Policy Making Procedures*.

## **16. Procedures for Events with Alcohol On and Off Campus Hosted by Student Organizations**

### **1. Introduction**

Our policies are designed to ensure that group functions are conducted in compliance with South Carolina state alcoholic beverage laws and College of Charleston regulations. The policies are also intended to discourage irresponsible use of alcoholic beverages and emphasize responsible drinking behavior, thereby minimizing the liabilities of the College of Charleston and of the sponsoring group. This policy is written for all recognized student organizations and offices working

with student organizations at the College of Charleston. When planning an event, make sure this policy is read in its entirety. The related policies pertaining to student organization -sponsored events can be found in *The Compass* and, below see "PROCEDURES FOR THE USE OF ALCOHOL ON CAMPUS OR DURING COLLEGE SPONSORED EVENTS." Sorority and Fraternity-sponsored events are also subject to the stipulations listed in Office of Greek Life *Risk Management Policy*.

## 2. Off-Campus Events with Alcohol

2.1. Any registered/sanctioned student organization and offices working with student organizations sponsoring an off-campus event with alcohol must adhere to the following:

- a) **Under NO circumstances** are alcoholic beverages to be sold by the sponsoring organization.
- b) At least one organization representative must attend a session on responsible hosting at the Student Leadership Summit. A student organization may not have social functions involving alcohol unless some members have attended training.
- c) Responsibility for the proper conduct of all individuals attending functions rests primarily with the organization sponsoring the event. At least one event manager must be identified. Event manager must remain sober while carrying out their duties during the event.
- d) The event must be registered with the Director of Student Life at least two weeks in advance. The signature of the organization's advisor will also be required.
- e) Greek lettered organizations must register their events with the Director of Greek Life according to their Risk Management Policies.
- f) A method of identifying participants under the age of 21 must be in place during the event.
- g) The event must be a BYOB or at a location with an approved liquor license. If BYOB, the limitation is one six-pack of beer or one liter of wine per participant.
- h) Arrangements for the presence of security officers (Public Safety, City of Charleston, or a private security company) must be made at least two weeks in advance or according to the Greek Life Risk Management Policies. Security officers must be present at all times. The organization is responsible for all related costs. The signature of a security official is required.
- i) No personnel, including security is to be paid in cash for working the event. Policies have been established for payment of all personnel. See the Coordinator for Business Services in the Office of Student Life to arrange for payment.
- j) Non-alcoholic beverages and unsalted food for fifty (50%) percent of anticipated guest attendance must be available at every function.

## 3. On-Campus Events with Alcohol

3.1. Any registered/sanctioned student organization and offices working with student organizations sponsoring an on-campus event with alcohol must adhere to the following:

- a) **Under NO circumstances** are alcoholic beverages to be sold by the sponsoring organization.
- b) **This policy is for beer and wine only.** No distilled spirits are permitted at any College of Charleston function sponsored or co-sponsored by student organizations on the College of Charleston campus.
- c) At least one organization representative must attend a session on responsible hosting at the Student Leadership Summit. A student organization may not have social functions involving alcohol unless some members have attended training.

- d) Responsibility for the proper conduct of all individuals attending functions rests primarily with the organization sponsoring the event. At least one event manager must be identified. Event manager must remain sober while carrying out their duties during the event.
- e) Compliance with the "PROCEDURES FOR THE USE OF ALCOHOL ON CAMPUS OR DURING COLLEGE SPONSORED EVENTS (See **G.** below)" is required.
- f) The event must be registered with the Director of Student Life at least two weeks in advance. The signature of the organization's advisor will also be required.
- g) Greek lettered organizations must register their events with the Director of Greek Life at least two weeks in advance.
- h) A method of identifying participants under the age of 21 must be in place during the event.
- i) The event may be a BYOB or the student organization may contract with a third-party vendor to serve and/or sell alcoholic beverages at approved functions and locations. The third party vendor will be restricted to the amount of alcohol to be purchased, the service method, the number of drinks per individual and the time frame of service. These determinations will be made on a case-by-case basis. If BYOB, the limitation is one six-pack of beer or one liter of wine per participant.
- j) Arrangements for the presence of security officers (Public Safety, City of Charleston, or a private security company) must be made at least two weeks in advance. Security officers must be present at all times. The organization is responsible for all related costs. The signature of a Public Safety official is required.
- k) No personnel, including security is to be paid in cash for working the event. Policies have been established for payment of all personnel. See the Coordinator for Business Services in the Office of Student Life to arrange for payment.
- l) No student organization-sponsored event that includes alcohol shall exceed four hours.
- m) Campus areas designated for consuming alcoholic beverages at a student-sponsored event are: 58 George St (Sottile Garden), Cistern, Stern Center Garden, Stern Center Ballroom, Tailgate Area of the Carolina First Arena and P Parking Lot (located behind fraternity housing off Wentworth Street).
- n) Non-alcoholic beverages and unsalted food for fifty (50%) percent of anticipated guest attendance must be available at every function.

#### **4. Guest Procedures**

4.1. The following attendance, guest and advertising guidelines and procedures shall be in effect and followed at all student organization-sponsored functions where alcoholic beverages will be consumed on and off the College of Charleston campus. Sorority and Fraternity-sponsored events are also subject to the stipulations listed in The Greek Life *Risk Management Policy*.

- a) Attendance
  - i. Every member, including alumni, in good standing with the sponsoring organization will be permitted to attend that sponsor's event.
  - ii. The number of participants allowed access to a function will be controlled by pre-established limits for the specific facility or locale.
  
- b) Guest Procedures
  - i. Those attendees (age 21 and over) consuming alcohol must have their College I.D. and driver's license checked to confirm their age; must have their coolers, etc., inspected as the one six pack per person or one liter bottle wine limit is in effect if BYOB; and must have their hands stamped or marked or wristband applied designating that they are 21 or older.
  - ii. No shuttling shall be permitted. Each person may bring one six-pack or one liter bottle of wine into the site one time if BYOB. Individuals shall

not be permitted to leave and return to the function site with additional alcohol.

- iii. No intoxicated person(s) will be admitted to the function.

c) Advertising of student organization-sponsored events where alcoholic beverages will be consumed must be consistent with the educational philosophy of the College of Charleston and follow these conditions:

- i. Advertisement for any event where alcoholic beverages are being served must note the availability of non-alcoholic beverages and food as prominently as the alcoholic beverages.
- ii. The message conveyed in the event promotion must not encourage the use of alcohol.
- iii. Publicity must not convey that consumption of alcohol is the purpose or reason for the event.
- iv. Promotion must not refer to the amount/quantity of alcohol to be present
- v. Advertisements for events must not portray drinking as a solution to personal or academic problems or as necessary for social, sexual, or academic success.
- vi. Alcoholic beverages must not be provided as awards, door prizes, or giveaways to individuals or campus organizations.

## **5. Violations**

5.1 Any person who is a member of the College of Charleston community violating any procedures shall be subject to accountability under the alcohol policy penalty provisions found below. Non-College of Charleston guests violating these procedures shall be removed from the premises and arrested. They will also be prosecuted as deemed necessary by the Public Safety officials.

5.2 No under-aged student should be wearing a wristband or hand stamp or be provided alcoholic beverages. Any failure to comply with this will be considered a violation of the Alcohol Policy under the Honor System, and state law.

5.3 The first person detected being in violation of campus, local and/or state noise, alcohol or drug ordinances will be ticketed and removed from the event. The second person in violation will be ticketed, removed from the event and cause the event to be shut down.

## **6. Sanctions**

6.1. Violations of these policies on or off-campus will be subject to the following responses:

- a) First Violation Sanctions may include, but not limited to:
  - i. Group is on social/event suspension for minimum of one month. The exact time period is to be determined by the Director of Student Life or Director of Greek Life.
  - ii. Group executive board must schedule and attend a meeting with the Campus Substance Abuse Prevention Coordinator to develop a risk reduction plan.
  - iii. Social/event suspension remains in place until meeting and plan are completed.
  - iv. Failure to comply with sanctions for the first offense may result in sanctioning as imposed under a second violation.

- b) Second Violation Sanctions may include, but not limited to:
  - i. Loss of campus privileges including access to the organization account for a minimum of three months, excluding summer months.
  - ii. Entire organization must attend a 6-hour alcohol risk reduction seminar (deadline to be set by the disciplinary administrator).
  - iii. Must pay a \$500.00 fine to the Office of Student Life or Greek Life or plan an alcohol-free social event for the entire student body on a weekend.
  - iv. Letter of notification to be sent to the national organization, sponsoring agency or academic department.
  - v. Failure to comply with sanctions for the second offense may result in sanctioning as imposed under a third violation.
  
- c) Third Violation
  - i. The sanction for a third violation is suspension of recognition by the College for a time period consistent with the level of infraction up to a permanent suspension from the College of Charleston campus. This will be determined by the Director of Student Life or Director of Greek Life in conjunction with the Dean of Students and/or Executive Vice President for Student Affairs.

## **7. Procedures for the Use of Alcohol on Campus or During College Sponsored Events**

### **1.0 PURPOSE**

These Procedures describe the process that will be used by the College to review requests for allowing *alcoholic beverages* to be available during events that are either held on College Property or are sponsored by the College (each individually referred to as "an "Event". When the term "Event" is used in these Procedures it means any College gathering where alcohol will be available). The Procedures are not intended to change the existing substantive policies dealing with the permitted uses of alcohol on campus or on College owned or rented property ("College Property"). Those policies are recited in the *Employee Drug and Alcohol Abuse Policy* (for faculty and other employees) and in the *Student Handbook* and other publications directed to students (for students and student organizations).

Events include gatherings that are --

- (a) sponsored by the College or an approved College organization to take place on or off College Property;
- (b) advertised or promoted using the name and/or resources of the College;
- (c) held off College Property, but using student fees or other College resources to finance the Event; or
- (d) held on College Property by third-parties.

### **2.0 IDENTIFICATION AND RANKING OF RISKS**

2.1 Categories. The purposes for an Event can be diverse and may include such matters as raising funds for the College, enhancing the College's public image, hosting

Alumni gatherings or other cultural, social or professional meetings, or merely providing a meeting place or performance space for third-parties not affiliated with the College. In general, however, these Procedures recognize three different types of entities that may host an Event. The types of entities that may host an Event are categorized as follows:

- (a) Affiliate or Third-Party Sponsored Events: These Events could be hosted by the College Foundation, the College Alumni Association or non-affiliated third-parties such as a business, a non-profit organization or other legal entity.
- (b) Student Sponsored Events: These Event would include those sponsored by an approved student organization, such as a sorority or a fraternity, as well as, any other approved group or organization of students.
- (c) College Employee or College Sponsored Events: These Events would be hosted by the President, Board of Trustees, the Faculty Senate, a School or a department, a College manager, or any recognized academic or employee unit or organization.

2.2 Risk Assessment. When determining the risk of alcohol abuse associated with an Event, College reviewing authorities will consider at least the following factors:

- (a) the location of the Event;
- (b) the number of underage students or other underage persons who are expected to be in attendance as guests;
- (c) the number of underage persons who will have access to the Event by, for example, working as servers or volunteers;
- (d) the sponsor of the Event;
- (e) the history of the Event and of the conduct of participants during the Event;
- (f) the estimated number of total guests to attend the Event;
- (g) the primary purpose of the Event; and
- (h) the publicity surrounding the Event and/or the public perception of the Event.

2.3 Standards. The considerations and standards used by the College to review an application for an Event shall include the following:

- (a) The College will not approve an Event if, in the exercise of its sole discretion, it has determined that holding the Event will present an unreasonable risk to the health or safety of the College community and/or to the property of the College, or that the Event will be conducted in a way that would portray the College or the members of the College Community in a false light or otherwise subject it or them to public ridicule or disgrace.

- (b) The higher the risk assessment, the more stringent shall be the requirements of the *Alcohol Management Plan* described in section 3.3.

### 3.0 APPROVAL PROCESS

3.1 All sponsors of Events must complete and submit the appropriate approval form to the College office having management responsibility of the College site. Sponsors of Affiliate or Third-Party Sponsored Events, Student Sponsored Events, or College Employee or College Sponsored Events utilizing College owned or rented property shall complete the form entitled **Facility Reservation Request Form**. If the Event is a student Event, the sponsor is to complete the Form entitled **Authorization to Host Student Event** even if the Event is to be held on other than College Property. If the Student Sponsored Event is to be held on College Property, both Forms must be completed.

3.2 If any alcohol will be available at a student sponsored Event, there shall be a conclusive presumption that underage students will be in attendance.

3.3 The Alcohol Management Plan referred to in each Form described in section 3.1 shall be required for every Event where alcohol will be served. Depending on the risk assessment made pursuant to Section 2.2, the alcohol management plan shall address the following issues with the specificity needed to adequately address the perceived risk:

- (a) how the organization will prevent underage persons from having access to alcohol;
- (b) the type and amount of alcohol that will be available at the Event;
- (c) the type and amount of food that will be served;
- (d) the starting time and ending time of the Event;
- (e) the Event security that will be provided by the organization members themselves;
- (f) the number of police requested from College Public Safety, or if the Event is to be held off campus, a description of the security available; and
- (g) if a Student Sponsored Event, appropriate acknowledgement that Public Safety will contact the Student Affairs staff member on-call if a police action is required or similar serious or exigent circumstance arises.

3.4 In addition to any other Form that may be required to rent or use a College facility or to rent or use a site not located on College Property (if any), all Forms for Events, described in Section 3.1, where alcohol will be available must be pre-approved by the Department of Public Safety before the Event may be held. In addition to the requirements of the preceding sentence,

- (a) all Forms for Student Sponsored Events, including those prepared by recognized student organizations, must also be pre-approved by the Office of Student Life or Office of Greek Life, as appropriate; and
- (b) all Forms for other than student Events where alcohol will be available shall also be pre-approved by the College's Director of Events.

#### **4.0 ON CAMPUS ALCOHOL SERVICE PROVIDERS**

Notwithstanding any other provision of these Procedures to the contrary, the College's Director of Events is authorized to review the licensure of any alcohol service provider that is named for a particular Event. The Director shall also issue such guidance as may be appropriate, from time to time, to promote the safe use of alcohol during approved Events including, but not limited to, the training of alcohol servers. The Director will act for the Office of the President in all such matters.

### **17. Student Tailgate Policy**

#### **1.0 SUMMARY OF POLICY**

In an effort to continue to develop student life at the College of Charleston and promote an increased sense of institutional pride and school spirit, this policy has been created for use of the space and facilities adjacent to the Carolina First Arena for student tailgates and events held prior to athletic contests.

#### **2.0 PURPOSE**

The purpose of the Student Tailgate Policy is to assist student organizations and/or on-campus departments in the coordination of tailgates and activities and ensure that existing institutional policies related to event planning and risk management are appropriately applied.

#### **3.0 DEFINITIONS**

- 3.1 Facilities** – the facilities that will be available for use for student tailgates will include the area adjacent to the student entrance to the Carolina First Arena and the Practice Gym.
- 3.2 Reservable Space** – the facilities included in this policy are to be considered reservable space. Use of the space for tailgates activities must be scheduled in advance through the Director of Operations for Athletics.
- 3.3 Sponsoring Organization** – recognized student organization or on-campus department hosting the event.
- 3.4 Amplified Sound** – use of a public address system and/or speakers to broadcast information or music

#### **4.0 PROCEDURES**

- 4.1 Limitations of use** – tailgates and pre-game activities must be limited to the area adjacent to the student entrance to the Carolina First Arena and the Practice Gym. Reservation of the space is limited to recognized student organizations and on-campus departments for student-only events. Individual tailgating will not be permitted.

- 4.2 Reservation/ Preparation of Space** – sponsoring organizations must reserve the facilities no less than one week prior to the date of the proposed event. Reservations will be coordinated by the Director of Operations for Athletics. Athletics will provide and install the floor covering in the Practice Gym prior to the scheduled event. In the event that no activity is scheduled, the Practice Gym will not be available for pre-game activities and will remain locked.
- 4.3 Occupancy** – Attendance at events in the facilities will be limited to occupancy rates established by the Fire Marshal.
- 4.4 Responsibilities of Sponsoring Organizations** – student organizations or on-campus departments hosting the event are responsible for providing all staffing and equipment for the proposed activity (this includes security personnel, sound equipment, tables, trash cans, recycling bins, etc.) as well as set-up and clean-up related to the activity.
- 4.5 Entry/Exit** – A valid College of Charleston student identification card will be required to enter the event or activity. Individuals that leave the area prior to the end of the scheduled activity will be denied re-entry and will be ineligible for access to the athletic contest. All student participants will be required to enter the Carolina First Arena through the designated student entrance.
- 4.6 Use of Alcohol** – The College of Charleston’s alcohol policy shall regulate any use of alcohol at pre-game activities within the facilities. The Authorization to Host a Student Event form must be completed and submitted to the Office of Student Life for review no less than two weeks (fourteen business days) prior to the date of the proposed event. Individuals determined to be inebriated or unable to care for themselves will be denied entry to the activity and/or to the athletic contest.
- 4.7 Duration of Tailgates/Activities** – Pre-game activities will be limited to two (2) hours. Activities must end 15 minutes prior to the start of the scheduled athletic contest.
- 4.8 Use of Amplified Sound** – Due to the proximity of the facilities to local business and residences, amplified sound must be limited to the Practice Gym.
- 4.9 Open Flames/Personal Grills** – No open flames or personal grills may be used.
- 4.10 Damages** – Sponsoring organizations are responsible for all costs associated with any damage and/or repairs that result from the scheduled activity.

## **5.0 FUTURE REVISION**

This Student Tailgate Policy can be revised at any time in accordance with the College's *Campus Wide Policy Making Procedures*.

## **18. Drug Policy**

### **1. Introduction**

The College of Charleston is concerned with both the welfare of the College community and the academic and personal development of each student. The College strives to create a healthy environment where the illegal and/or improper use of drugs does not interfere with learning, performance, or development. Abuse of drugs disrupts this environment and places at risk the lives and well-being of the members of the College community, as well as the potential for students to contribute to society. It is important for all members of the college community to take responsibility for preventing the illegal and/or improper use of drugs from negatively affecting the community's learning environment and the academic, physical, and emotional well-being of its students. Since there are numerous means by which the use of drugs may adversely affect both students and the College community, it is important that the College issue to all students a clear statement of policy concerning the illegal and/or improper use of drugs.

1.1. This policy is intended to accomplish the following:

- a) To promote a healthy and safe learning environment.
- b) To demonstrate the commitment of the College to the provision of:
  - i) Education and prevention services designed to help prevent illegal and/or improper use of drugs.
  - ii) Early intervention and referral services related to the illegal and/or improper use of drugs.
- c) To encourage and facilitate the use of treatment and support services by those students who seek or are in need of assistance.
- d) To define expectations for student behavior with respect to the illegal and/or improper use of drugs.
- e) To identify appropriate disciplinary procedures for those students who engage in illegal and/or improper drug-related behaviors.

### **2. Education, Prevention, Intervention, and Treatment**

2.1. The College's first obligation in dealing with drug problems is to educate the College community. This obligation is addressed by a variety of prevention and education programs which are offered, including formal and informal classes, lectures, discussions, and activities that address both drug-abuse prevention and drug-related problems. Students are encouraged to participate in the numerous campus organizations and

activities which promote drug-free experiences. A list of student organizations is available in the Stern Student Center and at [www.studentlife@cofc.edu](mailto:www.studentlife@cofc.edu). Current information about the risks and statistics related to drug use is available to students. Educational efforts also address personal intervention skills to help members of the College community to better respond to students demonstrating problems related to the use of drugs. As drug abuse is a societal issue, the College will also conduct research and offer expertise in this area as a public service.

2.2. A second responsibility of the College is to promote an atmosphere where students who have a problem with drug use will have the opportunity to seek help. Each student seeking assistance will be provided an opportunity for an individual diagnostic assessment and will be offered information on, or referral to appropriate services which address the improper use of drugs, including the misuse of prescription or over-the-counter drugs. Available services may include educational activities, structured groups, counseling, and self-help groups. Some of these services are offered on campus at no cost to the student. The cost of off-campus services is the responsibility of the student.

- a) Students may receive assessment, counseling, and educational services from the Office of Substance Abuse Services, (Robert Scott Small Building, 3<sup>rd</sup> floor, 953-5640), or from off-campus treatment providers.
- b) This policy is not intended to create obligations or restrictions which may interfere with the confidential nature of counseling, clinical, or therapeutic relationships. Confidentiality will be maintained in accordance with state and federal laws.

### **3. Violations**

3.1. This policy prohibits, on or off campus:

- a) The unlawful manufacture, intent to distribute, distribution, dispensation, trafficking, possession, attempted purchase, or use of illegal drugs or controlled substances\*, including prescription medications and/or use of non-anabolic steroids.
  
- b) The possession or sale of drug paraphernalia (such as roach clips, bongs, water pipes, glass pipes, cocaine spoons).
  
- c) The distribution or delivery of an imitation ("look alike") non-controlled substance represented as a controlled substance as set forth in the South Carolina Code of Laws. (See Appendix F.)

\* The term "controlled substances" when used in this policy shall refer to those drugs and substances whose possession, sale, or delivery results in criminal sanctions under South Carolina law.

3.2. As citizens, students have responsibility for knowing of and complying with the provisions of state law referenced above. Any student who violates any of these laws is subject to prosecution and punishment by the civil authorities as well as to disciplinary procedures conducted by the College which may precede criminal or civil proceedings. It is not "double jeopardy" for both the civil authorities and the College to proceed to sanction a person for the same specified conduct.

### **4. Sanctions**

**The College of Charleston will impose on students the following sanctions and other sanctions for proven violations of its drug policies.**

The College considers any violation of the drug policy to be a serious offense. The College will respond to all reported violations of this policy in accordance with the disciplinary procedures published in the *Student Handbook*. Residential students will be referred to the Dean of Students for adjudication. The sanctions imposed by the College for students found responsible for drug-related violations follow:

4.1. Distribution, dispensation, trafficking, purchasing or manufacturing illegal drugs and/or controlled substances

a) Prior to hearing -- Because acts such as the purchasing, manufacturing, distributing, dispensing and trafficking of illegal drugs and controlled substances are threats and dangers to both the health and safety of the community, when there is reason to believe, based on available facts, that the student represents an immediate threat to the safety, health, or welfare of herself/himself, other persons, or property, the College may immediately suspend alleged offenders prior to a hearing, in accordance with policies as published in the *Student Handbook*.

b) Following the hearing – For students found responsible for purchasing, manufacturing, distribution, dispensing, or trafficking of illegal drugs (including marijuana) and/or controlled substances, the College’s response will be:

i) At a minimum disciplinary suspension for two years or more and at a maximum expulsion in accordance with disciplinary procedures as published in the *Student Handbook*.

ii) Removal from residence life housing with full payment of the contract due, if a residential student and incident occurred within the residential system.

iii) Have re-admission to the College dependent on successful completion of a pre-approved substance abuse counseling program.

iv) Have a parental/guardian notification letter sent concerning the violation.

4.2. Attempted purchase and/or possession with intent to distribute - For students found responsible for attempted purchase and/or possession with intent to distribute illegal drugs (including marijuana) and/or controlled substances, the College’s response will be:

a) At a minimum disciplinary suspension for one year and at a maximum disciplinary suspension for two years or more in accordance with disciplinary procedures as published in the *Student Handbook*.

b) Removal from residence life housing with full payment of the contract due, if a residential student and incident occurred within the residential system.

c) Have re-admission to the College dependent on successful completion of a pre-approved substance abuse counseling program.

d) Have a parental/guardian notification letter sent concerning the violation.

4.3. Possession and/or use of illegal drugs and illegal possession and/or use of controlled substances –For students found responsible for the possession/use of illegal drugs (including marijuana weighing over one ounce) and/or illegal possession/use of controlled substances (including the illegal possession/use of prescription medications), the College’s response will be:

a) Removal from residence life housing with full payment of the contract due, if a residential student and incident occurred within the residential system.

b) Placed on disciplinary suspension from the College for not less than one semester.

c) Have re-admission to the College dependent on successful completion of a pre-approved substance abuse counseling program.

d) Have a parental/guardian notification letter sent concerning the violation.

4.4. Possession and/or use of marijuana –weighing one ounce or less –For students found responsible for *only* the possession and/or use of marijuana, the College’s response will be for a **first** offense:

a) Placed on deferred disciplinary suspension from the College for not less than one semester. Deferred suspension means that the disciplinary suspension is held in abeyance as long as all other sanctions are completed by stated deadlines, all illegal substance screens/tests are negative, and there are no other violations.

b) Have a parental/guardian notification letter sent concerning the violation.

c) Participate in a drug and alcohol risk reduction program and/or assessment at Counseling and Substance Abuse Services. Fees will be charged.

d) Participate in periodic drug and alcohol testing at the student’s expense for not less than one semester.

e) Educational activities.

4.5. Possession and/or use of marijuana –weighing one ounce or less— For students found responsible for *only* the possession and/or use of marijuana, the College’s response will be for a **second** offense:

a) Removal from residence life housing with full payment of the contract due, if a residential student and incident occurred within the residential system.

b) Placed on disciplinary suspension from the College for a minimum of one semester.

c) Have re-admission to the College dependent on successful completion of a pre-approved substance abuse counseling program.

d) Have a parental/guardian notification letter sent concerning the violation.

4.6. Possession and/or sale of drug paraphernalia -- For students found in violation for the possession and/or sale of drug paraphernalia, the College's response will be:

a) Determined on a case-by- case basis in accordance with disciplinary procedures as published in the *Student Handbook*.

#### 4.7. Eligibility for Financial Aid

Students found in violation of the alcohol and drug laws jeopardize their ability to receive federal financial aid, College of Charleston scholarships and South Carolina Scholarships for which they might otherwise be eligible. Students can regain their eligibility to receive federal financial aid. Please contact the Office of Financial Aid and Veterans Affairs for further information.

#### 4.8. Drug-Free Workplace Policy

The Federal Drug-Free Workplace Act of 1988 prohibits the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs in the workplace and provides for sanctions against faculty, staff, and the student employees, permanent or temporary, who violate this policy. Pursuant to federal and state law, the policy also requires grant or contract employees to notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction. Any student employee who violates the drug-free workplace policy is subject to prosecution and punishment by civil authorities, as well as to disciplinary procedures by the College and may also be terminated from his or her position of employment by the supervising department.

## 19. Honor Board Composition and Duties

1. Eight faculty members, five staff members, and at least twenty students constitute the Honor Board pool.

2. Honor Boards assigned to hear alleged violations and/or to design sanctions under the Honor Code and the Code of Conduct shall consist of one faculty member, one staff member, and three students. Disciplinary Panels assigned to hear alleged violations and/or to design sanctions shall consist of one faculty or staff member and two students. The student membership of the Honor Board should be representative of the student body of the College in terms of sex, race, age, major area of study, and year in school. Student membership is voluntary and there are no term limits. The Honor Board, with assistance of the SGA and the Student Affairs officials, annually selects new members to replace graduating student members and student members dismissed for insufficient grade point average and to maintain the representative nature of the board. The Dean of Students Office recruits and selects the five staff members. The Faculty Senate nominates and selects the faculty members and Honor Advisors. • Any member who is involved in any way with a hearing before the Board will be disqualified and replaced by an appropriate alternate. Any student who has been called before an Honor Board or Disciplinary Panel may challenge the impartiality of any member.

### 3. Honor Board Duties

3.1. To enforce and promote the Honor System, in conjunction with Student Affairs officials of the College of Charleston.

3.2. To review periodically the Honor Code and Code of Conduct and make recommendations to the administration.

3.3. To hear cases involving alleged violations of the Honor Code and/or the Code of Conduct.

3.4. To recommend sanctions in cases involving violations of the Honor Code and/or the Code of Conduct.

3.5. To call an Appellate Board when instructed by the Dean of Students. An Appellate Board consists of two staff/faculty members and one student drawn at random from the Honor Board pool. Neither the faculty or staff members nor the student may have sat on the original hearing that is being appealed.

3.6. To provide student members for grievance hearing panels.

3.7. To hear student government association election appeals, impeachment of officers of student organizations, and the requests for judicial review of the actions of the student government association (students only).

3.8. To provide student representatives to the student government (undergraduate) election commission.

## **20. Procedures for the Reporting of Honor Code, Student Code of Conduct, Alcohol Policy, Drug Policy and/or other policy Violations**

### **1. Reporting Alleged Violation(s)**

1.1. Any member of the college community with knowledge that a student, student group or student organization has violated the Honor Code, the Student Code of Conduct, the Alcohol Policy, the Drug Policy and/or other policy should report the violation(s) as soon as reasonably possible to the Office of the Dean of Students. The report should be in writing and should contain:

a) The name of the student, student group, or student organization suspected of the violation(s).

b) All details of the suspected violation(s), including the date, which are known to the person reporting it.

c) The names of potential witnesses to the suspected violation.

1.2. Any person not a member of the College community may also report suspected violations of the codes and should follow these same procedures as set out above.

1.3. Student groups and student organizations may only be charged when the violation(s) arises out of or in connection with an organized group event.

1.4. The alleged violation(s) must have taken place or have been detected within one month previous to the report, unless there is evidence of concealment, the act or acts in question were later determined to be part of a pattern of harassment, or there is evidence of extenuating circumstances which have caused a delay in reporting, in which case(s) this period of limitation will not apply.

### **2. Role of Student Affairs Officials**

2.1. An authorized official\* within the division of Student Affairs will discuss the suspected violation(s) with the person reporting it, with other persons having pertinent knowledge, with other College officials, and with the College's Office of Legal Affairs when the authorized official deems it necessary in order to determine whether or not there is a reasonable basis for the allegation(s).

2.2. If, after proper consultation, the Student Affairs official determines that there is not a reasonable basis for the allegation(s), it will inform the person who reported the suspected violation of that fact and take no further action. If, after proper consultation, the Student Affairs official determines that there is a reasonable basis for the allegation, it will notify the respondent individual(s) of the allegation(s).

2.3. This notification shall contain the following:

a) The specific violation(s) of the Honor Code, the Student Code of Conduct, Alcohol Policy, Drug Policy, and/or other policy with which the individual(s) is being charged.

b) Notification that the respondent must make an appointment within forty-eight (48) hours and present him/herself to the Student Affairs official to review the allegation(s) and case file.

2.4. Failure to comply with the procedures as set forth in "Reading of the Allegation(s)" will result in said procedures being carried forth in the absence of the respondent.

\*Such an official is usually the Dean of Students, Associate Dean of Students, or their designee.

### **3. Academic Dishonesty**

3.1. When the allegation is some form of academic dishonesty, the instructor of the course in which the violation is alleged to have occurred will be listed as the complainant and a witness in the notice, in that it is anticipated that the expertise and judgment of that instructor will be relevant and important to the consideration of the case. If the allegation is plagiarism and materials available to the Dean of Students make the allegation self-proving, the person reporting the violation, upon request, may remain anonymous and not be listed as a witness in the notice. This exception usually will not apply when the person reporting the violation is the faculty member for the course involved, for again, the expertise and judgment of the instructor may well be necessary to a consideration of the case.

3.2. In the case of alleged academic dishonesty, the student's grade in the assignment and/or course will be carried as an "incomplete" until the charges are resolved. After the delivery of the decision (for Class 1, Class 2 or Class 3 Honor Code violations, see Appendix A), the instructor will assign a grade based on the decision reached by the board/panel/official. In cases of academic dishonesty, the instructor of the course will also receive a copy of the decision.

**4. Interim Suspension:** Whenever there is evidence that the continued presence of the student on the campus poses a substantial threat to him/herself or to others or the stability and continuance of normal college functions, the Dean of Students or his/her designee may suspend the respondent student for an interim period pending disciplinary proceedings or medical evaluation, such interim suspension to become immediately effective without prior notice. During the interim suspension, a student shall be denied access to the residence halls and/or campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Dean of Students or his/her designee may determine to be appropriate. A student suspended on an interim basis will be given an opportunity to appear personally before the Dean of Students or other appropriate official within five (5) working days from the effective date of the interim suspension for a hearing only on the following issues:

4.1. The reliability of the information concerning the student's conduct.

4.2. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the campus poses a substantial threat to him/herself or to others or to the stability and continuance of normal college functions.

## **21. Statement of Rights of the Respondent**

**1.** Each case of an alleged Honor Code, Student Code of Conduct, Alcohol Policy, Drug Policy and/or other policy violation will be dealt with in a manner which scrupulously protects the rights of the respondent. Just as the College of Charleston Honor System demands that students maintain high standards of integrity, it also demands that students receive fair and impartial treatment in every situation. Any College of Charleston student accused of violating the Honor Code, Student Code of Conduct, Alcohol Policy, Drug Policy and/or other policy has the following rights:

- 1.2 The right to have all proceedings and information relating to a pending or disposed of allegation kept private to the maximum extent possible, consistent with the Freedom of Information Act.
- 1.3 The right to full consultation. The respondent may seek advice concerning the case from whomever s/he wishes, including attorneys and faculty, staff or student honor advisors. However, if a hearing is held before the Honor Board, disciplinary panel, or official the respondent must personally present his/her own case.
- 1.4 The right to choose his/her honor advisor.
- 1.5 The right to have at least five (5) working days from the notice of the hearing before the Honor Board/panel/official to prepare his/her case, unless such notice is waived.
- 1.6 The right to be present during the entire hearing before the Honor Board/panel/official, except for deliberations.
- 1.7 The right to confront and cross-examine all witnesses giving evidence about the allegation unless the evidence has been allowed in affidavit form for good cause shown as determined by the Dean of Students.
- 1.8 The right to challenge Honor Board/panel members/official on the ground of personal bias.
- 1.9 The right to examine all physical or documentary evidence in the case file maintained in the Dean of Students Office and to present evidence on his/her own behalf.
- 1.10 The right to request witnesses who are reasonably available to appear on his/her own behalf.
- 1.11 The right to remain silent without adverse inference.
- 1.12 The right to the presumption of not having violated a code and/or policy, to have the burden of proof borne by the College or the complainant, and to have violation(s) proven by a preponderance of the evidence.
- 1.13 The right to make either a written or oral statement.
- 1.14 The right to review the recording/notes of the hearing in the Dean of Students Office if there is an appeal. The recording shall be the property of the College.
- 1.15 The right to a written decision of the Honor Board/panel/official from the Dean of Students Office within forty-eight (48) hours of the decision.
- 1.16 The right to have the procedures for the reporting and disposition of Honor Code, Student Code of Conduct, Alcohol Policy, Drug Policy and/or other policy violations followed by all parties.
- 1.17 The right to waive the aforementioned rights.

## **22. Procedures for the Disposition of Honor Code, Student Code of Conduct, Alcohol Policy, Drug Policy Violations and/or other policies**

*THE PROCEDURES OUTLINED IN THIS SECTION ARE INTENDED TO AID STUDENT AFFAIRS OFFICIALS AND THE HONOR BOARD IN THEIR EFFORT TO ASCERTAIN THE FACTS OF MATTER AND TO REACH A JUST DECISION. CIRCUMSTANCES CAN DIFFER GREATLY BETWEEN CASES, AND THE OFFICIALS AND/OR THE CHAIR OF THE HONOR BOARD MAY NEED TO MODIFY THE PROCEDURES IN A PARTICULAR CASE IN ORDER TO REACH A TIMELY AND JUST DECISION.*

### **1. Reading of the Allegation(s)**

The respondent shall be given notice to make appointment within forty-eight (48) hours to appear in the office of a Student Affairs official. The respondent will be presented with a procedures packet setting forth the steps required to fully instruct him/her on the preservation of his/her rights. Respondent students who fail to appear in the Student Affairs official's office after proper notice will have their case processed in accordance with the procedures outlined below in their absence.

The packet shall include:

- 1.1 Web address or copy of the Honor Code, Student Code of Conduct, Alcohol Policy, Drug Policy, or other policy, rule, regulation, etc.
- 1.2 A statement of the allegation(s) and identification of the complainant.
- 1.3 A listing of witnesses.
- 1.4 A procedural flow chart.
- 1.5 A listing of staff/faculty honor advisors.
- 1.6 A form for response to the allegation(s).
- 1.7 A waiver form.

**2.** Following the reading of the allegation(s), the student has three (3) working days after receipt of the forms provided to advise the Student Affairs official of the following:

- 2.1 If his/her response is an admission of violating the Code of Conduct, whether the respondent desires a sanction imposed by a single administrator, disciplinary panel or by an Honor Board.
- 2.2 If his/her response is an admission of violating the Honor Code, whether the respondent desires a sanction imposed by a single administrator, disciplinary panel or by an Honor Board.
- 2.3 If his/her response is not an admission of violating a Code:
  - a) Who his/her counsel or advisor will be (See "response of no violation").
  - b) Who his/her witnesses will be.
  - c) What documents or exhibits will be used.

**3.** At no time may any member of the Student Affairs Office advise or counsel the respondent. The respondent should direct all questions to his/her honor advisor or other counsel as set forth in "statement of rights of the respondent." Advisors or counsel may confer directly with Student Affairs personnel for clarification of procedural questions.

### **4. The Disciplinary Panel - Admission of a Violation**

- 4.1 The disciplinary panel shall be composed of two (2) students and one (1) faculty or staff member of the Honor Board.
- 4.2 No evidence as to the issue of a violation or non-violation shall be considered.
- 4.3 The respondent shall be permitted to present evidence or testimony solely on the issue of mitigation. Such evidence may, by way of illustration, consist of character witnesses or medical testimony.
- 4.4 A "victim's impact statement" may be submitted by the complainant, orally or in writing, outlining the impact of the respondent's behavior on the complainant's personal life and/or educational goals.
- 4.5 Decisions of the disciplinary panel shall be communicated to the Dean of Students or designee for review and action.
- 4.6 Should the respondent elect to appear before the disciplinary panel, s/he may waive five (5) working days' notice and be heard as soon as a panel may be convened. Should the respondent not waive the requirement, a disciplinary panel will convene no sooner than five (5) working days after the respondent admits to having violated a code and elects to proceed before the disciplinary panel.

## **5. The Honor Board - Admission of a Violation**

- 5.1 The Honor Board which hears the case shall be composed of three (3) students, one (1) faculty member, and one (1) staff member selected from Honor Board members.
- 5.2 No evidence as to the issue of a violation or non-violation shall be considered.
- 5.3 The respondent shall be permitted to present evidence or testimony solely on the issue of mitigation. Such evidence may, by way of illustration, consist of character witnesses or medical testimony.
- 5.4 A "victim's impact statement" may be submitted by the complainant, orally or in writing, outlining the impact of the respondent's behavior on the complainant's personal life and/or educational goals.
- 5.5 Decisions of the Honor Board shall be communicated to the Dean of Students or designee for review and action. Should the respondent elect to appear before the Honor Board, s/he may waive the five (5) working days' notice and be heard as soon as a board may be convened.
- 5.6 Should the respondent not waive the requirement, an Honor Board will convene no sooner than five (5) working days after the respondent admits to having violated a code and elects to proceed before the Honor Board.

## **6. The Honor Board - Response of No Violation**

- 6.1 The respondent shall be given written notification of the date, time, and place of the hearing scheduled before the Honor Board. Documentation of notification will be placed on file. The allegation(s) and/or name(s) of witness(es) may be different from those in the original notice as a result of additional information being made available to the Dean of Students Office through further investigation. Notice shall be given at least five (5) working days in advance of the hearing before the Honor Board. Respondent students who fail to appear for the hearing after proper notice will have their case considered by the Honor Board in their absence, based on evidence and testimony available.
- 6.2 The Dean of Students Office will provide a list of all witnesses to the allegation(s) to the presiding officer prior to the hearing. The Dean of Students Office may subpoena witnesses when there is a reasonable basis to believe that a witness has knowledge pertinent to the issues. Subpoenas will only be used when a witness has been asked to attend and states that s/he is unwilling to appear voluntarily.
- 6.3 The case file, containing statement(s) of the witness(es) and all other pertinent information, will be available for review in the Dean of Students Office prior to the hearing. All members of the panel shall read the case file prior to the hearing.

- 6.4 Both the respondent and the complainant may be accompanied at the hearing by an honor advisor, another non-attorney advisor, or an attorney. A respondent who wishes to be represented by an attorney must inform the Dean of Students Office in writing at least two (2) working days before the scheduled date of the hearing. If the respondent chooses to have an attorney present to advise him/her, the College's legal counsel may be present to advise the Honor Board. When honor advisors or attorneys appear, their participation is advisory only; they shall not ask questions or participate in the hearing itself. No honor advisors or attorneys shall be present during deliberation.
- 6.5 Hearings will be closed to the public, unless the respondent requests that others attend or that the hearing be open to the public. The granting or denying of this request shall be subject to a majority vote of the Honor Board presiding over the case.
- 6.6 If the respondent or the complainant has any special needs with regard to the hearing set-up, the request for accommodation must be relayed to the Dean of Students Office at least two (2) working days prior to the actual hearing. The Dean of Students Office may, after reviewing a request, ask an Honor Board to accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, audio tape, written statement, or other means.
- 6.7 The chairman of the Honor Board will be the presiding officer. In his/her absence, the Dean of Students Office will designate another member of the panel to serve in this capacity. Normally, the board will consist of three (3) student members of the Honor Board, one (1) faculty member and one (1) college staff member.
- 6.8 After reviewing his/her case file (available in the Dean of Students Office), which lists the board/panel members called to hear the case, the respondent may challenge the empanelling of a particular Honor Board member on the basis of personal bias. The challenge must be made in writing to the Dean of Students Office at least two (2) working days prior to the actual hearing.
- 6.9 The presiding officer will begin the hearing by stating the allegation(s) and asking the respondent if he/she wishes to change his/her response to the allegation. If the response is an admission of a violation, the presiding officer will follow the procedures set forth in "The Honor Board – Admission of a Violation." If the response is no violation, the presiding officer will proceed to call the witness(es) to the allegation(s) in an order which seems logical to him/her from the witness list and the witness statements and information in the case file.
- 6.10 Witness(es), complainant and the respondent shall testify under oath or affirmation administered by the presiding officer.
- 6.11 Prospective witnesses will testify one at a time and may be excluded from the hearing during the testimony of other witnesses. Witnesses to the allegation(s) shall testify first; then the respondent may call witnesses and/or testify him/herself. Both the respondent and the complainant shall have the right to be present during the testimony of all witnesses, to question all witnesses, and to argue his/her case to the Honor Board.
- 6.12 The burden of proof is upon the complainant or the College as complainant, and proof of a violation of the code by the respondent must be by a preponderance of the evidence. (This standard is not as stringent as proof beyond a reasonable doubt, which is required for criminal convictions.) Formal rules of evidence shall not be applicable during the hearing. The presiding officer shall admit all matters into evidence, including hearsay, if relevant, which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.
- 6.13 Affidavits may be admitted into evidence at the discretion of the presiding officer if there is good cause why the witness cannot appear in person. Generally, no affidavit shall be admitted into evidence unless it is signed by the affiant, notarized, and states the reason why the affiant cannot appear in

person to testify. Honor Board members may take judicial notice of matters which would be within the general experience of college students at the College of Charleston.

- 6.14 If, at any time, the presiding officer finds it proper and necessary to recess the hearing or to continue it to a new time, she/he may do so.
- 6.15 A finding of "in violation" requires a majority vote of the Honor Board. The Board chairman votes only in the case of a tie.
- 6.16 After a finding of "in violation" has been rendered by the Honor Board, the chairman can inform the complainant that a "victim's impact statement" may be submitted by the complainant, orally or in writing, outlining the impact of the respondent's behavior on the complainant's personal life and/or educational goals.
- 6.17 Records of prior disciplinary action(s) shall not be relevant to the determination of a violation of the code, but shall be provided to the Honor Board, disciplinary panel, or administrator only after a determination of a violation for the deliberations as to sanctions. Decisions of the Honor Board shall be communicated to the Dean of Students or designee for review and action.

### **7. Status of a Student/Group Pending Final Resolution of a Disciplinary Case**

- 7.1 Until a final resolution is determined, the status of a student/group will not change unless interim restrictions have been imposed to protect the health and safety of the student/group or the College community.

### **8. Violations Committed during Final exam periods, Maymester or Summer Sessions**

- 8.1 These procedures shall be in effect during final exam periods, Maymester and summer sessions. Efforts will be made to consolidate several hearings at one time so as not to inordinately interfere with the exam and summer schedules of the Honor Board members and the parties involved. Therefore, the period of time between the violation(s) and the hearing may be slightly longer than during the regular school year. Further, during these periods, the student may choose for an official in the Student Affairs Office or disciplinary panel to hear a response of no violation or to determine a sanction for an admission to a violation in order to expedite their case.

## **23. Sanctions and Record Keeping**

**1.** One or more of the following sanctions may be imposed for violations of the honor system or other regulations:

- 1.1 Disciplinary warning – a written letter sent to the student from an official in Student Affairs or faculty member, stating that the student has been found to have violated a particular item of a code, that such conduct is unacceptable and that further misconduct will result in more severe disciplinary action.
- 1.2 Restriction – certain student privileges may be suspended for a set period of time, providing that suspension of these privileges does not interfere with the student's ability to complete his/her academic work at the College.
- 1.3 Fines—previously established and published fines may be imposed.
- 1.4 Restitution – compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- 1.5 Disciplinary probation – a student on probation is not considered in good standing within the College, and his/her continued enrollment is conditioned upon good conduct for the probationary period. The period of time over which the probation extends shall be set forth in the letter to the student as well as the probability of more severe disciplinary sanctions if the student is found to violate any regulation during the probationary period. This sanction may limit student

- participation in other College activities or programs as determined by individual College units.
- 1.6 Residence Probation - this sanction informs students that the standards necessary for community living have been seriously violated and that future violations of College policy may result in residence suspension, suspension, or expulsion from the College.
  - 1.7 Residence Suspension - this sanction requires the student to terminate occupancy of on-campus residence for a specified period of time, and is automatically accompanied by the assignment of a Persona Non Grata status from all residential environments of the College. Residence suspension status does not limit participation in non-residential programs. Conditions which must be met in order to be eligible to live on-campus at the end of the residence suspension period must be clearly outlined.
  - 1.8 Residence Expulsion – permanent separation of the student from the residential system. This sanction is automatically accompanied by the assignment of a Persona Non Grata status from all residential environments of the College and full payment of the housing contract if the removal is due to a code or regulation infraction.
  - 1.9 Deferred suspension or expulsion– a student on deferred suspension or expulsion is not considered in good standing within the College, and the suspension or expulsion is held in abeyance as long as all other sanction conditions are completed and the student has no other proven code violations. The period of time over which the deferred suspension or expulsion extends shall be set forth in the letter to the student. This sanction may limit student participation in other College activities or programs as determined by individual College units.
  - 1.10 Transcript notation describing the reason for a particular grade, period of separation or dismissal.
  - 1.11 Disciplinary suspension - denial of enrollment, attendance, and other privileges at the College for a given period of time; permission to reapply for admission at the end of the period may be granted with or without qualifications.
  - 1.12 Disciplinary Expulsion – permanent dismissal from the College.
  - 1.13 Other –
    - a) disciplinary work hours may be assessed where the student will do work benefiting the College or community;
    - b) withholding a transcript or degree otherwise earned until the completion of the process set forth in this *Student Handbook*, including the completion of all sanctions imposed, if any;
    - c) rehabilitative educational experiences may be ordered and with fees attached (drug or alcohol counseling, psychological assessment, defensive driving course, essays, class presentations, etc.)
  - 1.14 The following sanctions may be imposed upon groups or organizations –
    - a) Those sanctions listed above, 1-8.
    - b) Loss of selected rights and privileges for a specified period of time.
    - c) Deactivation. Loss of all privileges, including College recognition, for a specified period of time.

More than one of the sanctions listed above may be imposed for any single violation.

**2.** Sanctions will be determined by a majority vote of the Honor Board or disciplinary panel except in the case of expulsion, which requires a unanimous vote of the Board or panel. All sanctions will be forwarded to the Dean of Students or designee for review and action. (See Appeals section.)

**3.** An appropriate letter informing the student of the sanctions imposed will be available to the student in the Dean of Students Office within forty-eight (48) hours of the decision of the Honor Board/panel/official. It is the responsibility of the student to pick up this letter.

- 4.** In cases of academic dishonesty, the instructor of the course will also receive a copy of the letter.
- 5.** The sanction of disciplinary expulsion may become a matter of permanent record in the office of the Registrar with approval of the Executive Vice President for Student Affairs and will accompany all official transcripts sent by the College.
- 6.** The Student Affairs Office will place a hold flag on the record of a student suspended for disciplinary reasons. Such hold flag will prohibit the enrollment of the named student for the appropriate length of time.
- 7.** Files on pending cases and records of expulsions will be maintained indefinitely in the Student Affairs Office.
- 8.** Records of residence hall expulsions and disciplinary suspensions will be maintained in the Dean of Students Office for five (5) years after all appeal rights have expired or have been exhausted, unless federal or state law requires that they be maintained for a longer period for auditing purposes only.
- 9.** Records of all other sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record and will be maintained in the Dean of Students Office until the student graduates, and then destroyed, unless federal or state law requires that they be maintained for a longer period for auditing purposes only. Disciplinary files and records of cases that resulted in "not in violation" findings will be destroyed after all appeal rights have expired or have been exhausted.
- 10.** Recordings of all judicial hearings shall be kept until all appeal rights have expired or have been exhausted, and then destroyed. Recordings are the property of the College.

## **24. Appeals**

- 1.** The Appellate Board will consist of one student and two faculty / staff, neither of whom participated in the original disciplinary panel or the Honor Board hearing.
- 2.** A decision reached or a sanction imposed, except for the cases\* listed below, by an administrator, the Honor Board or disciplinary panel may be appealed by the respondent student or complainant to the Dean of Students within five (5) working days of the decision. Such appeals shall be in writing and shall be delivered to the Dean of Students or his/her designee for review. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:
  - 2.1** To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Honor Code, Student Code of Conduct, Alcohol Policy, Drug Policy and/or other policy was violated, and giving the respondent student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
  - 2.2** To determine whether the decision reached regarding the respondent student was based on a preponderance of evidence, that is if the evidence is sufficient to determine that the infraction is more likely to have occurred than not.
  - 2.3** To determine whether the sanction(s) imposed were appropriate for the violation of the Honor Code, Student Code of Conduct, Alcohol Policy, Drug Policy and/or other policy which the student was found to have committed\*.

2.4 To consider new evidence, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.

3. The Appellate Board will reach a determination within ten (10) working days from the date of the appeal.

4. If an appeal is upheld by the Appellate Board, the matter may be remanded to the original Honor Board/panel/official or a new Honor Board/panel/official for re-opening of the hearing to allow reconsideration of the original determination and/or sanction(s).

5. In cases involving appeals by student respondents of violating the Honor Code, Student Code of Conduct, Alcohol Policy, Drug Policy, and/or other policy, review of the sanction by the Appellate Board may not result in more severe sanction(s) for the respondent student.

6. In cases involving appeals by persons other than students respondent of violating the Honor Code, Student Code of Conduct, Alcohol Policy, Drug Policy, and/or other policy the Appellate Board may, upon review of the case, reduce or increase the sanction(s) imposed by the Honor Board/panel/official or remand the case to the original or new Honor Board/panel/official.

**7. \*For drug-related violations and multiple alcohol violations: If the student admits to the violation or is found in violation through a judicial process the minimum sanction is NOT subject to appeal on the grounds of the sanction being excessive or inappropriate. All sanctions above the minimum sanctions may be reviewed for their appropriateness.**

8. The final authority over all decisions made under the Honor System rests with the Executive Vice President for Student Affairs.

9. Only the respondent student may appeal any decision made under this system to the Executive Vice President for Student Affairs for review on the issues of due process in the proceedings and/or the appropriateness of the sanction(s) imposed within ten (10) working days of the Appellate Board's decision. The Executive Vice President for Student Affairs shall consider such matters and make a determination, including the authority to revise any sanction(s) in the case of such appeals. The Executive Vice President for Student Affairs will reach a determination within ten (10) working days from the date of the appeal. At this stage in the appeals process, the Executive Vice President for Student Affairs' response time may be modified if circumstances dictate.

## **25. Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse Policy**

**(See full policy and also the related policy "Reporting Responsibilities for Discrimination, Harassment, and Abuse" in Appendices B and C.)**

The College is committed to the goal of providing an environment free of discrimination, harassment or abuse of any kind for students and employees. Sexual harassment and/or harassment of students or employees (whether faculty or members of the staff or administration) based on sex, gender, age, race, color, religion, national origin or disability are prohibited as defined by law and contradictory to the College's policy and philosophy. The Uniformed Services Employment and Reemployment Rights Act (USERRA) also provides certain protected status rights arising from past or present membership or obligation to serve in the uniformed services under circumstances provided by the Act. As to students under age 18, abuse, as defined below and under state law, may or may not overlap with harassment; additional legal protections and requirements are provided under state law. Also inherent in

the College's belief in respect for the individual is the principle that each student and employee is due appropriate respect and freedom from harassment in any form; therefore, harassment as defined in this policy may or may not be based upon a legally protected status.

Sexual harassment can occur in a variety of contexts. In relationships of unequal power, it contains an element of coercion, as when compliance with requests for sexual favors becomes a criterion for granting work, study, or grading benefits. In relationships among equals, sexual harassment may have a harmful effect upon a colleague's ability to study or work in the academic setting.

### **Definition of Sexual/Gender Harassment (Protected Status)**

- Sexual/gender harassment is defined consistent with sexual harassment law to include unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature, whether or not such conduct is legally actionable. Undesired physical contact, repeated, unwelcome requests for social engagements, and questions or comments about sexual behavior or preference are included in this definition.
- Additionally, sexual harassment is behavior directed at an employee (whether faculty, staff or administration) or student because of his or her sexual orientation or sex/gender when (i) submission to such conduct is made either explicitly or implicitly a term or condition of academic or other college related benefits or employment; (ii) educational or other college related opportunities/academic benefits, job benefits or other decisions affecting an individual's employment or educational or other college related opportunities are explicitly or implicitly granted or withheld based on submission to, or rejection of, unwelcome requests or conduct, based on sex/gender; or (iii) the academic or other college related and/or work environment is hostile, in other words, oppressive and/or has the purpose or effect of unreasonably interfering with a student's academic performance or an employee's job performance by creating an intimidating, hostile, or offensive academic, work, or student living environment. Such harassment may also be based upon gender, despite lack of sexual advances.

### **Responsible Administrators**

The Director of Human Relations and Minority Affairs will be responsible for disseminating information to educate the College community about sexual harassment and will be available to provide information. Our legal counsel, Associate Provost or Dean of Students also may be consulted concerning this area.

### **Other Remedies**

The procedures outlined herein provide only for an internal resolution of sexual harassment complaints. Sexual harassment also is a violation of state and federal law and, therefore, other remedies may be available.

### **Procedures for Resolution of Complaints Made by Students**

Any student or employee who has experienced or witnessed protected status discrimination, harassment or abuse by a student or employee has a responsibility to report the situation immediately to one of the Designated Recipients listed in the "Reporting Responsibilities for Discrimination, Harassment, and Abuse" in Appendix B. In general respect for the dignity and worth of all individuals is essential to an appropriate college environment. Actions which come within the definition of sexual harassment provided herein will be grounds for disciplinary action even resulting in termination.

## **26. Consensual Relations Policy**

"Sexual relations between students and faculty members with whom they also have an academic or evaluative relationship are fraught with the potential for exploitation. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make voluntary consent by the student suspect...In their relationships with students, members of the faculty are expected to be aware of their professional responsibilities are to avoid apparent or actual conflict of interest, favoritism, or bias. When a sexual relationship exists, effective steps should be taken to ensure unbiased evaluation or supervision of the student." [AAUP Policy cited by AAUP Staff counsel in *Sexual Harassment in the Academy: Some Suggestions for Faculty Policies and Procedures*, October 2002.]

Similar concerns exist when sexual relations occur between students and staff members in supervisory, evaluative, or trust positions.

Accordingly, the College of Charleston adopts the following policy regarding consensual relationships between students and faculty or staff:

All sexual relationships between students and faculty/staff are strongly discouraged. Further, no faculty or staff member shall have an amorous relationship (consensual or otherwise) with a student who is enrolled in a course being taught by the faculty member or whose work is being supervised, evaluated, or otherwise impacted by the faculty or staff members.

## **27. Rights of Students under the Family Educational Rights and Privacy Act and Annual Notice**

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, is a Federal law that protects the privacy of student education records. In accordance with regulations issued under FERPA, the College of Charleston provides an annual notification to our enrolled students of their rights under FERPA.

### **Rights of Students**

In accordance with FERPA and relevant College of Charleston policies and practices, enrolled students at the College have the following rights.

The right to inspect and review [[http://www.cofc.edu/registrar/Student\\_Inspect\\_Record.pdf](http://www.cofc.edu/registrar/Student_Inspect_Record.pdf)] the student's education records within 45 days of the day the College receives a request for access to those records. (See section entitled "INSPECTION AND REVIEW OF RECORDS").

The right to request an amendment [[http://www.cofc.edu/registrar/Student\\_Amend\\_Record.pdf](http://www.cofc.edu/registrar/Student_Amend_Record.pdf)] to the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. (See section entitled "AMENDMENT OF RECORDS").

The right to provide written consent [[http://www.cofc.edu/registrar/Student\\_Information\\_Release\\_Form.pdf](http://www.cofc.edu/registrar/Student_Information_Release_Form.pdf)] to the disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without student consent (See section entitled "DISCLOSURE OF PERSONALLY-IDENTIFIABLE INFORMATION").

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of

the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5901.

### **Inspection and Review of Records**

Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests [[http://www.cofc.edu/registrar/Student\\_Inspect\\_Record.pdf](http://www.cofc.edu/registrar/Student_Inspect_Record.pdf)] that identify the record(s) the students wish to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official will advise the student of the appropriate person to receive the request.

### **Amendment of Records**

Students may ask the College to amend a record that they believe is inaccurate, misleading, or in violation of the privacy rights of the student. They should write the College official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the college decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

If, as a result of the hearing, the College decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the College will so advise the student and the student may place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the College.

### **Disclosure of Personally-Identifiable Information**

FERPA requires that a student provide written consent for a disclosure of personally identifiable from education records unless the circumstances meet one of the exceptions to the "prior written consent" rule that is specified in the law or its implementing regulation. Under those exceptions, as implemented by the College, the College *may* disclose information from a student's education records without the student's written consent, to the following parties or under the following conditions:

School officials whom the College has determined to have legitimate educational interests.

A school official is a person employed by the College in an administrative, supervisory, academic or research, teaching, or support staff position (including law enforcement until personnel and health staff); a contractor, consultant, volunteer or other party to whom the College has outsourced institutional services or functions for which the College would otherwise use its own employees to perform (for example, legal advice, debt collection, transcript distribution, enrollment verification, citizenship verification, fundraising and alumni communications, development, information technology services, such as web-based and e-mail services); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or a student assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review or have access to an education record in order to fulfill his or her professional responsibility.

Officials of another institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer.

Authorized representatives of the Comptroller General of the United States, Attorney General of the United States, Secretary of the U.S. Department of Education, and state and local educational authorities.

In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes to determine eligibility for the aid; determine the amount of the aid; determine the conditions for the aid; or enforce the terms and conditions of the aid.

State and local officials or authorities, pursuant to State statutes, if the reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released.

Organizations conducting studies for, or on behalf of, the College to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.

Accrediting organizations to carry out their accrediting functions.

Parent (including a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian) of a dependent student (as defined in *section 152 of the Internal Revenue Code of 1986*).

In compliance with a judicial order or lawfully issued subpoena.

In connection with a health or safety emergency.

Information that the College has designated as "directory information" unless the student has requested such directory information be withheld.

The final results of a disciplinary proceeding conducted by the College to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense with respect to that alleged crime or offense *regardless* of whether the College concluded a violation was committed.

The final results of a disciplinary proceeding conducted by the College to the general public upon concluding that the student committed a crime of violence or non-forcible sex offense and that the student has committed a violation of the College's rules or policies.

A parent of a student under the age of 21 at the time of disclosure regarding the College's determination that the student violated federal, state or local law or College policy governing the use or possession of alcohol or a controlled substance.

Information provided to the College pursuant to federal law and guidelines concerning sex offenders and others required to register pursuant to federal law.

De-identified records and information.

Parent of a student who is not an "eligible student" under FERPA, or to the student.

### **Notice of Designating Directory Information**

FERPA requires that College, with certain exceptions (see section entitled "DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION"), to obtain the student's written consent prior to the disclosure of personally identifiable information from the student's education records. However, the College may disclose appropriately designated "directory information" without the student's written consent, unless the student has advised the College to the contrary in accordance with the College procedures from "opting-out" of the release of directory information. FERPA defines "directory information" as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The College hereby designated the following student information as "directory information":

Student's name; Local and permanent address; Local and permanent telephone listing; Campus e-mail address; Photograph of student; Date of birth; Place of birth; Major of field(s) study; Class standing (e.g., sophomore); Dates of attendance; Degree(s) received; Awards and honors received; Most recent institution attended; Enrollment status (e.g., undergraduate, graduate, full-time or part-time); Participation in officially recognized activities and sports; and Weight and height of members of athletic teams.

If a student does not the College to release part or all of his or her directory information, the student must submit an opt-out form

[[http://www.cofc.edu/registrar/FERPA\\_OPTOUT\\_FORM.pdf](http://www.cofc.edu/registrar/FERPA_OPTOUT_FORM.pdf)] to the College Registrar's Office on or before the tenth class day of the fall and spring semesters, or the fifth class day in the summer term for it to be applicable to that semester/term and for subsequent periods of time. Directory information of a student who has opted-out from the release of directory information, in accordance with this policy/procedure for opting out, will remain flagged until the student requests that the flag be removed by completing and submitting the revocation section of the opt-out form [[http://www.cofc.edu/registrar/FERPA\\_OPTOUT\\_FORM.pdf](http://www.cofc.edu/registrar/FERPA_OPTOUT_FORM.pdf)] to the College Registrar. If directory information is released prior to the Registrar receiving the opt-out form, the College may not be able to stop the disclosure of directory information.

The College disclaims any and all liability that may arise or be alleged as a result of honoring a student's instructions that directory information be withheld, or for the inadvertent disclosure of such information.

### **College Contact**

For additional information or for questions concerning the College's FERPA policy and procedures, please contact the College Registrar @ College of Charleston, 160 Calhoun Street, Lightsey Center, Room 281, Charleston, SC 29424, (843.953.5668), [Registrar@cofc.edu](mailto:Registrar@cofc.edu).

## **28. AIDS/HIV Policy: Division of Student Affairs**

Acquired Immune Deficiency Syndrome (AIDS) is an international public health concern that affects all segments of society including college communities. Current medical information provided by the United States Centers for Disease Control confirms that the Human Immunodeficiency Virus (HIV) is not transmitted by casual contact and poses no risk to students or employees in the campus setting. Accordingly, the College of Charleston is committed to and assures:

- Non-discriminatory programs and services to students that have or may have been exposed to the HIV as defined by the Americans with Disabilities Act.
- AIDS/HIV safety guidelines issued by the Center for Disease Control and the Occupational Safety and Health Administration will be followed and training in operating procedures of universal precautions will be required for relevant campus employees.

- Educational programs to create awareness about HIV infection, its modes of transmission and prevention and increased sensitivity to students with HIV infection will be provided.

Students with HIV infection who need reasonable accommodation under the provisions of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA) should contact the Center for Disability Services (843-953-1431) for information and assistance.

Students who believe they have been discriminated against based on HIV infection are protected by the Americans with Disabilities Act and should contact the ADA Coordinator in the Office of Human Relations (843-953-5580).

Administrative or medical decisions made with respect to an individual student with HIV infection or AIDS will be decided on a case-by-case basis by appropriate College personnel. Strict confidentiality will be maintained in each case as mandated by the Family Education Rights and Privacy Act of 1974 (FERPA) and the Americans with Disabilities Act of 1990 (ADA).

Health Services will monitor medical releases from the Centers for Disease Control, the United States Public Health Service, American College Health Association, and the South Carolina Department of Health and Environmental Control. Based on current information distributed by official sources, appropriate Student Affairs departments will coordinate the implementation of guidelines and ensure revision to the College's policies and procedures as appropriate.

*Adapted from the University of Arizona and the University of South Carolina policies on AIDS/HIV, December 2004.*

## **29. Missing Person Notification Policy and Procedure**

### **1.0 PURPOSE<sup>1</sup>**

This Policy and Procedure describes the nature and extent of notifications that will be provided in the case of a Residential Student who is determined to be missing for a period of 24 hours or longer by the College Department of Public Safety.

### **2.0 APPLICABILITY**

This Policy and Procedure applies only to students who are lawfully occupying College provided housing. Such housing may be in a resident hall located on campus or in any other facility that is rented or leased by the College for the purpose of providing residential housing to its students. For purposes of this Policy and Procedure, a "Residential Student" shall be deemed to be a student who is lawfully residing in such a facility.

### **3.0 POLICY**

**3.1 Notice.** At the beginning of each Academic year the Department of Residence Life and Housing shall inform each Residential Student that such student has the option to identify an individual to be contacted by the College not later than 24 hours after the time that the student is determined missing. In addition to the foregoing, the Department of Residence Life and Housing shall --

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<sup>1</sup> This Policy and Procedure is required pursuant to applicable provisions of the Higher Education Opportunity Act that have been codified at Title 20 U.S.C. § 1092(j).

- (a) provide each Residential Student a means to register confidential contact information of a person (the "Confidential Contact") in the event that the such student is determined to be missing for a period of more than 24 hours;
- (b) advise each Residential Student who is under 18 years of age, and not an emancipated individual, that the College is required to notify a custodial parent or guardian not later than 24 hours after the time that the student is determined to be missing; and
- (c) inform each Residential Student that the College will notify the appropriate law enforcement agencies not later than 24 hours after the time that the student is determined missing by the College Department of Public Safety.

**3.2 Emergency Contacts.** If the College Department of Public Safety makes a determination that a Residential Student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to the campus, the College will initiate the emergency contact procedures in accordance with the student's designation of a Confidential Contact and this Policy and Procedure.

#### **4.0 NOTIFICATION PROCEDURES**

**4.1 Mandatory Notification of Public Safety.** The Residence Life and Housing Department shall inform the Department of Public Safety immediately upon any reasonable suspicion that a Residential Student is missing. All other members of the College Community shall report to the College Department of Public Safety any student who is missing under circumstances that reasonably appear to be unusual, serious, or troubling.

**4.2 Actions of Public Safety.** If a Residential Student is deemed to be missing for more than 24 hours by the College Department of Public Safety, that Department shall --

- (a) notify the Executive Vice President for Student Affairs that such student has been missing for more than 24 hours;
- (b) notify the Confidential Contact as rapidly as possible under the circumstances; and
- (c) if each Residential Student is under 18 years of age, and not an emancipated individual, immediately contact the custodial parent or legal guardian of such student.

**4.3 Referral to Outside Authorities.** In addition to making the notifications under Section 4.2, the Department of Public Safety may also contact such other law enforcement authorities as may be appropriate under the circumstances, provided that, it must contact local, state, and/of federal authorities and the National Crime Information Center of the Department of the Justice in the event that the Residential Student is under the age of 21. Moreover, in any case when (a) there is an indication of a forcible abduction or other crime against the person; or (b) the missing Residential Student has not designed a Confidential Contact, the Department of Public Safety shall make an immediate referral to one or more appropriate law enforcement authorities.

#### **4.4 On Campus Investigations**

The Department of Public Safety shall conduct investigations of missing Residential Students on campus and may use any lawful method to do so.

### **30. Rights of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990**

The College of Charleston and the Graduate School actively and affirmatively seek to accommodate any currently enrolled student with a certified disability according to the regulations established by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and its amendments. Services for students with disabilities (physical, psychological, learning disabilities, ADD/ADHD) are provided through the Center for Disability Services located in the Lightsey Center, first floor, Rm. 104. The web address is [www.cofc.edu/~cds](http://www.cofc.edu/~cds). Telephone number (843) 953-1431 (voice) and Fax: (843) 953-7731. SC Relay System 771 or 1-800-735-2905.

Based on these laws, the College of Charleston assures that all programs and services at the College of Charleston are accessible and reasonable academic accommodations that do not affect essential components of the course will be provided to all qualified students.

Students who believe that a violation of their rights has occurred may discuss their complaint informally with an administrator in the Center for Disability Services. If the issue is not resolved informally, or the student does not wish to pursue the issue on an informal basis, students served by the Center for Disability Services may file a formal grievance. (See "Student Grievance Procedure.")

Students who believe that the adjudication of their complaints was not fair may contact South Carolina Protection and Advocacy (SCP&A), 1569 Sam Rittenberg Blvd., Charleston, S.C. 29407, Voice: (843) 763-8571, Fax: (843) 571-0880. The student may also file a complaint directly with the Office of Civil Rights at the following address: Office for Civil Rights, DC Office, US Department of Education, Customer Service Team, 400 Maryland Ave., SW, Washington, D.C. 20202-1100, (1-800) 421-3481, Fax: (202) 245-6840, [OCR@ed.gov](mailto:OCR@ed.gov) or an OCR Electronic Complaint Form may be submitted. <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

### **31. English Fluency Policy**

Under the provisions of the 1991 English Fluency in Higher Education Act, the South Carolina legislature has mandated that each public institution of higher learning establish a mechanism to "ensure that the instructional faculty whose second language is English possess adequate proficiency in both the written and spoken English language." Additionally, the act requires that the institutions "provide students with a grievance procedure regarding an instructor who is not able to write or speak the English language." A student/faculty ad hoc committee was formed and based upon its recommendation, the following policy is adopted:

One of the primary goals of the College of Charleston is to provide an environment that encourages students to develop an awareness of and a heightened sensitivity towards the individual's relationship with society within the context of a global perspective. One means to achieve this goal is to foster cultural and ethnic diversity within the academic community. College response has been positive in this regard as evidenced by a steady increase in the population of both international students and faculty in diverse disciplines.

The College also takes great pride in maintaining a faculty who are well prepared in their respective academic areas, and most importantly, demonstrate the ability to communicate this knowledge effectively to their students. In some instances problems can arise for instructors whose primary language is not American English. Effective interaction with students could be severely hampered by insufficient control of English grammar and pronunciation. In most situations, when an instructor speaks with an accent and experiences some difficulty in grammatical usage, students will quickly adjust to the uniqueness of these speech patterns and communication is not affected. Occasionally, however, the most sincere efforts of a well-prepared and scholarly individual will fail because of his or her difficulties with some aspects of the English language.

In 1986, the American Council on the Teaching of Foreign Languages (ACTFL) developed proficiency guidelines addressing performance in speaking and writing abilities in a second language. These guidelines identify stages of proficiency which are intended to allow assessment of what an individual can and cannot do with regard to a particular language skill. In order to ensure that effective communication is not hampered by insufficient control of the pronunciation and grammar of American English, it is recommended that a prospective candidate perform at an advanced level of speaking and writing proficiency.

The following description is provided to assist the faculty in assessing the competency level of English language usage of a candidate.

**For speaking, an advanced level is characterized by the speaker's ability to:**

- Converse in a clearly participatory fashion.
- Handle with confidence but perhaps not with facility complicated tasks and social situations, such as elaborating, complaining, and apologizing.
- Narrate and describe in the present and past tense with some details, linking sentences together smoothly in paragraph-length discourse.
- Communicate facts and talk casually about topics of current public and personal interest, using general vocabulary. Shortcomings often can be smoothed over by communicative strategies, such as pause fillers, stalling devices, and different rates of speech. Some groping for words may be evident, but paraphrasing and rephrasing because of vocabulary or syntactic limitation is usually quite successful.
- Pronunciation, though perhaps marked, should not impede comprehension of speech.
- An advanced-level speaker can be understood without difficulty by native speakers.

**For writing, an advanced level is characterized by the writer's ability to:**

- Write cohesive summaries and resumés, as well as narratives and descriptions of a factual nature, although he or she may still make errors in punctuation, spelling, or the formation of nonalphabetic symbols.
- Demonstrate good control of word formation and the most frequently used grammatical structures, e.g. common word order patterns, conjunctions, and subordinate clauses, but may make frequent errors in producing complex sentences.
- Write with a sense of organization and style approaching English written discourse, but may still resemble literal translations from the native language. Writing is understandable to natives not used to the writing of non-natives.

NOTE: Those students who believe that a faculty member is unable to write or speak English pursuant to the guidelines set forth above may use the section on student grievance procedures found in the College of Charleston *Student Handbook* to resolve this matter.

## 32. Student Grievance Procedures

Disputes may occasionally arise between members of the College of Charleston community over both academic and non-academic matters. While many issues can be resolved at the personal level between the two parties, a formal procedure is available for the resolution of disputes that cannot. The procedure which has been established presents a framework within which disputes may be settled. The formal procedure is not meant to change the character of a dispute but to ensure that all parties are treated fairly and that every attempt is made to arrive at a just resolution of the dispute.

### **Informal Resolution of Dispute**

Since many disputes can be resolved in an informal manner, students having complaints about academic treatment or non-academic matters at the College are strongly urged to attempt to reconcile any differences informally with the faculty or staff member involved. Students should meet with the faculty or staff member to discuss their concerns openly, without fear of reprisal and as soon as possible during the academic semester, since ultimately delay may result in no viable resolution to the dispute. If the student is unable to meet with the faculty or staff member, or if his/her attempt to discuss the issue with the faculty or staff member is not satisfactory, the student should meet with the department chair or program director. Students should continue attending the class in question throughout this process unless they have been instructed not to by the department chair or program director.

If the student elects not to pursue the matter informally directly with the other party, or if s/he does pursue an informal resolution and the parties cannot resolve their differences, the student may initiate the formal process. That process basically will be the same for academic and non-academic disputes and for disputes involving faculty, administrators, or staff.

### **Formal Procedures: Student-Faculty Grievances**

If the student elects to pursue the formal procedure for academic and non-academic grievances against faculty members, s/he must submit in writing to the faculty member's department chair or program director a written grievance which includes the following:

- The act(s) complained of.
- Facts and evidence in support of the complaint.
- An account of attempts to resolve the complaint informally, if any, and the reason(s) those attempts have failed.
- Suggested resolutions to the problem which are acceptable to the student.

The department chair or program director (in consultation with the department chair where appropriate and where consistent with the reporting lines) will have a maximum of 30 days to review the materials, investigate the complaint, and attempt to bring the parties to an agreed-upon resolution. Should an agreed-upon resolution not be reached at this level, the grievance and all accumulated materials will be referred to the dean (or associate dean) of the school. The dean (or associate dean) of the school will have a maximum of 30 days to investigate the complaint and attempt to bring the parties to an agreed-upon resolution. His/her investigation may include interviewing and taking statements from the parties and others, securing documents and evidence from any available sources, and other actions which s/he deems necessary in the circumstances. Failing an agreed-upon resolution, s/he shall make a decision resolving the dispute and promptly notify the parties and the faculty member's department chair or program director of his/her decision in writing.

Graduate Students Only: Either party may appeal the decision of the dean (or associate dean) of the school by presenting a written notice of appeal to the dean of graduate studies no later than five (5) working days from receipt of the written response from the dean (or associate dean) of the school. The dean of graduate studies will further investigate the

complaint and attempt to bring the parties to an agreed-upon resolution. His/her investigation may include interviewing and taking statements from all parties and others, reviewing documents and evidence previously compiled, securing additional documents and evidence from any available sources, and other actions which s/he deems necessary in the circumstances. The graduate dean may affirm, reverse, affirm in part, and reverse in part the decision of the dean (or associate dean) of the school. The graduate dean will promptly notify the parties, the faculty member's department chair or program director, and the dean of the school of his/her decision in writing.

Either party may appeal the decision of the dean (or associate dean) of the school (in cases involving undergraduates) or the dean of graduate studies (in cases involving graduate students) by presenting a written notice of appeal to the executive vice president for academic affairs/Provost no later than five (5) working days from receipt of the decision by the graduate dean. A copy of the original written grievance and the decision appeal form should be attached to the notice of appeal. If the executive vice president for academic affairs determines that the notice of appeal has been filed in a proper and timely manner, s/he will promptly appoint an ad hoc College grievance panel as described below (see "College grievance panel composition") to consider the case. The Provost will notify the parties of the composition of the panel and will instruct the dean (or associate dean) of the school or dean of graduate studies to forward all materials accumulated thus far to the panel chair, who will be designated by the Provost.

The appeal of the decision of the dean (or associate dean) of the school or dean of graduate studies may be on either procedural or substantive grounds and shall constitute a de novo determination of the issues.

Within ten (10) working days after submission of the notice of appeal to the executive vice president for academic affairs, the student may submit to the executive vice president any additional evidence, including written affidavits and other items deemed pertinent to the issues. Within ten (10) working days of notification of an appeal, the faculty involved may submit to the executive vice president for academic affairs any additional evidence, including written affidavits and other items deemed pertinent to the issues. Those materials reviewed or considered by the panel in reaching a decision shall be made available to the parties for their inspection except where confidentiality is required by law.

The panel shall review all materials made available to it. It may also conduct its own investigation and secure further evidence it deems necessary in order to make a decision. It may hear live testimony if it wishes or may ask the parties to orally present their sides of the matter; both parties shall be given an opportunity to attend panel sessions called for these two purposes. Whenever the parties appear before the panel, they may be accompanied by an advisor or an attorney; such person may only advise and may not participate in the panel sessions or address the panel. Those materials reviewed or considered by the panel in reaching a decision shall be made available to the parties for their inspection.

The panel's decision will be sent in writing to the parties, the faculty member's department chair or program director, the dean of the school, the dean graduate studies, and the executive vice president for academic affairs. The panel may affirm, reverse, affirm in part, or reverse in part the decision of the dean (or associate dean) of the school or dean of graduate studies or may remand the case to the dean of graduate studies, the dean of the school, or to the faculty member's department chair or program director for a new and final attempt at informal reconciliation which, if it fails, may not be pursued further. If not satisfied with the panel's decision, either party may, within three (3) working days of receipt of the decision, request that the executive vice president for academic affairs review the decision. If the Provost decides that extraordinary circumstances exist justifying his/her review of the case, s/he will review all accumulated materials and may take any of the actions which were available to the panel. His/her decision will be final.

Any informal reconciliation which is reached at any level of these procedures will result in the purging of all formal records; all that will remain is a signed document setting forth the agreement.

### **Student-Staff or Student-Administrator Grievances**

The same procedure will be followed except that the immediate supervisor of the staff person or administrator involved in the dispute will substitute for the department chair or program director, and the appropriate college vice president will substitute for the dean (or associate dean) of the school or dean of graduate studies. If conflicts of interest arise or the person designated cannot proceed for any reason, it shall be the responsibility of the executive vice president for academic affairs to appoint persons to fulfill the responsibility of the immediate supervisor and the vice president for purposes of these procedures.

### **College Grievance Panel Composition**

For grievances filed by undergraduate students, the panel will be composed of:

Two student members of the Honor Board, drawn by lot; and if the dispute is

1. Academic – three faculty members of the academic standards committee, drawn by lot.
2. Non-academic, involving a faculty member or administrator, three faculty members of the student affairs and athletics committee, drawn by lot.
3. Involves a staff person – three supervising personnel selected by the executive vice president for academic affairs in consultation with the director of personnel.

For all grievances filed by graduate students, the panel will be composed of:

1. Two student members chosen by lot from the graduate student judicial committee. Members of this committee will consist of one student from each graduate program, to be designated by the program director (or the dean of the school of education in the case of the graduate education programs).
2. Two faculty members, selected by lot from the roster of graduate faculty members of the College.
3. One member of the supervising staff of the College, selected by lot from the roster of the academic staff of the senior vice president for academic affairs.

As panel members are selected, any designee who is found to be in a conflict of interest in the case will be excused and an alternate will be selected.

These panels will be ad hoc, and a separate panel will be selected for each dispute or set of related disputes.

## **33. Classroom Code of Conduct**

“Published by the President’s Advisory Committee in cooperation with the Office of the President.”

**1.** While there are many informal situations in which people have neither the desire nor the right to prescribe how others ought to behave, a college classroom requires a higher level of courtesy than many people exercise in ordinary public space. Everyone in a classroom is there for the purpose of learning, and no one should be able to deprive another person of the chance to learn. Expressions of rudeness and even of carelessness degrade the high purpose

of learning that should be paramount in a college classroom. Your professor expects that you as a student:

- 1.1 Will be attentive and courteous during class.
- 1.2 Will complete the assigned work according to the course schedule.
- 1.3 Will do all your own work and will not present anyone else's work as your own.

## **2. Some More Specific Principles of Civil Conduct in a College Classroom:**

- 2.1 Do not cut classes, come in late, or leave early. If you ever are late for class, enter in complete silence and do not walk between the class and the professor. Never leave during class unless you absolutely must. Leaving for a short break and then returning is not acceptable. The professor is not a TV set, but is a person addressing the class, and it is rude to leave when someone is addressing you.
- 2.2 Likewise, it is rude and unacceptable to talk with classmates while the professor (or another student who has the floor) is talking.
- 2.3 Turn off cell phones, pagers, and all other electronic devices.
- 2.4 Eating or drinking are not acceptable during class.
- 2.5 Wearing a hat that conceals your face is rude because the person who is addressing you cannot see you.
- 2.6 Visible and noisy signs of restlessness are rude as well as disruptive to others. If you cannot sit still or stay awake, you should not be taking a college class. Do not begin packing your book bag or otherwise indicate that you think it is time for class to come to an end; wait for the professor to dismiss class. If the class period has ended but the professor has not finished and you cannot stay any longer, leave in complete silence.
- 2.7 Come to class prepared to work. Bring writing materials and any other necessary instructional material with you, such as your text book, workbook, computer disks, etc. Make necessary financial arrangements so that you can purchase all such material at the beginning of the semester. It is a waste of money to pay for a class and then not buy the books you will be reading. Your professor expects you to obtain all necessary material in order to succeed in the course. Your professor also expects you to prepare for class by completing reading and homework assignments. If you are unprepared for class, this may prevent you from participating in a class activity. Do not present your lack of preparation as a problem for the professor to solve or excuse.
- 2.8 Submit work and take tests on schedule. If you miss a test or fail to turn in work on time, you may not have the opportunity to make it up.
- 2.9 The Honor Code prohibits lying, cheating, plagiarism and stealing; this is, of course, the most basic and most important of all principles of civilized academic behavior. For more information about or to report a violation of the Honor Code, contact the Dean of Students.

## **34. Administrative Regulations**

### **1. Class Absences and Student Health Service**

Students who have been evaluated by a clinician at Student Health Services and for whom it has been determined that the student should not attend class, will receive an "Absence Memo Request" form to complete. This form will be signed by the licensed clinician and faxed to the Associate Dean of Students. Students who have managed their own illness may

complete a separate "Absence Memo Request" which will include a brief description of their medical condition. These forms will also be faxed to the Associate Dean of Students. Students who have received treatment through other sources should bring that documentation to the Associate Dean of Students Office (67 George Street). The Associate Dean of Students will e-mail the student's instructors regarding the absence. If there is a difficulty, the Associate Dean of Students or his/her designee will attempt to reach the student through CofC email. Ultimately, the decision to excuse the student from class can only be made by the faculty.

## **2. Amplified Sound Policy**

In an effort to continue to develop Student Life at the College of Charleston and promote an increased sense of community on campus, the Division of Student Affairs has created the following policy for the use of amplified sound on-campus in connection with programs and events held on weekdays during business hours during the upcoming academic year:

- 2.1 Events requiring the use of amplified sound that are scheduled Monday – Friday between the hours of 8 a.m. and 9 p.m. will be held in the Stern Center Gardens.
- 2.2 Space reservations for the Stern Center Garden will be accepted on a first-come, first-serve basis through the Office of Student Life and must be approved in advance by the Director of Student Life.
- 2.3 The Office of Student Life and the Division of Student Affairs will provide information related to any special previously approved events requiring amplified sound in a timely manner to the Provost's Office so that advance notice of events can be distributed to faculty members and academic departments.
- 2.4 The use of amplified sound will not be permitted during the hours of 8 a.m. – 9 p.m. on weekdays in areas immediately adjacent to offices or classrooms facilities (i.e. Maybank Hall, the Cistern, etc.). As always, student organizations will be allowed to host informational tables and programs that do not require amplified sound at these locations.
- 2.5 Requests for exceptions to this policy must be submitted in writing to the Director of Student Life no less than two weeks (fourteen calendar days) prior to the proposed date of the event. A committee comprised of representatives from the student body, faculty and staff of the College of Charleston will convene to review the request and will notify the requestor in writing of the committee's decision. An Event Planning Form must be completed and all prior approvals for the proposed event (space reservation, Public Safety staffing, etc.) must be received before the proposed event is submitted to the committee for review. Contact the Office of Student Life at (843) 953-5726 if you have any questions regarding this policy or campus programming.

## **3. Debts**

The maturity of students is reflected in part by the manner in which they meet financial obligations to the community and to the College. Transcripts of students whose accounts are in arrears will not be released to them or to any agency or institution for the benefit of the student. Students cannot graduate from the College and may be refused the privileges of registering for courses if their college accounts are in arrears.

**4. Delinquent Accounts** If an account becomes delinquent, the College reserves the right to assign the account to a collection agency. Therefore, the student will be responsible for all collection costs, any additional attorney fees, and court costs.

**5. Demonstrations** must be scheduled two weeks in advance with the Executive Vice President for Student Affairs. The information required is a specific location, the beginning time, the ending time, and the name of the sponsoring organization. Demonstrations must be orderly and may not block entrances to buildings or interfere with free flow of pedestrian or vehicular traffic. If an amplification system is used, reasonable volume level will be determined by location and time of day. Failure to comply with these regulations may result in penalties, including loss of demonstration privileges.

### **6. Identification/Debit Cards**

All students are issued identification/debit cards which they should carry at all times. The cards are the means of identifying students for library privileges, student health services, athletic events, the meal plan, social events, check cashing, and other college functions or services open to them as students. Students are expected to present their cards upon request to any college official or employee. Any student whose identification/debit card is lost or destroyed may purchase a new one from the Cougar Card Office. Fraudulent use or transfer of an identification/ debit card is considered a violation of the Honor Code.

### **7. Posting Policy\***

7.1. Academic and administrative departments will control, manage and maintain their own bulletin boards.

7.2. All other campus bulletin boards will be deemed for use by either (A) off-campus activities or (B) on-campus activities.

#### 7.3. Off-Campus Activities

a) Advertisements for legal off-campus activities will be limited to postings on three out-of-doors bulletin boards locations: the breezeway of Physicians Auditorium, outside the west entrance of Maybank Hall, and the kiosk in front of 10 Greenway. The boards will be clearly marked as "Off-Campus Activities."

b) The College of Charleston Physical Plant will be responsible for the cleaning and maintenance of all outside bulletin boards including the Off-Campus Activities boards. Once a week these boards will be cleared of all advertisements.

#### 7.4. On-Campus Activities

a) The Dean of Students Office will manage and maintain all non-departmental bulletin boards on campus.

\*For the companion policy concerning student organizations and student elections see *The Compass*.

### **8. Soliciting**

The College does not permit any type of soliciting on campus without the proper clearance, which includes a letter of authorization from the Executive Vice President for Student Affairs (or designee). Authorized solicitors will be assigned a specific area to offer services or information to the campus community. Unauthorized solicitors, as well as strangers who loiter on campus, should be reported promptly to the Executive Vice President for Student Affairs or to the Public Safety Office. This provision should not be interpreted to include the orderly distribution of printed matter during a regular school day.

## **9. Speakers on Campus**

Any registered student organization wishing to sponsor a speaker on campus is encouraged in their sponsorship to afford the campus community exposure to many points of view. Should the Executive Vice President for Student Affairs have reasonable apprehension founded in fact that a speaker's activities would cause a substantial disruption at the College, s/he may prohibit the appearance of the speaker. This is to assure that our community remains an open forum of ideas shared in a civil environment.

## **10. Use of Facilities**

Registered student organizations are encouraged to present their events and hold meetings in campus facilities. Contact the appropriate facility reservationist to determine facility availability. If a facility-use form is required, go to the Stern Student Center for information or complete the reservation on line. Unauthorized entry into, occupation of, or use of College facilities is illegal and will result in disciplinary action, with penalties ranging from reprimand to suspension, in addition to possible legal action.

## **35. Smoking Policy (approved by the President of the College, June 2006)**

The College of Charleston has the inherent power to protect itself and its property and to control and manage its buildings as a state institution.\* Consistent with the powers granted by General Assembly to the Board of Trustees and the President to appropriately protect the College and its property, and to expect students to adhere to generally accepted standards of conduct, the following policy concerning smoking on campus is adopted:

**1. Purpose:** The College of Charleston promotes a safe, clean and healthy environment on all its property and prohibits smoking inside and at all designated smoke-free entranceways to College facilities.

### **2. Designated Smoking Areas**

Faculty, staff and students who wish to smoke may do so outside at the designated smoking areas where proper ash receptacles exist. Smokers must properly dispose of cigarette/cigar remains in designated receptacles.

### **3. Restricted Areas**

Smoking is prohibited inside and near\*\* the designated smoke-free entrances to all College buildings.

### **4. College/State Vehicles**

Smoking is prohibited in all College and state vehicles.

### **5. Educational Programs**

Stop-smoking classes and seminars will be planned and implemented, as resources permit, to assist faculty, staff and students interested in ceasing to smoke. Student Affairs is responsible for developing such programs for employees and students.

### **6. Sale and Advertisement of Tobacco Products**

The sale, sampling or advertisement of tobacco products shall be prohibited on the College of Charleston campus and in all College publications.

### **7. Monitoring the College's Smoking Policy**

7.1. Residence Life and Housing will implement, monitor and enforce all aspects of this policy for the residential living buildings and areas.

7.2. Public Safety will advise individuals who are not in compliance with the College's no smoking policy of the outdoor smoking areas. Any College employees and students also may take the initiative to inform individuals of the outdoor policy and ask for their compliance. Supervisors will instruct their employees in the policy

and should they view an employee, whom they supervise, in a non-designated area-- will instruct them as to the location of the designated area(s). Employees and students with concerns should follow the appropriate College grievance procedure. Any disruptions related to the smoking regulations should be reported immediately to the Dean of Students when students are involved and to the supervisor when employees are involved.

\*Informal Opinion, Office of the Attorney General State of South Carolina, February 2, 1998, 1998 WL 115506 (S.C.A.G.)

\*\*The U.S. Environmental Protection Agency recommends a ban of 25 feet around a building entrance.

## **36. The Student Resource Coordinator**

### **1. The role of the resource coordinator**

The role of a Resource Coordinator is to act as an impartial party who gives guidance and/or explanations of policies and procedures. This role requires neutrality and confidentiality, requirements that are necessary to create trust between the persons involved in a dispute and the Resource Coordinator. Generally, communication with a Resource Coordinator is confidential. However, the Resource Coordinator is not required to maintain confidentiality regarding criminal behavior or conduct that threatens employee safety or institutional assets. The Resource Coordinator cannot change or make laws, enforce any recommendations, or change administrative actions or decisions.

### **2. Responsibilities of the resource coordinators**

2.1. The primary duty of the Resource Coordinator is to listen.

The Resource Coordinator has the ability to offer guidance and direction as outlined in the Faculty, Staff and Student Handbooks.

2.2 Any irregularities presented to the Resource Coordinator are to be described in a memo. The Resource Coordinator will report these irregularities to the appropriate Agency Head.

2.3 As it pertains to procedural issues, the level of documentation required for the Resource Coordinator may be no more than "I certify that due process was followed."

2.4 The Resource Coordinator shall explain/educate faculty, staff and students regarding policies and procedure as well as proper protocol as appropriate.

**3. Marjorie Thomas**, Assistant Vice President for Student Affairs  
Student Resource Coordinator  
843.953.5522  
Third Floor, Stern Student Center

## **Appendix A. Academic Dishonesty and the Operation of the XF – Transcript Notation Due to Finding of Responsibility for Academic Dishonesty**

**Faculty input** – When a faculty member determines a student has committed academic dishonesty, he or she will fill out the appropriate Honor Code Report form. The faculty member has the option of designating whether he/she believes that the offense warrants the grade of XF.

### **Schedule of Sanctions for Violations of Academic Dishonesty**

A. Class 1. The most serious breaches of academic honesty fall into this category, as well as all second or more offenses of any class. Class I violations must be found to involve significant premeditation; conspiracy and/or intent to deceive. See listing of examples at the end of this policy.

Sanction options:

XF grade and suspension

XF grade and expulsion

B. Class 2. This class includes acts that are found to involve deliberate failure to comply with assignment(s) directions; some conspiracy and/or intent to deceive. See listing of examples at the end of this policy.

Sanction options:

XF grade and disciplinary probation

XF grade and disciplinary probation and/or other educational sanctions

XF grade and suspension

C. Class 3. This class includes violations due to student confusion; ignorance and or miscommunication or incomplete communication between the instructor or his/her designee and the class. See listing of examples at the end of this policy.

### **Class 1 and 2 Violations**

- A. If the Honor Board sanctions a student with a course grade of XF, and this sanction is not appealed by the student, the dean of students and the faculty member notify the Registrar to place a grade of XF for the applicable course on the student's academic record. The grade XF shall be recorded on the student's transcript with the notation "failure due to academic dishonesty."
- B. Student appeals of the XF grade follow the procedure for all other appeals of academic dishonesty sanctions, as outlined in the *Student Handbook*. If the Appellate Board denies the right to another hearing, or another hearing is granted and the Honor Board decides to uphold the XF grade sanction, the dean of students and the faculty member notify the Registrar to assign the XF grade to the student's academic record.
- C. If grades are due but an academic dishonesty hearing is still in progress, a grade of 'I' shall be applied to the course until the hearing process is complete.
- D. An XF grade shall maintain a quality point value of 0.0. The grade "XF" shall be treated in the same way as an "F" for the purposes of Grade Point Average, course repeatability, and determination of academic standing.
- E. The XF must stay on the transcript for at least two years from the date student is found in violation.
- F. After two years, a student may petition the Honor Board to exchange the XF for an F. The petition must be in written form and provide the reason for removal of the XF. Additionally, the petitioner must appear before the Honor Board to

explain the request (appearance may be through electronic means if necessary). If the student petitions and a majority of the Honor Board agree to remove the XF, the Honor Board outlines conditions under which the XF is removed. The conditions may include giving testimony of dishonesty during freshman orientation or other organized Honor Board events, and/or performing specific tasks aimed at increasing the education of the violator and/or campus on the value of academic integrity. When these conditions are met, the XF is removed entirely from the transcript, leaving no past evidence of the XF. A grade of F is recorded in its place.

- G. If a petition to change an XF grade to an F has been made and denied, another petition may not be made for another year from the date of denial. This stipulation applies after graduation as well.
- H. If the student is/has been found responsible of an additional violation of academic honesty, either in the past or future, the XF remains. For cases where the XF was changed to an F and the student is later found responsible of an additional act of academic dishonesty, the XF grade is restored for the course. In these cases, the XF remains permanent. The student may not petition for an F in exchange for the XF in these cases.
- I. A student who has received an XF in a course and needs to pass the course for a requirement may retake the course. If the student passes the course, the requirement is met, but the original course grade will remain as an XF unless the X is removed by an accepted petition for removal.

### **Class 3 Violations**

- A. When a faculty member suspects an Honor Code violation is more of a result of student confusion, ignorance or miscommunication, he/she should arrange a conference with the student as soon as possible to discuss the matter.
- B. Together, the faculty member and student review all materials.
- C. The faculty member proposes a response which is discussed with the student, e.g., written warning, resubmission of the work, research on relevant topic, etc.
- D. The faculty member and student agree upon a response and commit the agreement to a form provided by the Dean of Students.
- E. A written record of the educational response with the signatures of both the faculty member and the student is forwarded to the Dean of Students. The record will remain in the Dean of Students office until the student graduates.
- F. The record of the educational response for this violation will be introduced in subsequent hearings during the sanctioning phase should the same student be found in violation of the Honor Code at a later point in time.
- G. The student has the right to contest the allegation and/or the suggested response and request that the matter be forwarded immediately to the Dean of Students for adjudication under the procedures outlined in the *Student Handbook*.

**Changes to the operation** of the XF grade as a sanction option within the Honor System must go through the Faculty Committee on Academic Standards and the Faculty Senate.

**Examples of violations for Classes 1-3.** The lists below are not meant to be comprehensive but illustrative of the types of acts that generally will be before the Honor Board and faculty members.

Examples of Class 1 violations:

cheating on a test which involves significant premeditation and conspiracy of effort,

taking a test for someone else, or permitting someone else to take a test or course in one's place,

intentional plagiarizing, where the majority of the submitted work was written or created by another,

obtaining, stealing, or buying all or a significant part of an unadministered exam,

selling, or giving away all or a significant part of an unadministered test,

bribing, or attempting to bribe any other person to obtain an unadministered test or any information about the test,

buying, or otherwise acquiring, another's course paper and resubmitting it as one's own work, whether altered or not

entering a building, office, or computer for the purpose of changing a grade in a grade book, on a test , or on other work for which a grade is given,

changing, altering, or being an accessory to changing and/or altering a grade in a grade book, on a test, on a "Change of Grade" form, or other official academic college record which relates to grades, and

entering a building, office, or computer for the purpose of obtaining an unadministered test.

Examples of Class 2 violations:

cheating on an exam which involves some premeditation,

copying from another's test or allowing another student to copy from your test, where some plans were made for such collaboration,

intentional plagiarizing, where a moderate portion of the submitted work was written or created by another,

unauthorized reuse of previously graded work,

intentionally failing to cite information from the correct source,

intentionally listing sources in a bibliography/work cited page that were not used in the paper,

copying, or allowing one to copy, homework assignments that are to be submitted for credit, when unauthorized,

intentionally opening an officially sealed envelope containing an exam, test or other class-related material,

unauthorized and intentional collaboration on an assignment, and

unauthorized and intentional use or possession of a study aid.

Examples of Class 3 violations:

record of same offense made on other similar assignments and no feedback provided by the instructor prior to allegation,

reusing and/or building upon coursework already submitted for another class without permission of the professor,

unintentionally failing to cite information from the correct source,

unintentional violation of the class rules on collaboration, and

unintentional possession of a study aid.

## Appendix B. Peer-to-Peer (P2P) File Sharing

### 1.0 PURPOSE OF POLICY

The purpose of this Policy is to detail the College's plans to effectively combat the unauthorized distribution of copyrighted material by Users of the College's Computer Network and Information Technology Resources, without unduly interfering with the legitimate educational and research use of the Network; and to provide for annual disclosures to students on the College's policies and sanctions related to unauthorized peer-to-peer file sharing, as required by the Higher Education Opportunity Act of 2008 (the "HEOA").

Additionally, this Policy is intended to mitigate the College's potential exposure to security risks and liabilities associated with the exploitation of P2P applications to illegally use, distribute and/or store copyrighted materials on the College's Network.

### 2.0 POLICY STATEMENT

The College is committed to preventing, in so far as practicable, the misuse of the College's Computer Network and other Information Technology Resources, including but not limited to the unauthorized distribution of copyrighted material by Users of its Computer Network. It is the College's intent to maintain the integrity of its Computer Network, without unduly interfering with educational and research use, by utilizing the methods described in Section 6.0 of this Policy. This Policy does not ban legal P2P file sharing through use of the College Network, and the College will continue to support technologies that facilitate legitimate information dissemination and academic collaboration.

### 3.0 APPLICATION

**3.1 Individuals.** This Policy applies to all individuals (students, faculty, staff, College volunteers, contractors, consultants and other members of the public) who use the College's Network and/or Information Technology Resources ("Users").

**3.2 Resources.** This Policy also applies to the College's Network and all other College Information Technology Resources; any other information technology resource made available to the College community through a College vendorsourced network; and other electronic device regardless of ownership when such device is actively using the College Network or is otherwise interfacing with a College Information Technology Resource. The physical location of any computer or other device is irrelevant to whether or not a violation of this Policy exists.

#### **4.0 DEFINITIONS**

The terms below shall have the meaning ascribed next to each:

**(a) College Computer** - Any computer that is owned, leased or rented by the College of Charleston whether such computer is located on or off College premises.

**(b) College Network** - Any part of the College's data, voice or video network physically located on any College owned, leased, or rented property or located on the property of any third party with the permission of that party. This includes devices on such network assigned any routable and nonroutable IP addresses and applies to the College's wireless network and the network serving the College's student residence halls and houses, and any other vendor supplied network made available to the College community.

**(c) Digital Millennium Copyright Act (DMCA)** - A federal law passed in 1998 that revised copyright law for the digital environment to, among other things, define how alleged copyright infringements are to be handled and establish liability limitations for "online service providers."

**(d) DMCA Notice** - DMCA or copyright infringement notices are warnings issued from the copyright holder or a representative of the copyright holder. These copyright holders have identified computers on the College's Network as having potentially violated the DMCA and issue warnings regarding the particular infringement to the College.

**(e) IT**-The College's Division of Information Technology.

**(f) Information Technology Resources** - The College Network and all College computers and computer components, electronic storage devices, wiring, and electronic transmission devices owned, leased, rented or operated by the College or and all College owned or licensed software.

**(g) Peer-to-Peer (P2P)** - A network environment where participants share their resources (such as files, disk storage, or processing power) directly with their peers without having to go through an intermediary network host or server.

**(h) Peer-to-Peer File Sharing Applications** - Programs or services that use P2P technology to share music, movies, software, or other digitally stored files.

#### **5.0 PROHIBITED ACTIVITY**

**5.1 Violations.** It is a violation of this Policy to use the College Network or any Information Technology Resource of the College to distribute, download, upload, stream, scan, store or share any material including software, data, document, sound, music, video, picture, design, graphic, game, or any other electronic file when:

(a) the file is copyrighted but distribution to the User has not been authorized by the copyright owner;

(b) the intended use under the relevant circumstances is specified as illegal by any federal or state law, statute, regulation, proclamation, order, or decree;

(c) when the material is considered by the College to be Protected Information under the College's Privacy Policy and the User is not authorized to access that information or to access that information for the purpose intended; or

(d) when the User's intent is deployment or introduction of any virus or malware on any Information technology Resource.

**5.2 Circumvention Prohibited.** Users of the College's Information Technology Resources shall not attempt to circumvent, bypass, defeat, or disrupt any device, method, or technology implemented by the College for the purpose of implementing this Policy.

#### **PROCEDURES FOR COMBATING UNAUTHORIZED P2P FILE SHARING**

##### **6.1 Technology-Based Deterrents**

(a) Use of Deterrents. The Senior Vice President for Information Technology (CIO) will utilize technology-based deterrents to combat the unauthorized distribution, downloading, uploading, streaming, scanning, storage or sharing of copyrighted material by Users of the College's Network, and will periodically confer with the President's Executive Team to ensure that all such technology-based deterrents then employed by the College do not unduly interfere with legitimate educational and research uses of the College's Network.

(b) Types of Deterrents. At least one technology-based deterrent must be in use at all times with respect to the College's Network. As determined appropriate from time to time by the CIO, technology-based deterrents

may include, but not be limited to, one or more of the following:

- Bandwidth shaping;
- Traffic monitoring;
- Accepting, aggressively pursuing and responding to DMCA notices; and/or
- By using commercial product to reduce or block illegal file sharing.

**6.2 Directive Authority.** For the purpose of implementing this Policy, the CIO shall have directive authority over all vendors to the College, including those vendors who supply internet services to student housing, to direct that such vendors use appropriate deterrents to reduce or prevent illegal file sharing and other violations of this Policy. When exercising such directive authority, the CIO shall consult with the appropriate contract administration officer of the College and ensure that all corrective actions are taken in accord with relevant contract documents.

## **7.0 EDUCATE AND INFORM THE COLLEGE COMMUNITY**

**7.1 Mechanisms.** The College shall employ, at a minimum, the mechanisms described in Sections 7.2 and 7.3 for educating and informing the College community about the appropriate and inappropriate uses of copyrighted material.

**7.2 Institutional Information for Students.** The College will make readily available to enrolled and prospective students the College's policies and sanctions related to copyright infringement including: (i) a statement that explicitly informs its students that the unauthorized distribution of copyrighted material, including peer-to-peer file sharing, may subject the student to civil and criminal liabilities; (ii) a summary of the penalties for violation of Federal copyright laws; and (iii) this Policy. The disclosure required by this Section 7.2 shall be made in the following manner:

(a) Enrolled Students - The Office of the Dean of Students shall be responsible for disseminating annually a notice (of the general nature as set forth in Appendix A to this Policy) to enrolled students regarding the institutional information described in this Section. The methods of dissemination of the Notice may include the College web pages, one-to-one e-mail, orientation presentations, student publications and publication in the Student Handbook and the my.charleston portal.

(b) Prospective Students - The Division of Enrollment Management will post or link a copy of the institutional information on the Admissions web portal for review by prospective students.

**7.3 Educating the Campus Community.** Other members of the Campus community shall be provided institutional information as follows:

(a) The Addlestone Library will post and maintain the College's Copyright Guidelines and this Policy on its webpage.

(b) The Division of Information Technology will publish and maintain a webpage devoted specifically to this Policy and P2P file sharing. Such webpage shall contain a list of FAQs and How-To Guides that instruct the campus community about appropriate and inappropriate uses of P2P applications; a summary of penalties for violation of Federal copyright laws; a summary of the results from the periodic review of the effectiveness of the College's plans to prevent the unauthorized distribution of copyrighted materials by Users of the College's network; and a list of legal alternatives for downloading or otherwise acquiring copyrighted material. The College reserves the right to block the use of any application on the College's Network when it has a reasonable basis to conclude that such application is being used for improper purposes in violation of this Policy.

(c) The Ask the Cougar query on the College's web site shall be modified, as appropriate, to refer to the webpage described in subsection (b) of this Section 7.3 when queries are made relating to the subject matter covered by this Policy.

**7.4 Summary of the Penalties for Violation of Federal Copyright Laws.** The CIO and the Dean of Students, in consultation with the Office of Legal Affairs and utilizing the Federal Student Aid Handbook, shall annually publish a summary of the penalties for violation of Federal copyright laws (the "Summary"). Dissemination of the Summary shall be as follows:

(a) The Dean of Students is responsible for including the Summary in the annual Notice to enrolled students;

- (b) The Associate Vice President for Enrollment Management is responsible for including the Summary in institutional information made readily available to prospective students; and
- (c) The CIO is responsible for posting the Summary on the IT web page dedicated specifically for P2P as further described in section 7.3(b).

## **8.0 ENFORCEMENT**

**8.1 Generally.** The College's Network, Computers and other Information Technology Resources are not to be used for any illegal purpose including, but not limited to, illegal file sharing. Accordingly, to preserve network security and reliability, the College reserves the right in all instances, and upon its reasonable suspicion, to block access from and to its network of any IP address associated with illegal activity and/or to disconnect any User from the network who can be traced to illegal activities, including illegal P2P file sharing. An infringing User shall bear legal and financial responsibility for events or activities resulting from or associated with his/her own misuse of P2P applications and any other illegal activity conducted by or through the College's network.

**8.2 Students. Faculty and Staff.** In addition to barring access to network resources, a student, faculty or staff member who violates this Policy may also be subject to other appropriate discipline, up to and including termination of employment and/or expulsion. No final adverse action may be taken pursuant to this Section, however, with respect to any employee or student of the College unless such employee or student is afforded a meaningful opportunity to contest the adverse action, as further described in Section 9.0.

**8.3 Contractors. Vendors. Consultants. Volunteers and Others.** Any party external to the College, including but not limited to, College contractors, consultants, or vendors found to have violated this Policy may be held in breach of contract and, in such event, may be subject to such sanctions and damages as may be allowed under the contract and/or applicable law including, but not limited to, ineligibility to be considered a responsible source for subsequent contracting with the College. Other parties who violate this Policy but who do not have a contractual relationship with the College (including volunteers) may be barred from any subsequent use of a College Information Technology Resource.

### **8.4 Criminal and Civil Liability; Reporting to Government Authorities**

In addition to the actions described in Sections 8.1, 8.2, and 8.3, the unauthorized acquisition or distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject culpable individuals to civil and criminal liabilities. To the extent required by federal or state law, or when the College otherwise deems it to be in its best interest, the College will report certain illegal activities to designated law enforcement agencies without prior warning or notice to the infringing User.

## **9.0 ENFORCEMENT PROCEDURES FOR HANDLING UNAUTHORIZED P2P FILE SHARING**

**9.1 Alleged Violations.** Alleged violations of the Digital Millennium Copyright Act (DMCA) shall be received by the IT's Designated Agent for the Receipt of a Claimed Infringement ("Designated Agent"). IT shall respond to all DMCA notices. The receipts of such notices are to be logged in and tracked by IT. Attempts to identify the suspect computer(s) and User(s) will be made by IT staff. In the case of suspected offenders who are students, if successful identification is made, a copy of the notice and name of student(s) identified shall be referred to the Office of the Dean of Students in accordance with Section 9.2(b). In the case of suspected faculty or staff who are successfully identified, the notice and name of the staff or faculty member(s) and relevant identifying information shall be referred to the employee's supervisor. In circumstances when criminal activity is suspected, the CIO shall consult with the Office of Legal Affairs and the College Department of Public Safety before notifying any party.

### **9.2 Students.**

(a) Generally -- Disciplinary proceedings involving students alleged to have violated this Policy shall be conducted in accordance with those procedures specified in the Student Handbook.

(b) DMCA -- Violations of the DMCA by students shall be resolved as follows:

(1) Upon receipt of an alleged violation of the DMCA, the Designated Agent shall identify the person associated with the IP address cited in the Claim. If the identified person is a college student, IT shall notify the Office of the Dean of Students and the Office of Legal Affairs. The

Office of the Dean of Students will notify the student of the claim. Students who receive such notices must respond to the Dean's notice within the period of time specified by the Dean of Students, but in no event later than 3 school days after the notice of claim is received by the student. Such students shall be requested to acknowledge the notice and state whether they have received their own copy of the DMCA claim. If this is a first offense and the student acknowledges a violation of this Policy by admitting to the claim, he/she will be asked to stipulate in writing that he/she will comply with this Policy in the future. If the Office of the Dean of Students does not receive such an acknowledgement and stipulation within the prescribed time period, or if the student challenges the validity of the claim, the Dean will initiate disciplinary proceedings.

(2) A second offense of this Policy will become a part of the student's disciplinary record.

(3) A third or fourth violation of this Policy will result in an automatic referral to the Honor Board through the Office of the Dean of Students. Sanctions may include fines and/or a disciplinary probation period or expulsion.

In any situation listed in (1) through (3) of this subsection, the College may suspend the rights of access to the College's network pursuant to Section 8.1 pending the final disposition of the disciplinary matter.

### **9.3 Faculty/Staff**

Disciplinary proceedings involving faculty alleged to have violated this Policy shall be conducted as provided for in relevant provisions of the Faculty/Administration Manual. Disciplinary proceedings alleging violations of this Policy by staff shall be conducted in accordance with relevant provisions of controlling law and, to the extent applicable, the College's Code of Conduct and Disciplinary Actions and the College's Grievance Procedure. The College may suspend the rights of access to the College's network pursuant to Section 8.1 pending the final disposition of any employee disciplinary action.

### **9.4 Subpoena**

The College will timely comply with all valid subpoenas seeking the identity of a person alleged to have misused the College's Information Technology Resources for illegal purposes.

## **10.0 ASSESSING EFFECTIVENESS**

**10.1 Assessment.** Within 60 days after the effective date of this Policy, the Division of Information Technology will develop relevant assessment criteria to periodically review and evaluate the effectiveness of the College's plans to prevent the unauthorized distribution of copyrighted materials by Users of the College's computer network. In gathering information for such assessment, the Division of Information Technology shall, among other things:

(a) add questions to such surveys distributed to students and employees as may be appropriate in an attempt to detect awareness levels of this Policy held by students and employees;

(b) review of reports annually reflecting utilization of the College Network for the downloading of large files; and

(c) track annually of the number of file sharing violations reported to the Division of Information Technology.

**10.2 Reporting.** Information gathered by IT pursuant to Section 10.1 shall be provided to the President's Executive Team by the CIO. In addition, the CIO shall publish the results of the assessment conducted pursuant to this Section 10.0 on its webpage relating to this Policy.

## **11.0 AMENDMENTS**

This Policy may be amended in accordance with the College's Campus Wide Policy Making Procedures.

## **12.0 RESPONSIBILITY**

The Chief Information Officer of the College and the Dean of Students shall be responsible for the maintenance of this Policy

## **13.0 EFFECTIVE DATE**

This Policy shall become effective immediately and shall be fully implemented no later than July 1, 2010.

## Appendix C. Prohibition of Discrimination, Harassment (Including Sexual Harassment), and Abuse

SECTION: Human Relations

Date Issued: 7/1/1995

Revised: 3/15/2006

SUBJECT: Prohibition of Discrimination, Harassment (Including Sexual Harassment), and Abuse

APPLIES TO: All Employees (whether faculty or member of the staff or administration) and Students

ISSUED BY: College of Charleston Human Relations and Executive Vice President for Academic Affairs

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### POLICY

#### **PROHIBITION OF DISCRIMINATION AND HARASSMENT, INCLUDING SEXUAL HARASSMENT AND ABUSE (See also the related policy "Reporting Responsibilities for Discrimination, Harassment, and Abuse")**

The College is committed to the goal of providing an environment free of discrimination, harassment or abuse of any kind for students and employees. Sexual harassment and/or harassment of students or employees (whether faculty or members of the staff or administration) based on sex, gender, age, race, color, religion, national origin or disability are prohibited as defined by law and contradictory to the College's policy and philosophy. The Uniformed Services Employment and Reemployment Rights Act (USERRA) also provides certain protected status rights arising from past or present membership or obligation to serve in the uniformed services under circumstances provided by the Act. As to students under age 18, abuse, as defined below and under state law, may or may not overlap with harassment; additional legal protections and requirements are provided under state law. Also inherent in the College's belief in respect for the individual is the principle that each student and employee is due appropriate respect and freedom from harassment in any form; therefore, harassment as defined in this policy may or may not be based upon a legally protected status. **All forms of discrimination, sexual harassment, other prohibited harassment and abuse as defined below are specifically prohibited.**

This policy and the following Reporting Procedures were developed as a result of discussions with faculty, staff, administrators and students regarding harassment and discrimination issues and the desire to provide a college environment that is positive and encourages communication and personal growth for all members of the college community. The Human Relations Office is responsible for developing policies and procedures, and monitoring the College's conformity with those policies and procedures, so as to comply with federal and state nondiscrimination laws. However, a discrimination-free environment is the responsibility of every member of the community. The College can take corrective action only when it becomes aware of problems. Timeliness of reporting is extremely important; it allows a more complete investigation and better prevention of recurrence. **Therefore, the College encourages persons who believe that they have experienced or witnessed discrimination, sexual harassment, other prohibited harassment and abuse as defined below to come forward promptly with their inquiries, reports, or complaints.**

#### **DEFINITIONS OF SEXUAL HARASSMENT, OTHER PROHIBITED HARASSMENT, AND ABUSE**

Sexual Harassment, Other Prohibited Harassment and Abuse

Definitions:

The definitions are interpreted and applied by the College consistent with applicable law as well as accepted standards of mature behavior.

A. Harassment Based on Legally Protected Status

- (1) Sexual/Gender Harassment (Protected Status): Sexual/gender harassment is defined consistent with sexual harassment law to include unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature, whether or not such conduct is legally actionable. Undesired physical contact, repeated, unwelcome requests for social engagements, and questions or comments about sexual behavior or preference are included in this definition. Additionally, sexual harassment is behavior directed at an employee (whether faculty, staff or administration) or student because of his or her sexual orientation or sex/gender when (i) submission to such conduct is made either explicitly or implicitly a term or condition of academic or other college related benefits or employment; (ii) educational or other college related opportunities/academic benefits, job benefits or other decisions affecting an individual's employment or educational or other college related opportunities are explicitly or implicitly granted or withheld based on submission to, or rejection of, unwelcome requests or conduct, based on sex/gender; or (iii) the academic or other college related and/or work environment is hostile, in other words, oppressive and/or has the purpose or effect of unreasonably interfering with a student's academic performance or an employee's job performance by creating an intimidating, hostile, or offensive academic, work, or student living environment. Such harassment may also be based upon gender, despite lack of sexual advances.
- (2) Sexual harassment most often occurs when one person has actual or apparent power or authority over another; however, it may also occur between individuals of equal status or rank within the College. Sexual harassment may occur between persons of the same gender.
- (3) Conduct forms the basis of a harassment claim if a reasonable person, in view of all the surrounding circumstances, would consider it sufficiently severe or pervasive to interfere unreasonably with academic, other educational, employment performance, or participation in a College activity or living environment.
- (4) Other Protected Status Harassment (Non-Sexual): Harassment based on other protected status is defined consistent with the law to include conduct which has the purpose or effect of unreasonably interfering with a person's academic/college related or job performance or creating for the College's purposes, or tending to create, an intimidating, hostile, or offensive college or work environment on the basis of a person's legally protected status other than sex or gender, i.e., race, age (over 40), color, religion, national origin and/or disability.
- (5) This policy addresses intentional conduct. It also addresses conduct which results in negative effects even though such negative effects were unintended. Sexually-related conduct forms the basis of a sexual harassment claim if a reasonable person, in view of all the surrounding circumstances, would consider it sufficiently severe or pervasive to interfere unreasonably with academic, other educational, or employment performance or participation in a College activity or living environment.
- (6) Examples of Protected Status Harassment: For purposes of this policy, the following are examples of prohibited Sexual/Gender Harassment and of

other protected status harassment as defined above. Harassing or discriminatory conduct in the college/academic environment or workplace, whether committed by regular members of the College community (including employees and students) or third parties (e.g., parents, guests, vendors) in college related settings may include, but is not limited to:

- Unwelcome sexual advances or requests for sexual favors or other favors based upon stereotypes of race, color, religion, sex, gender, national origin, age or disability;
- Unwanted physical contact, including touching, pinching or brushing the body;
- Verbal harassment, such as sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions or threats; epithets; slurs; negative stereotyping (including "jokes"); or threatening, intimidating or hostile acts which relate to race, color, religion, gender, national origin, age or disability;
- Non-verbal conduct, such as display of sexually suggestive objects or pictures, leering, whistling, or obscene gestures; written or graphic material (including communications by computers) that defames or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age or disability and is in the public spaces of the College's premises, or that is circulated in and affects the college community via e-mail, internet posting or otherwise; and
- Acts of physical aggression, intimidation, hostility, threats, or unequal treatment based on sex (*even if not sexual in nature*) or upon race, color, religion, gender, national origin, age, military obligation or disability.

B. Non-Protected Status Harassment Abusive Behavior

For the College's purposes, prohibited harassment or abusive behavior in the college environment not necessarily based on sex/gender or other protected status may be defined as follows: any harassing or abusive behavior in the college community, either verbal or non-verbal, where such behavior threatens a student or employee's safety and/or traumatizes the student or employee to a point that his or her individual performance in the academic/college environment or work environment is significantly affected.

**REPORTING DUTIES**

*Reporting Duties for All Types of Discrimination, Harassment and/or Abuse.*

Any student or employee who has experienced or witnessed protected status discrimination, harassment or abuse by a student or employee has a responsibility to report the situation immediately to one of the Designated Recipients listed in the "Reporting Responsibilities for Discrimination, Harassment, and Abuse".

*Additional Duty in Reporting Non-College Related Child Abuse.*

The College strives to abide by South Carolina law, which dictates requirements for reporting child neglect or abuse as it affects students younger than age 18, even when it occurs outside the College. South Carolina law requires that any physician, nurse, dentist, optometrist, medical examiner or coroner, or an employee of a county medical examiner's or coroner's office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy, including Christian Science practitioner or religious healer, schoolteacher, counselor, principal, assistant principal, social or public assistance worker, substance abuse treatment staff, or childcare worker in any day care center or foster care facility, police or law enforcement officer, undertaker, funeral home director or employee of a funeral home, persons responsible for processing of films, computer technician, or any judge who has reasonable cause to believe that a child's physical or

mental health or welfare has been or may be adversely affected by abuse or neglect as defined by state law is to immediately report it to the local DSS or other proper law enforcement agency. S.C. Code §20-7-510.

For purposes of this law, a child is a person under the age of eighteen. S.C. Code Ann. § 20-7-30. It should be understood that if a student under age 18 is believed to have been abused or harassed, the legal requirements for reporting child abuse may apply.

The state law definition of child abuse and neglect is specific and detailed. A faculty or staff member who suspects or has any concern regarding child abuse or neglect is expected to report this information promptly to his/her Department Head, Director of Human Relations, the Dean of Students, General Counsel or Provost, who, in turn, will determine the College's duty and, if determined appropriate, assist in contacting the proper authorities.

A faculty member or member of the administration who has reason to suspect abuse or neglect and fails to report it is subject to prosecution; however, the person making the report based on valid suspicion and concern is protected by law from both civil and criminal retaliation.

## **RESPONSE AND PROCEDURES**

### Prevention and Education.

The College is committed to preventing and eliminating illegal discrimination, harassment, and abuse of students and employees. To that end, this policy will be posted and disseminated to the College community. The policy is discussed during orientation for new students and employees. In addition, appropriate educational sessions are conducted by the College on an ongoing basis to (1) inform students, and employees about identifying discrimination and harassment and the problems they cause, (2) advise members of the College community about their rights and responsibilities under this policy, and (3) train employees and students in the administration of this policy.

### Counseling.

Information about or assistance with discrimination, harassment, and abuse issues may be obtained from a variety of College resources. Prior to or concurrent with making a report or complaint of discrimination, harassment, abuse or retaliation, individuals may find it helpful to consult with a counselor. The employees may contact the Human Resources Office regarding the employee assistant program (EAP) and students may contact the Counseling and Substance Abuse Services for support regarding discrimination, harassment, abuse or retaliation in a confidential setting. Discussions with representatives of EAP and/or the Counseling and Substance Abuse Services offices are confidential and do not constitute a complaint to the College.

### Inquiries about this Policy.

Inquiries about this policy may be made to the Human Relations Office, Dean of Students, General Counsel, or Associate Provost.

### College Initiated Action.

In circumstances where a report of inappropriate behavior is made but the complainant does not wish to pursue the matter, the College reserves the right to investigate the report and take appropriate action. The College also reserves the right to receive and investigate, at the college's discretion, complaints or reports by persons external to the College community about conduct of College, employees or students alleged to be involved in discrimination and/or protected status harassment.

### Written Report/Complaint.

Once a complaint of harassment has been made, the complainant may be asked to submit a written statement to the individual designated to investigate the complaint. The complainant is expected to cooperate with the College's investigation including, but not limited to, preparation and submission of a comprehensive written complaint.

Cooperation.

All College employees, faculty, students, administrators and/or parents/guardians are expected to fully cooperate as requested in any investigation. If the College determines that anyone involved in the investigation has intentionally withheld information or provided false information at any time, appropriate action may be taken.

No Retaliation.

The College prohibits adverse treatment of employees or students for exercising their rights under this policy. **Any good faith report of discrimination and/or harassment, experienced or observed, should be made without fear of retaliation by the College. Retaliation against any employee or student for filing a complaint or participating in an investigation in good faith is strictly prohibited by law is strictly prohibited.** Any incident of retaliation as above should also be reported using this policy. Retaliation is grounds for appropriate action (i.e., disciplinary action for students and employees, up to and including dismissal). Intentionally making a false report or providing false information is grounds for discipline.

After a complaint has been made and addressed, the College may make inquiries to determine that any prohibited activity has in fact ended and retaliation has not occurred.

Confidentiality.

The College recognizes that confidentiality is important. Information provided is kept confidential to the extent reasonably possible. Examples of situations where confidentiality cannot be maintained include circumstances where the College is required by law to disclose information (i.e., in response to legal process) and when disclosure is required by the College's outweighing interest protecting the rights of others.

The investigator or the investigator's designee may periodically keep the complainant, the respondent, the reporting party and appropriate members of the administration informed as the investigation and decision processes unfold and of the ultimate resolution and/or action to be taken.

The College reserves the right to keep other concerned persons informed, within its discretion. See also "Operating Procedures for Processing Initial Complaints Against Faculty and Administrators and Staff."

Discipline and/or Corrective/Responsive Action for Protected Status and Non-Protected Status Harassment.

Upon receiving a report and in keeping with the provisions above, the College strives to promptly conduct an investigation of any allegations of discrimination and/or harassment based on sex/gender (with or without sexual conduct), race, color, religion, national origin, age, disability or protected activity (i.e., opposition to prohibited discrimination or participation in the statutory complaint process). The College affords an individual respondent of discrimination, harassment, or abuse notice of the allegations and an opportunity to respond and present rebuttal information and witnesses.

At any time following notice of a complaint, the College, at its sole discretion, may reassign the living quarters and/or suspend from class or employment, with or without pay, any

College student or employee respondent or suspected of discrimination, harassment, or abuse as defined herein.

During the investigative and grievance process, the College, at its sole discretion, at all times has the authority to take action necessary to maintain safety and to ensure the smooth operation of the college's functions.

The resolution of any complaint is communicated to the parties involved. Any student or employee who is found to be involved in protected status discrimination, harassment, or activity which could be perceived as discriminatory or harassing of another student or employee, is subject to appropriate disciplinary or corrective action to be determined at the sole discretion of the College.

Any student, or employee determined by the College's investigation and at the sole discretion of the College to have participated in any form of protected status discrimination or harassment abuse or retaliation as defined in College policy, is subject to discipline and/or corrective/responsive action, up to and including immediate termination, suspension or expulsion. Other discipline and/or corrective/responsive action may include, but is not limited to, training, referral to counseling and/or corrective action such as a warning, reprimand, suspension from class or employment, transfer, demotion, reassignment within the campus residential living system, removal of responsibility and related pay, community service and/or other requirements and/or penalties. Ongoing civil or criminal charges, pleas or other court related action will not impede the College from making an independent determination to the extent it determines it has sufficient information to take such action as it deems appropriate.

In the event the College determines that a corrective action is necessary, the respondent individual may contest the corrective action pursuant to procedures available in the **Student Handbook**, **Faculty/Administration Manual** or the **Grievance Procedure for College of Charleston Employees**, as applicable.

#### **Appendix D. Reporting Responsibilities for Discrimination, Harassment, and Abuse**

SECTION: Human Relations Date Issued: 7/1/1995  
Revised: 3/15/2006  
SUBJECT: Reporting Responsibilities for Discrimination, Harassment, and Abuse  
APPLIES TO: All Employees (whether faculty or members of the staff or administration) and Students  
ISSUED BY: College of Charleston Human Relations and Executive Vice President for Academic Affairs

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#### POLICY

**REPORTING RESPONSIBILITIES, INVESTIGATION AND COMPLAINT RESOLUTION FOR PROTECTED STATUS DISCRIMINATION, HARASSMENT, AND ABUSE [(See also the related policy "Prohibition of Discrimination, Harassment (Including Sexual Harassment), and Abuse")]**

#### *Reporting Duties for All Types of Discrimination, Harassment and/or Abuse.*

Any student or employee who believes that the words or actions of a College student or employee or third party in college related settings constitute protected status discrimination, harassment or abuse toward himself or another has a responsibility to report the matter to the College. See Prohibition of Discrimination, Harassment (Including Sexual Harassment),

and Abuse. The report should be made to one of the following individuals ("Designated Recipients"):

Director of Human Relations  
Associate Provost  
General Counsel  
Dean of Students

In the case of conflict, unavailability or other concern with any of the aforementioned avenues, a report of discrimination, harassment, abuse or retaliation may also be made to the President, or in case of a conflict to the Chair of the College's Board of Trustees.

Timeliness of reporting is extremely important; it allows a more complete investigation and better prevention of recurrence. Complainants are expected to bring complaints of discrimination, harassment or abuse to a Designated Recipient as soon as possible. Additionally, any threat, attempt, or act of retaliation should be immediately brought to the attention of the Human Relations office and/or other Designated Recipient.

*Additional Duty in Reporting Non-College Related Child Abuse.*

The College strives to abide by South Carolina law, which dictates requirements for reporting child neglect or abuse, even when it occurs outside the College. South Carolina law requires that any physician, nurse, dentist, optometrist, medical examiner or coroner or an employee of a county medical examiner's or coroner's office or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy, including Christian Science practitioner or religious healer, school teacher, counselor, principal, assistant principal, social or public assistance worker, substance abuse treatment staff, or childcare worker in any day care center or foster care facility, police or law enforcement officer, undertaker, funeral home director or employee of a funeral home, persons responsible for processing of films, computer technician, or any judge who has reasonable cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect as defined by state law is to immediately report it to the local DSS or other proper law enforcement agency. S.C. Code Ann. § 20-7-510. For purposes of this law, a "child" is a person under the age of eighteen. S.C. Code Ann. § 20-7-30.

It should be understood that if a student under age 18 is believed to have been abused or harassed, the legal requirements for reporting child abuse may apply. The state law definition of child abuse and neglect is specific and detailed. An employee who suspects or has any concern regarding child abuse or neglect is expected to report this information promptly to the General Counsel who, in turn with the Dean of Students, will determine the College's duty and, if determined appropriate, assist in contacting the proper authorities.

An employee who has reason to suspect abuse or neglect and fails to report it, is subject to prosecution; however, the person making the report based on valid suspicion and concern is protected by law from both civil and criminal retaliation.

*Action by Designated Recipient.*

The Designated Recipient is expected to obtain information from the complainant detailing alleged discrimination, harassment, abuse, or retaliation, including the identity of the respondent, the specific incidents, dates, locations and any witnesses. The Designated Recipient is expected to promptly convey the information to the Director of Human Relations and/or General Counsel for further action.

*Initial Actions and Appointment of Investigator.*

Upon receipt of the complaint, the Director of Human Relations, in conjunction with General Counsel and the Provost, will assign an investigator to investigate the complaint. In the

event one of these three individuals is the subject of the complaint, the remaining two will assign an investigator to investigate the complaint.

The College may also take any immediate actions it deems appropriate to preserve privacy, safety or the smooth functioning of college operations. At any time following notice of complaint of discrimination, harassment, abuse, or retaliation, the College, at its sole discretion may re-assign the living quarters and/or suspend from class or employment with or without pay, any College student or employee respondent or suspected of abuse or harassment as defined herein.

The College, or the appointed investigator, strives to place the individual charged on notice of the complaint promptly. Impracticality of immediate notification to the respondent does not prevent the College from taking such immediate action as it deems appropriate, including but not limited to separating, suspending and/or questioning and/or preliminary corrective/disciplinary action of the individual[s] involved.

Confidentiality.

Information provided is kept as confidential as possible in keeping with an investigation that is as thorough as the College determines necessary and appropriate to the charge. Additionally, once a complaint of discrimination or college related abuse or harassment or retaliation has been filed, the investigator or the investigator's designee may periodically keep the complainant, the respondent, the reporting party and appropriate members of the Administration informed as the investigation and decision processes unfold and of the ultimate resolution and/or action to be taken. The College reserves the right to keep other concerned persons informed, within its discretion.

College Initiated Action.

In circumstances where a report of inappropriate behavior is made but the complainant does not wish to pursue the matter, the College reserves the right to investigate the report and take appropriate action. The College also reserves the right to investigate complaints or reports by persons external to the College community about conduct of College employees alleged to be guilty of protected status harassment.

Retaliation.

**Retaliation against any student or employee for filing a complaint, participating in or cooperating with an investigation is strictly prohibited.** The College does not tolerate adverse treatment of employees, or students because they report discrimination, harassment or abuse or provide information related to such complaints. After a report, the College may make follow up inquiries to determine that any prohibited activity has in fact ended and retaliation has not occurred.

Any incident of retaliation directed toward the complainant or others who have participated in the investigation must be reported immediately to a Designated Recipient. The Designated Recipient is responsible for making sure the report of retaliation is promptly conveyed to the Director of Human Relations or General Counsel. Examples of potential evidence of retaliation directed toward the complainant or others who have participated in the investigation may include such things as the following: adverse employment action; adverse academic action; lowering a grade or giving a poor academic recommendation; exclusion from employment or educational opportunities; limiting scholarly activities (e.g., exclusion from teaching or research, or interfering with publication); and spreading false information about an individual who has made, pursued or supported a complaint.

Complaints of retaliation are promptly investigated in accordance with this policy.

Investigation of Protected Status Discrimination, All Types of Harassment and/or College Related Abuse.

The appointed investigator documents the information relevant to the complaint and conducts a prompt investigation of any allegations of protected status discrimination, or harassment or abuse or retaliation defined by College policy. See, "Prohibition of Discrimination, Harassment (Including Sexual Harassment), and Abuse."

During the investigation, anyone who is alleged to have committed acts of protected status discrimination, harassment or abuse or retaliation may be contacted and permitted to respond to specific allegations. Upon review of the investigation and/or evidence the appropriate Sr. Vice President, in conjunction with General Counsel and Provost as applicable, determines the seriousness of the circumstances, and may take such action as the College deems appropriate, including, as determined appropriate, remedial and/or preventive measures.

Written Statement/Report.

While the initial complaint to the Designated Recipient may be made verbally, once an investigator has been appointed, the investigator may ask the complainant to submit a written statement detailing the alleged discrimination, harassment, abuse or retaliation. The complainant is expected to cooperate with the College's investigation, including but not limited to, preparation and submission of a comprehensive written complaint. Although failure to immediately receive the complaint in writing does not prevent investigation, delay or lack of substantiated detail may hamper the investigation and appropriate resolution.

The written statement should include, if known: (1) the names of the complainant and of the alleged offender; (2) a complete description of the alleged discrimination, harassment, abuse or retaliation, including the dates, times, locations and any witnesses to the alleged incidents (3) a description of any adverse consequences resulting from the discrimination, harassment or retaliation (4) a description of any evidence that corroborates the allegations and (5) a statement of the remedy requested.

The investigator may personally interview the complainant and the alleged offender(s) as well as others with relevant information. Both the complainant and complainant may provide statements from any witnesses. The investigator may, in his or her sole discretion, provide the respondent with a copy of the written statement. At a minimum, the investigator shall notify the individual respondent of the complaint, the identity of the person allegedly mistreated, the specifics of the alleged wrongdoing, and the dates, times, and locations of the same. The respondent is allowed an opportunity to respond, identify witnesses and present evidence to rebut or dispute the allegations.

Cooperation.

All College employees, students, and/or parents/guardians are expected to fully cooperate as requested in any investigation. If the College determines that anyone involved in the investigation has intentionally withheld information, or provided false information at any time, appropriate action may be taken.

Report of Investigation/Findings/Conclusion.

Upon completion of the investigation, as soon as reasonably possible, the investigator makes a written report of his/her investigation, findings and conclusion to the General Counsel and the appropriate Sr. Vice President.

For complaints against faculty members, the investigative report is made to the General Counsel and the Sr. Vice President of Academic Affairs. For complaints against an individual, faculty or otherwise, who reports directly to the President, the investigative report is made to the General Counsel and the President. (In the event the complaint is made against the General Counsel, the investigative report is made to the President only). For complaints against all other employees, the investigative report is made to the General Counsel and

appropriate Sr. Vice President. For complaints against students, the investigative report is made to the General Counsel and the Dean of Students.

College's Action.

Within 10 business days of receipt of the investigative report and finding, the appropriate individual (as determined by the status of the respondent in the foregoing section) will issue to the complainant and the respondent a written determination of the corrective or remedial action, if any, and the basis for the determination. Alternatively, should this individual determine that additional investigation or information is needed before a determination can be made, he or she may remand the investigation to the original investigator or another investigator with instructions for additional action, or take direct to obtain information deemed important to a final determination.

Any student or employee determined by the College's investigation and at the sole discretion of the College to have participated in any form of protected status discrimination, harassment, abuse, or retaliation as defined in College policy, is subject to discipline and/or corrective/responsive action, up to and including immediate termination, suspension or expulsion. Other discipline and/or corrective/responsive action may include, but is not limited to, training, referral to counseling and/or corrective action such as a warning, reprimand, suspension from class or employment, transfer, demotion, reassignment within the campus residential living system, removal of responsibility and related pay, community service and/or other requirements and/or penalties. Ongoing civil or criminal charges, pleas or other court related action will not impede the College from making an independent determination to the extent it determines it has sufficient information to take such action as it deems appropriate.

Grievance/Appeal Rights.

In the event the College determines that a corrective action is necessary, the respondent individual may contest the corrective action pursuant to procedures available in the **Student Handbook, Faculty/Administration Manual** or the **Grievance Procedures for College of Charleston Employees**, as applicable.

In the event the complainant disagrees with the corrective action recommended by the College, the complainant may file a grievance pursuant to procedures available in the **Student Handbook, Faculty/Administration Manual** or the **Grievance Procedures for College of Charleston Employees**, as applicable.

**Appendix E. Privacy Policy and Procedure on the Security of Protected Information and Related Appendices**

**BACKGROUND**

This Policy and Procedure governs the security and confidentiality of personal information entrusted to the care of College of Charleston ("College") to carry out its mission and to certain other sensitive information that is generated and owned by the College. This Policy and Procedure also establishes the principles and processes by which that information will be maintained and managed.

**PURPOSE**

The *South Carolina Family Privacy Protection Act* provides, in relevant part:

§ 30-2-20. Privacy policies and procedures required of all state entities.

All state agencies, boards, commissions, institutions, departments, and other state entities, by whatever name known, must develop privacy policies and procedures to ensure that the collection of personal information pertaining to citizens of the State is limited to such personal information required by any such agency, board, commission, institution, department, or other state entity and necessary to fulfill a legitimate public purpose.

Implementation and adherence to this Policy and Procedure are necessary to comply with the cited statute and to provide for the protection of sensitive information that is maintained or owned by the College.

The specific purposes of this Policy and Procedure are:

- To establish a College-wide approach to information security.
- To prescribe mechanisms that help identify and prevent the compromise of information security and the misuse of data, applications, networks and computer systems.
- To define mechanisms to protect the reputation of the College and allow the College to satisfy its legal and ethical responsibilities to others.
- To prescribe an effective mechanism for responding to external complaints and queries about real or perceived non-compliance with this Policy and Procedure.
- To further reduce the risk of exposure and identity theft when a Social Security Number or other personal identifying information is used by the College as a primary identifier and to provide for the consistent, proper and secure management of such information.

### **SCOPE**

This Policy and Procedure is applicable to all members of the College Community including our faculty, staff, students, visitors and contractors who have access to College records regardless of the medium in which those records are stored or where they are located.

### **SOUTH CAROLINA FAMILY PRIVACY PROTECTION ACT<sup>2</sup>**

State law requires the College to develop privacy policies and procedures to ensure that the collection of personal information pertaining to citizens of the State is limited to such personal information as may be required by the College to fulfill its public purpose.<sup>3</sup>

The College is also required, as a state entity, to clearly display its Privacy Policy on its web page, along with the name and telephone number of the College's designee who is "responsible for administration of the policy."<sup>4</sup> This Policy and Procedure will be included, therefore, on the College's web site.

When personal information is authorized to be collected by a College Operating Unit, and when that information is subject to disclosure under the *Freedom of Information Act*<sup>5</sup>, the

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<sup>2</sup> S.C. Code. Ann. § 30-2-10 *et seq.*

<sup>3</sup> S.C. Code Ann. § 30-2-20 (Privacy policies and procedures required of all state entities)

<sup>4</sup> S.C. Code Ann. § 30-2-40 (Display of privacy policy on web site; access to personal information disclosure; criminal justice and judicial agency exception)

<sup>5</sup> For purposes of this Policy and Procedure, the term *Freedom of Information Act* means the South Carolina *Freedom of Information Act*, codified at S.C. Code Ann. § 30-4 10 *et seq.*

operating Unit must, at the time of collection, advise the citizen to whom the information pertains that the information is subject to public scrutiny or release under the *Freedom of Information Act*. Forms that may be used for such purpose are attached hereto and marked as Appendix A.

## **1.0 DEFINITIONS**<sup>6</sup>

In this Policy and Procedure the following terms are given the meaning ascribed next to each:

**"College Operating Unit" of "Unit"** – means an academic or administrative office, department, or division.

**"Confidential Information"** -- means information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held and is of such nature that it is not, at the time of transmission, a matter of public record or public knowledge.<sup>7</sup>

**"Education Records"** – means those records, files, documents, and other materials which (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

The term "education records" does not include (i) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute; (ii) records maintained by the Department of Public Safety of the College that was created by that law enforcement Unit for the purpose of law enforcement; (iii) in the case of persons who are employed by the College but who are not in attendance as a student at the College, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; or (iv) records on a student which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.<sup>8</sup>

**"Employee Records"** -- shall include the following: (a) the employment application (including background checks); (b) all human resources actions reflecting the employee's work history with the College; (c) documentation directly related to the employee's work record; and (d) all performance evaluations.<sup>9</sup>

**"Identifying Information"** -- includes, but is not limited to: (a) Social Security Numbers; (b) driver's license numbers; (c) checking account numbers; (d) savings account numbers; (e) credit card numbers; (f) debit card numbers; (g) personal identification numbers; (h) electronic identification numbers; (i) digital signatures; (j) other numbers or information which may be used to access a person's financial resources; or (k) identifying documentation that defines a person other than the person presenting the document. This includes, but is

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<sup>6</sup> The definitions derived from relevant provisions of laws, rules and regulations are cited after each.

<sup>7</sup> S.C. Code Ann. §8-13-100(7)

<sup>8</sup> 20 U.S.C. §1232g(a)(4)

<sup>9</sup> S.C. Code Regs.19-720.02

not limited to, passports, driver's licenses, birth certificates, immigration documents, and state-issued identification cards.<sup>10</sup>

**"Medical Record" or "Health Information"** means any information, whether oral or recorded in any form or medium, that:

- (1) is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and
- (2) relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.<sup>11</sup>

**"Proprietary Data of the College"** -- means all operational, scientific, business, personnel, student, donor, and all other information and financial knowledge and data owned, licensed, possessed, or controlled by the College including, but not limited to, the College's methods of conducting its business affairs, methods, processes, systems, improvements, development and other plans, fund raising methods, trade secrets, and all other private matters. Trade secrets include feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information, or evaluation.

**"Personal Information"** -- means information that identifies or describes an individual including, but not limited to, an individual's photograph or digitized image, Social Security Number, date of birth, driver's identification number, name, home address, home telephone number, medical or disability information, education level, financial status, bank account numbers, account or identification number issued by or used, or both, by any federal or state governmental agency or private financial institution, employment history, height, weight, race, other physical details, signature, biometric identifiers, and any credit records or reports.<sup>12</sup>

**"Protected Information"** -- is a single term that includes all of the following: Confidential Information, Educational Records, Employee Records, Identifying Information, Medical Record or Health Information, Personal Information, and Proprietary Data of the College.

**"Public Record"** -- includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body. Records such as income tax returns, medical records, hospital medical staff reports, scholastic records, adoption records, records related to registration, and circulation of library materials which contain names or other personally identifying details regarding the users of public, private, school, college, technical college, university, and state institutional libraries and library systems, supported in whole or in part by public funds or expending public funds, or records which reveal the identity of the library patron checking out or requesting an item from the library or using other library services, except nonidentifying administrative and statistical reports of registration and circulation, and other records which by law are required to be closed to the public are not considered to be made open to the public under this Interim Policy and Procedure.

Public Records include the following: (1) the names, sex, race, title, and dates of employment of all employees and officers of the College; (2) administrative staff manuals and instructions to staff that affect a member of the public; (3) final opinions, including

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<sup>10</sup> S.C. Code Ann. §16-13-510(C)

<sup>11</sup> Title 45 Code of Federal Regulations § 160.103

<sup>12</sup> S.C. Code Ann. §30-2-30(1)

concurring and dissenting opinions, as well as orders, made in the adjudication of cases; (4) those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the College; (5) written planning policies and goals and final planning decisions; (6) information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by the College; (7) the minutes of all proceedings of the Trustees and all votes at such proceedings, with the exception of all such minutes and votes taken at meetings closed to the public pursuant to S.C. Ann Code [Section 30-4-70](#); (8) reports which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where a report contains information exempt as otherwise provided by law, the College may delete that information from the report.<sup>13</sup>

**“Security Breach”** – means the unauthorized disclosure of Protected Information. The Privacy Committee (see Section 15.0) will classify such Breaches by various levels of severity that will, in turn, specify the types of College responses appropriate to the level of severity the breach is assigned.

## **2.0 GENERAL RULES**

2.1 Non-Disclosure. Protected Information may NOT be released to or shared with:

- (a) any member of the *public* unless there is applicable statutory exception or an exception under College policy that authorizes the release of such Information; or
- (b) any member of the *College community* unless the recipient has a legitimate interest for the use of that Protected Information to perform a service or carryout a responsibility within that person’s scope of employment or engagement as a public official.

2.2 Procedure. Protected Information may only be released or shared in accordance with this Policy and Procedure.

2.3 Legal Determinations. Determinations of whether a particular element of Protected Information should be shared or released because it meets a statutory exception shall be made by the College Office of Legal Affairs, in consultation with the appropriate Executive Vice President and/or person responsible for the maintenance or distribution of the Protected Information, as circumstances may indicate.

2.4 Coverage. A person having access to Protected Information is expected to protect that Information from unauthorized disclosure. This includes, as appropriate:

- *Computer System and Applications Security*: Central processing units, peripherals, portable storage devices, operating system, applications software and data.
- *Physical Security*: The premises occupied by the College personnel or College contractors using computer equipment storing or having access to Protected Information.
- *Operational Security*: Environment control, power equipment, operational activities related to operations.

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<sup>13</sup> S.C. Code Ann. §§30-4-20(c) and 30-4-50

- *Procedural Security*: Established and documented security processes for information technology staff, vendors, management, and individual users of Protected Information.
- *Network Security*: Communications equipment, transmission paths, switches, terminals and adjacent areas.

### **3.0 SPECIAL RULES DEALING WITH SOCIAL SECURITY NUMBERS<sup>14</sup>**

3.1 Except as provided in Section 3.2 below, no Unit of the College shall –

- (a) collect a Social Security Number or any portion of it containing six digits or more from an individual unless authorized by law to do so, or unless the collection of the Social Security Number is otherwise imperative for the performance of that Unit's duties and responsibilities, as prescribed by law or formal College policy. Social Security Numbers collected by a College Unit must be relevant to the purpose for which collected and must not be collected until and unless the need for Social Security Numbers has been clearly documented and approved (See Section 3.1.1);
- (b) fail, when collecting a Social Security Number or portion of it containing six digits or more from an individual, to segregate that number on a separate page from the rest of the record, or as otherwise appropriate, so that the Social Security Number may be easily redacted pursuant to a public records request;
- (c) fail, when collecting a Social Security Number or any portion of it containing six digits or more from an individual, to provide, at the time of or before the actual collection of the Social Security Number by that College Unit, upon request of the individual, a statement of the purpose or purposes for which the Social Security Number is being collected and the intended uses of the Number (see Appendix B and Section 3.5(a));
- (d) use the Social Security Number or a portion of it containing six digits or more for any purpose other than the purpose stated for its collection;
- (e) intentionally communicate or otherwise make available to the general public an individual's Social Security Number or a portion of it containing six digits or more or other Personal Identifying Information, except as otherwise allowed by law or these Policies and Procedures;
- (f) intentionally print or imbed an individual's Social Security Number or a portion of it containing six digits or more on any card required for the individual to access College services;
- (g) require an individual to transmit the individual's Social Security Number or a portion of it containing six digits or more over the Internet, unless the connection is secure or the social security number is encrypted;
- (h) require an individual to use the individual's Social Security Number or a portion of it containing six digits or more to access an Internet web site, unless a password or unique personal identification number or other authentication device is also required to access the Internet web site;
- (i) print an individual's Social Security Number or a portion of it containing six digits or more on materials that are mailed to the individual, unless state or federal law requires the social security number be on the mailed document; or
- (j) require an individual to disclose her/his Social Security Number as a condition for receiving any College service or benefit unless such disclosure is required by law or this Policy.

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<sup>14</sup> S.C. Code Ann. §30-2-310 and §30-2-320

3.1.1 Procedure. Attached to this Policy and Procedure and marked as Appendix C is a specific listing of the approved Uses of Social Security Numbers. Appendix D is a *Social Security Number User Justification Form* that must be completed and approved by the Policy Committee prior to the collection and use of Social Security Numbers. Unless otherwise requested by the College Privacy Committee and approved by the Senior Vice President for Legal Affairs, the provisions of the previous sentence dealing with the use of *Social Security Number User Justification Form* shall not apply to data collection activities commenced prior to August 1, 2009.

3.2 Exemption. A College Unit that collects and uses Social Security Numbers or other Personal Identifying Information as part of the maintenance and reporting of employment records or the administration or provision of employee benefits programs is exempt from the prohibitions in section 3.1. Such a College Unit, however, shall adopt its own internal operating procedures that implement these prohibitions to the maximum extent practicable consistent with its mission and responsibilities.

3.3 Release of Social Security Numbers. Social Security Numbers and identifying information may be disclosed by the College:

- (a) to another governmental entity or its agents, employees, or contractors, if disclosure is necessary for the receiving entity to perform its duties and responsibilities, including a debt collected pursuant to the Setoff Debt Collection Act, S.C. Code Ann. Section 12-56-10, and the Governmental Enterprise Accounts Receivable Collections program, S.C. Code Ann. Section 12-4-580. The receiving governmental entity and its agents, employees, and contractors shall maintain the confidential and exempt status of those numbers;
- (b) pursuant to a court order, warrant, or subpoena;
- (c) for public health purposes;
- (d) on a document filed in the official records of the county;
- (e) for employment verification or in the course of administration or provision of employee benefit programs, claims, and procedures related to employment including, but not limited to, termination from employment, retirement from employment, injuries suffered during the course of employment, and other such claims, benefits, and procedures;<sup>15</sup> and
- (f) as otherwise specifically allowed by law.

3.4 Physical Security of Social Security Numbers. College personnel shall not --

- (a) collect, store or transmit Social Security Numbers as data elements to external entities until a business requirements submitted and approved in accordance with Section 3.1.1 (see also Appendix D);
- (b) provide access to servers housing databases to College records containing Social Security Numbers data or other Personal Information unless the host has a firewall and other technical security measures as deemed appropriate by the Office of Information Technology; or
- (c) except as provided in Section 10.0 of this Policy and Procedure, store Social Security Number data or other Confidential Information on removable or transportable media (such as paper forms, reports, cassettes, CDs, and USB/flash drives, laptops, mobile storage devices) or personal computers (such as PDAs and home computers).

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<sup>15</sup> Subsections (a) through (e) found in S.C. Code Ann. § 30-2-320.

### 3.5 Notice and Retention.

(a) When the collection of Social Security Numbers is required by law or permitted by College Policy, the College Operating Unit collecting the information shall provide the individual with a copy of, or electronic access/reference to this Policy and Procedure. Upon request, the Unit shall inform the individual whether the disclosure is mandatory or voluntary, the statutory or other authority under which the College is soliciting the number, and what uses will be made of the number. A subsequent request for production of a Social Security Number for verification purposes dealing with that same usage does not require the provision of another notice. Except for good cause that is documented in the appropriate file, the notice required under this subsection (a), if requested, shall be in writing (see Appendix B).

(b) Systems of records containing Social Security Numbers or other Personal Information shall be maintained for such periods of time as may be required under the College's *Records Retention Policy* (<http://www.cofc.edu/~rr/>), except that the Senior Vice President for Legal Affairs may extend such time periods with respect to certain records as may be required to comply with court orders or rules, lawfully issued subpoenas or other compulsory process, or to otherwise mitigate legal risks to the College.

## **4.0 REQUESTS FOR EMPLOYEE RECORDS UNDER THE FREEDOM OF INFORMATION ACT<sup>16</sup>**

4.1 Generally. In response to requests for information from Employee Records, the College may provide an employee's name, date of employment, title, sex, and race. The determination to disclose other types of information will be made on a case-by-case basis. To the extent practicable, the College shall inform the employee that a request has been made regarding that employee.

4.2 Salary Information. Requests for salary information will be answered in accordance with the *Freedom of Information Act*.

4.3 Inquires by Prospective Employers.<sup>17</sup> In responding to requests for information concerning current or former employees by prospective employers, the College may provide information as follows:

- (a) when responding to oral requests for information, an employee's or former employee's dates of employment, pay level, and wage history;
- (b) when responding to written requests, the following information, to which an employee or former employee may have access:
  - (1) Written employee evaluations;
  - (2) Official human resources notices that formally record the reasons for separation;
  - (3) Whether the employee was voluntarily or involuntarily released from service and the reason for the separation; and

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<sup>16</sup>Implementation of this section will be in accord with the provisions of S.C. Code Ann. §41-1-65 and the *Freedom of Information Act* S.C. Code Ann. §30-4-10 *et seq.*

<sup>17</sup> See S.C. Regs. Ann. 19-720.03(B)

(4) Information about job performance.

(c) No one shall knowingly or recklessly release or disclose false information.

4.4 Job Selection Information -- The College may, but is not required to, exempt from disclosure all materials, regardless of form, gathered by the College during a search to fill an employment position, except that materials relating to not fewer than the final three applicants under consideration for a position must be made available for public inspection and copying. In addition to making available for public inspection and copying the materials described in this Section 4.4, the College shall disclose, upon request, the number of applicants considered for a position. For the purpose of this section, materials relating to not fewer than the final three applicants, do not include an applicant's income tax returns, medical records, Social Security Number, or information otherwise exempt from disclosure by the *Freedom of Information Act*.<sup>18</sup>

## 5.0 EDUCATION RECORDS

Policies and procedures dealing with the disclosure of education records shall be in accord with the policies of the College Registrar dealing with the implementation of the *Federal Family Educational Rights and Privacy Act* (20 U.S.C. § 1232g). Those policies and procedures can be found at: <http://www.cofc.edu/~register/FERPA.htm>. Interpretations of the statute and the controlling regulations shall be made by the Office of Legal Affairs, after consultation with the Office of the Registrar, or the Provost, as may be appropriate under the circumstances.

## 6.0 "MEDICAL RECORD" or "HEALTH INFORMATION"

6.1 Disclosure. Medical Records of employees and students may only be released or shared in accordance with the provisions of the *South Carolina Physicians' Patient Records Act* (S.C. Code Ann. § 44-115-10 et seq.), the *Federal Family Educational Rights and Privacy Act*, and such other provisions of state or federal law as may be applicable.

6.2 Interpretations. The *South Carolina Physicians' Patient Records Act* (S.C. Code Ann. § 44-115-10 et seq.) states in part:

*Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient or person authorized by law to act on behalf of the patient. (§ 44-115-40) (emphasis supplied)*

For the purposes of this Policy and Procedure, the College will afford any licensed health care provider within the employ of the College the same protection afforded a "physician" under the above cited statute. The term "Except as otherwise provided by law" shall be subject to interpretation by the College's Senior Vice President for Legal Affairs.

6.3 Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). While neither the College nor any Unit of the College is currently subject to HIPAA, the College may elect, in the exercise of its discretion, to utilize such forms dealing with the disclosure or release of Medical Records as may be compliant with HIPAA.

## 7.0 DISPOSAL OF INFORMATION TECHNOLOGY RESOURCES CONTAINING PROTECTED INFORMATION<sup>19</sup>

7.1 Hardware and Storage Media. Before a College Unit may transfer or dispose of information technology hardware or storage media, all Protected Information must be

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<sup>18</sup> S.C. Code Regs. §19-703.05

<sup>19</sup> S.C. Code Ann. §30-2-310

removed and the hardware and storage media must be sanitized in accordance with the standards and policies adopted by the Chief Information Officer ("CIO"). The CIO shall verify that all Protected Information is removed and the information technology hardware and storage media are sanitized in accordance with those standards and policies before the transfer or disposal occurs.

7.2 Records. When a College Unit disposes of a record that contains Protected Information the Unit shall modify, by shredding, erasing, or other means, the Protected Information to make it unreadable or undecipherable. The College Unit is considered to comply with this requirement if it uses a College retained contractor who is engaged by the College and who is in the business of disposing of such records.

## **8.0 ETHICS**

8.1 Self Dealing. An employee of the College may not use or disclose Protected Information gained in the course of or by reason of that person's official responsibilities in a way that would affect an economic interest held by that person, a member of that person's immediate family, or an individual or business with whom that person is associated.

8.2 Misuse of Records. An employee of the College may not willfully examine, or aid and abet in the willful examination of a workers' compensation record, a record in connection with health or medical treatment, social services records, Employee Record, Education Record, or other records of an individual in the possession of or within the access of the College if the purpose of the examination is improper or unlawful.

## **9.0 RESPONSIBILITIES**

9.1 Passwords. Passwords help protect against misuse of data systems and networks by restricting the use of those systems and networks to authorized users. Each authorized user of such a system may be assigned or may be asked to develop a unique password that is to be protected by that individual and not shared with others, is difficult to determine, is changed on a regular basis, and is deleted when no longer authorized.

9.2 Security. Individual users are responsible for ensuring that others do not use their system privileges. In particular, users must take great care in protecting their usernames and passwords from eavesdropping, loss or careless misplacement. Passwords are never to be 'loaned.' Individual users will be held responsible for any security violations associated with their username or passwords.

9.3 Access Policies of Data Systems. Each user permitted to access a system containing Protected Information shall be made aware of the access policy for that system. Management will provide this information to the employee when first granting access and make the employee aware of the auditing capability in place to verify compliance.

9.4 Collection of Protected Information. As Protected Information is developed or compiled, the individual(s) responsible for the development or collection of the data are responsible for assuring that storage and access of the data is appropriately managed.

9.5 Audit of Systems Containing Protected Information. Information Technology operations staff are responsible for reviewing the logs and identifying potential security violations. The IT operations staff is responsible for establishing the security and access control mechanisms (such as usernames, passwords, logging protocols) and may be held accountable for any security breaches that arise from improper configuration of these mechanisms. If the application is housed outside of IT, the application administrator must be in a position to fulfill these requirements and document the same in writing.

## **10.0 PROTECTED INFORMATION STORED ON COMPUTING DEVICES<sup>20</sup>**

10.1 Generally. Protected Information that resides on a College user's computer or a portable computer or portable storage device must be secure at all times. The theft or loss of a portable computer or portable storage device must not put Protected Information at risk of unauthorized disclosure. In addition, Protected Information shall not be maintained at all, if to do so would violate the College's records retention policy dealing with the length of time such records should be maintained (see <http://www.cofc.edu/~rr/>).

10.2 Consultation with IT. Members of the College community who have a legitimate business or educational need to take Protected Information off campus in the form of a portable electronic device shall consult with the College Chief Information Officer or his/her designee for the nature and type of protection that shall be afforded such Information.

## **11.0 USE OF INFORMATION TECHNOLOGY SYSTEMS FOR ILLEGAL PURPOSES**

The College does not randomly monitor the content of personal e-mails, downloads, or other on-line communications or data transmissions that pass through, are resident on, or that otherwise use the College's IT resources. The College, however, reserves the right to examine its computer records, or to monitor activities of individual computer users of the College IT system, if it has a reasonable belief that such action is needed to: (a) protect the integrity or security of the computing resources; (b) protect the College from incurring liability; (c) investigate unusual or excessive activity typically associated with illegal or illicit activity; (c) investigate reasonably suspected violations of law or College policy; or (d) comply with law or compulsory legal process (such as a lawfully issued subpoena). All such actions must be reviewed and pre-approved by the Senior Vice President of Legal Affairs who shall consult with the President or the appropriate Executive Vice President, as the circumstances may warrant.

## **12.0 INTERNET AND EMAIL ACCESS**

12.1 Vulnerability of Systems; Transmissions. Protected Information shall not be saved on any computer directly accessible from the Internet or from "open" portions of College's internal network unless a user must first be duly authorized to access such open portions. Users should clearly understand that many common systems, such as normal email, cannot be considered a secure way to transport confidential information. If it is necessary to transmit Protected Information electronically to a point external to the College, prior consultation should take place with the Office of the CIO.

12.2 Web Based Surveys and Other Data Collection Tools. Data collection tools, such as web based surveys that request Confidential Information, must ensure that responses cannot be accessed by unauthorized persons and that Personal Information is not improperly disclosed or shared. If a College vendor is involved in conducting the survey or analyzing results that include Confidential Information that can be linked to individuals, a contract must be in place that protects the Protected Information.

## **13.0 SECURITY BREACHES**

Every member of the College community who reasonably believes that a Security Breach has occurred is under an affirmative obligation to report that Breach as soon as practicable to the Office of the CIO and the Office of Legal Affairs. The Security Breach shall be assigned a preliminary level of severity appropriate to the potential of the Breach to result in identity theft, invasions of privacy, and/or economic or other harm to the College. The CIO shall

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<sup>20</sup> S.C. Code Ann. § 30-2-310

consult with the Senior Vice President of Legal Affairs and privacy Committee regarding all such matters.

## **14.0 COMPLIANCE**

14.1 Consequences for Violations. All individuals accessing Protected Information are required to comply with federal and state laws and College policies and procedures regarding such Information. Any College employee or student who engages in the unauthorized use, disclosure, alteration, or destruction of data in violation of this Policy and Procedure will be subject to appropriate disciplinary action, including possible dismissal and/or legal action. Other persons who may violate this Policy and Procedure, such as a College vendor, may be barred from College property and any further business dealings with the College, as well as, appropriate legal action. The College reserves the right to require anyone having access to Protected Information to first execute a confidentiality agreement <http://newdev.eecs.harvard.edu/p-02.10.htm> approved by the Office of Legal Affairs as a condition for having access to such Information.

14.2 Responsible Office. The Office of the CIO shall be responsible for monitoring compliance with this Policy and Procedure and for reporting violations to the appropriate Executive Vice President and to the Office of the Legal Affairs. The Senior Vice President for Legal Affairs shall be responsible for determining if there is reason to believe that any law, rule, or regulation may have been violated.

## **15.0 COMMITTEES**

### 15.1 Privacy Committee.

(a) Privacy Committee Establishment and Purpose. There is hereby established a College of Charleston Privacy Committee that shall act to: (1) review and keep current with federal, state and local laws and regulations concerning privacy and information stewardship; (2) review campus-wide information collection, storage, management, and dissemination methods and practices to ensure compliance with such laws and regulations; (3) recommend policy and procedures dealing with data stewardship and the responsibilities of data stewards; (4) make recommendations on proposals to collect and use Social Security Numbers (see Section 3.1.1 and Appendix D); (5) investigate and take appropriate actions with respect to security breaches and (6) assess overall compliance with this Policy and Procedure, as it may from time to time be modified, and make such recommendations for further modifications as may be appropriate.

### (b) Privacy Committee Membership and Meetings.

Unless otherwise indicated in this subsection (b), the Privacy Committee shall be comprised of the following or their designees: Executive Vice President for Business Affairs, the Provost, Executive Vice President Advancement/Development, the Speaker of the Faculty, the President of the Student Government Association and, on a non-delegable basis, the Senior Vice President for Technology/CIO, Dean of Students, Director for Human Resources, Associate Vice President of Institutional Research, and the Internal Auditor. Legal advice to the Committee shall be provided by the Office of Legal Affairs. The committee will meet, and report on its meeting to the Executive Team, at least 4 times per academic year and at such other times as may be required to fulfill its purpose. From time to time the President shall appoint a Chair of the Committee.

### 15.2 Information Security Committee.

(a) Information Security Committee Establishment and Purpose. There is hereby established a College of Charleston Information Security Committee that shall report to the Privacy Committee. The Information Security Committee shall act as both an oversight and an implementation Committee with respect to the assessment, investigation and

implementation of the technical measures needed to provide for system security and the security of Protected Information. This Committee shall ensure that such technical measures are taken as may be necessary or appropriate to implement and maintain this Policy and Procedure. Among other things, the Committee shall: (1) develop procedures, guidelines, and best practices training and awareness related to the technology infrastructure of the College to ensure the responsible collection, storage, use and safekeeping of Protected Information by the College community in accordance with this Policy and Procedure; and (2) upon consultation with the Chair of the Privacy Committee and the Senior Vice President for Legal Affairs, take such actions in response to Security Breaches, including audits and investigations, as may be appropriate under the circumstances.

(b) Information Security Committee Membership and Meetings. The Information Security Committee shall be chaired by the Senior Vice President for Technology/CIO and shall be comprised of representatives from the following: (1) Data Stewards; (2) Office of Institutional Research; (3) Marketing and Communications; (4) Director, Information Services; (5) Director, Programming and Network Services; (6) Director, Infrastructure Services; and (7) such other Information Technology staff as may be determined by the Senior Vice President for Technology/CIO. Legal advice to the Committee shall be provided by the Office of Legal Affairs. The Committee will meet at least 4 times per academic year and at such other times as may be required to fulfill its purpose. The Information Security Committee shall be responsive to the inquires and requests of the Privacy Committee and shall report on its activities to the Privacy Committee at least once a calendar quarter and at such other times as may be requested by the Chair of the Privacy Committee.

15.3 Limitation on Authority.

The information systems that may be reviewed by the Committees established under this Section 15.0 shall include, but not be limited to, those systems containing records on promotion and tenure, post tenure review, student judicial affairs, employee and student discipline, health and counseling services, research, advancement, employees, students, vendors, business transactions, and such other matters and records as the committees may deem appropriate, provided that nothing contained in this section shall be deemed to authorize any Committee member to have access to Protected Information that s/he would not otherwise have access to under other provisions of this Policy and Procedure.

**16.0 DISTRIBUTION**

All College managers having access to Protected Information, or having supervision or responsibility for individuals having access to Protected Information, are responsible for disseminating this Policy and Procedure to such persons. This Policy and Procedure shall be published on the College's web site.

**17.0 AMENDMENTS**

This Privacy Policy and Procedure may be amended at anytime in accordance with the Colleges *Campus Wide Policy Making Procedures*.

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**PRIVACY POLICY APPENDIX A  
NOTICE REQUIRED BY SOUTH CAROLINA ANN. CODE 30-2-40(B)<sup>21</sup>**

**Suggested Format of Notice:**

Please be advised that part or all of the information you are being requested to provide the College is considered "Personal Information" because it can be used to identify you or describe you. Some of this information may be subject to public scrutiny and release under the South Carolina *Freedom of Information Act* (S.C. Code Ann. §30-4-10 *et seq.*). However, in the absence of a court order or other legal compulsory process the College will not publicly release information of a personal nature when the public disclosure would constitute an unreasonable invasion of your personal privacy or when the information requested is otherwise exempt from mandatory disclosure under the *Freedom of Information Act* (see S.C. Code Ann. § 30-4-40).

Further questions regarding the College Privacy Policy may be directed to the College's Senior Vice President for Legal Affairs.

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<sup>21</sup> The statute reads as follows:

§ 30-2-40. Display of privacy policy on web site; access to personal information disclosure; criminal justice and judicial agency exception.

(A) Any state agency, board, commission, institution, department, or other state entity which hosts, supports, or provides a link to page or site accessible through the world wide web must clearly display its privacy policy and the name and telephone number of the agency, board, commission, institution, department, or other state entity person responsible for administration of the policy.

(B) Where personal information is authorized to be collected by an entity covered by this section, the entity must at the time of collection advise the citizen to whom the information pertains that the information is subject to public scrutiny or release.

(C) Subsection (B) does not apply to criminal justice or judicial agencies, or both.

**PRIVACY POLICY APPENDIX B**  
**STATEMENT OF PURPOSE FOR THE COLLECTION OF SOCIAL SECURITY**  
**NUMBERS<sup>22</sup>**

**Suggested Format of Response Upon Request:**

The College is collecting your Social Security Number for the following purpose or purposes<sup>23</sup>:

- Enrollment:** \_\_\_\_\_  
\_\_\_\_\_
- Employment:** \_\_\_\_\_  
\_\_\_\_\_
- Employee Benefits:** \_\_\_\_\_  
\_\_\_\_\_
- Payment for Personal or Professional Services; Other Disbursements:** \_\_\_\_\_  
\_\_\_\_\_
- Insurance Providers:** \_\_\_\_\_  
\_\_\_\_\_
- Third Party Sponsors of Student Aid:** \_\_\_\_\_  
\_\_\_\_\_
- Credit Card Information:** \_\_\_\_\_  
\_\_\_\_\_
- Public Safety:** \_\_\_\_\_  
\_\_\_\_\_
- Otherwise Required By Law:** \_\_\_\_\_  
\_\_\_\_\_

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<sup>22</sup> South Carolina law provides in relevant part:  
§ 30-2-310. Collection of and maintenance and disposition of records containing social security numbers by public agencies.

(A)(1) Except as provided in *Sections 30-2-320 and 30-2-330* of this article, a public body, as defined in *Section 30-1-10(B)*, may not:

- (a) ...
- (b) ...

(c) fail, when collecting a social security number or any portion of it containing six digits or more from an individual, to provide, at the time of or before the actual collection of the social security number by that public body, upon request of the individual, a statement of the purpose or purposes for which the social security number is being collected and used;

<sup>23</sup> See Appendix C for a fuller statement of permissible purposes and summarize the applicable purpose in the space provided for in this form.

## PRIVACY POLICY APPENDIX C

### APPROVED USES OF SOCIAL SECURITY NUMBERS AND OTHER PERSONAL INFORMATION

The primary approved uses and the reasons for collecting and maintaining Social Security Numbers ("SSNs") and other Personal Information by of for the College of Charleston include, but are not limited to, the following:

#### **Enrollment:**

Those wishing to enroll in academic offerings at the College, both credit and non-credit, may be required to provide a SSN to determine lawful presence in the United States. With respect to student employment, IRS regulations require the College to request a SSN as a Taxpayer ID number for use in tax reporting. In addition, any student applying for financial aid may be required to provide a SSN to the College. Historic records may retain a student's SSN if, for example, the SSN was previously used as the primary identifier for the person who is the subject of that record. However, to the extent practicable, the release of such a record to other than the subject should be preceded by an inquiry with the subject if he/she would prefer if the College redact the SSN from the record.

#### **Employment:**

A SSN must be provided on Form I-9 (Employment Eligibility Verification) in accordance with the Immigration Reform and Control Act of 1986 (IRCA). SSN's may also be collected to verify lawful presence in the United States through E-Verify and other acceptable verification sources. Finalist for employment may also be requested to provide a SSN pursuant to the College's Background Checks Policy. All persons employed by the College must also provide a SSN as the taxpayer ID number. Providing a valid SSN is a condition of employment.

**Employee Benefits:** If required by law or a benefits provider, the SSNs of the employee and the employee's dependents/beneficiaries may be collected and provided to the service provider.

**Payment for Personal or Professional Services; Other Disbursements:** Any person providing services to the College as a contractor, invited speaker or research subject for which payment will be made, may be required to provide a SSN as the taxpayer ID number. These taxpayer ID numbers may be stored in the accounting system as part of the vendor record. In addition, certain other disbursements from the College may require reporting to the Internal Revenue Service. In such an event, these disbursements may be preceded by a request for the SSN or other taxpayer ID number.

**Planned Giving Donors:** Donors to the College participating in planned giving programs must provide a SSN as the taxpayer ID.

**Insurance Providers:** SSNs continue to be the patient identifier for many health care providers. To enable payment of medical bills, and to the extent allowed by law, the SSN of the patient may be shared with the insurance company providing health coverage.

**Third-Party Sponsors of Student Aid:** Various third-party sponsors of student aid, including several state agencies, require the submission of SSNs for those students for which aid is being provided. In order for the sponsor to make payment to the College, a SSN may be requested for proper verification.

**Credit Card Information:** When the College has been paid by credit or debit card, or a declining balance card, the College may maintain the card numbers and related information for a period of time, in accordance with its records retention policy, after the transaction has occurred.

**Student Health Services:** SSN's or other personal identifying information may be used, as appropriate, as a patient identifier for referrals and consultation with outside medical providers and for communication with insurance companies.

**Public Safety:** Law enforcement personnel may collect or use SSN data to serve a subpoena, conduct an investigation, to make a report, or to make an arrest, as permitted by applicable provisions of state and federal law, rules or regulations. Additionally, Campus Police maintain copies of fingerprint cards for Public Safety employees and others that may contain SSN data and other Personal Information.

**Otherwise Required By Law:** As determined by the Senior Vice President for Legal Affairs, Personal Information shall be collected, used and maintained as directed by court order, subpoena or other compulsory legal process, or as otherwise required to protect the legal interests of the College and the College community.

**SSN USAGE JUSTIFICATION FORM<sup>24</sup>**

Requestor Name \_\_\_\_\_ Date \_\_\_\_\_  
 Department \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ E-Mail \_\_\_\_\_

Briefly describe why and under what authority you believe SSN's must be collected.			
Briefly describe the process you intend to use for the collection of the SSN and the notice you intend to provide to the providers of their SSN's.			
Describe how the SSN will be stored including the types of media used for both primary and backup storage and what security measures will be employed.			
Will the data be stored on any portable equipment or media? If so, please describe how this will be used and what type of security measures will be used.			
Will the SSN be used as a primary identifier?			
List the approximate number of individuals requiring access to the SSN data you retain.	<b>Faculty</b>	<b>Staff</b>	<b>Students</b>
Describe the method(s) used to access the SSN and what controls will be implemented to manage the access. Who will be the Steward for this information?			

\_\_\_\_\_  
 Department Head/Manager Signature \_\_\_\_\_ Date

\_\_\_\_\_  
 Dean (If Applicable) Signature \_\_\_\_\_ Date

**Recommendation of the Privacy Committee:**

\_\_\_\_\_  
\_\_\_\_\_ Date

**Approval:**

\_\_\_\_\_  
 Executive Vice President Signature \_\_\_\_\_ Date

<sup>24</sup> To be filed with and maintained by the Division/Department Head.

**SOUTH CAROLINA ALCOHOLIC BEVERAGE LAWS**

NOTE: Likely actual fines (including court costs and administrative fees) are provided. The information provided below is produced by the Department of Alcohol and Other Drug Abuse Services online at: <http://www.daodas.state.sc.us/>

**Purchasing or possessing beer or wine if you are under the age of 21 (In instances where beer or wine is discovered in the presence of minors [e.g., at a party], but no one is holding the beverages and no one claims ownership, law enforcement in some jurisdictions have charged all those present with “constructive possession,” carrying the same penalties as for actual purchase or possession.)**

A fine of \$265 to \$470 and/or imprisonment for up to 30 days for the first offense. Mandatory completion of alcohol prevention intervention/education program.  
*S.C. Code Ann. Sections 63-19-2440*

**Lying or providing false information about your age to purchase beer, wine, or liquor**

A fine of \$262.50 to \$470 and/or imprisonment for up to 30 days. Lose your driver’s license for 120 days for a first offense and one year for a second or subsequent offense.  
*S.C. Code Ann. Sections 61-4-60, 20-7-8925, 56-1-746*

**Lending a driver’s license or personal identification card to any other person**

A fine of \$237.50 to \$470 or imprisonment for up to 30 days  
A fine up to \$1,090 or imprisonment for up to six months  
*S.C. Code Ann. Sections 56-1-510(2), 56-1-746*

**Providing false information on an application to obtain a driver’s license or personal identification card**

A fine of up to \$237.50 to \$500 or imprisonment for up to 30 days  
A fine of up to \$500 [*\$1,090*] or imprisonment for up to six months  
*S.C. Code Ann. Sections 56-1-510(5), 56-1-746*

**Altering a driver’s license**

A fine of up to \$2,500 [*\$5,250*] or imprisonment for up to six months – or both  
*S.C. Code Ann. Sections 56-1-515(1), 56-1-746*

**Selling or issuing a false driver’s license**

A fine of up to \$5,250 or imprisonment for up to six months – or both  
*S.C. Code Ann. Sections 56-1-515(1), 56-1-746*

**Using someone else’s driver’s license or personal identification card**

A fine of up to \$100 or imprisonment for up to 30 days  
*S.C. Code Ann. Sections 56-1-515(2), (4), 56-1-746*

**Using an altered driver’s license or identification card containing false information**

A fine of up to \$100 or imprisonment for up to 30 days  
*S.C. Code Ann. Sections 56-1-515(2), (4), 56-1-746*

**Possessing an altered or invalid driver’s license or personal identification card**

A fine up to \$470 or imprisonment for up to 30 days for the first offense, and a fine of up to \$1,090 or imprisonment for up to six months for a second or subsequent offense  
*S.C. Code Ann. Sections 56-1-510(1), 56-1-746*

In addition to the penalties outlined, individuals convicted of the following offenses will also have their driver’s licenses suspended for 120 days for a first offense and one year for a second or subsequent offense:

- Possessing, consuming, purchasing or attempting to purchase beer, wine, or liquor under the age of 21
- Lying or providing false information about your age to purchase beer, wine, or liquor
- Lending a driver's license or personal identification card to any other person
- Providing false information on an application to obtain a driver's license or personal identification card
- Altering a driver's license • Selling or issuing a false driver's license
- Using someone else's driver's license or personal identification card
- Using an altered driver's license or identification card containing false information.

### **Violating any alcohol-related laws if you are a student**

Additional penalties (besides those cited previously) include:

- ineligibility for state-funded grants and/or scholarships (e.g., the LIFE Scholarship) for one year upon second conviction; and
- ineligibility for the refundable state individual income tax credit.  
S.C. Code Ann. Sections 59-149-90, 59-149-20, 59-113-20, 59-142-10, 12-6-3385

### **Providing Alcohol to Underage Youth and Allowing Underage Drinking Giving beer, wine, or liquor to anyone who is under the age of 21, including serving anyone in your home except your child or spouse**

A fine of \$470 to \$677.50 and/or imprisonment for up to 30 days for the first offense.

A fine of \$885 to \$1,092 and/or imprisonment for up to 30 days for a second or subsequent offense.

S.C. Code Ann. Sections 61-4-90, 61-6-4070

### **Selling beer, wine, or liquor to anyone under the age of 21**

A fine of \$200 to \$300 and/or imprisonment for up to 30 days for the first offense

A fine of \$400 to \$500 and/or imprisonment for up to 30 days for a second or subsequent offense. Mandatory completion of an approved merchant education program.

S.C. Code Ann. Sections 61-6-4080, 61-4-50

### **Purchasing beer, wine, or liquor for someone who cannot lawfully buy these beverages**

A fine up to \$677.50 and/or imprisonment for up to 30 days for the first offense

A fine up to \$1,090 and/or imprisonment for up to 30 days for a second or subsequent offense S.C. Code Ann. Sections 61-4-80, 61-6-4075

### **Allowing underage drinking to occur in a hotel/motel room you have rented**

A fine of up to \$500 or imprisonment for up to 30 days S.C. Code Ann. Section 45-2-40 (C)

## **OFFENSES RELATED TO ALCOHOL USE AMONG THE GENERAL POPULATION**

**NOTE:** Likely actual fines (including court costs and administrative fees).

### **OPEN CONTAINERS**

#### **Having an open container of beer or wine in a moving vehicle of any kind, except in the trunk or luggage compartment**

A fine of up to \$260.50 or imprisonment for up to 30 days S.C. Code Ann. Section 61-4-110

#### **Having an open container of liquor anywhere that is not allowed by state law. (Examples of approved locations include private residences, hotel/motel rooms, licensed establishments, etc.)**

A fine of up to \$262.50 or imprisonment for up to 30 days

S.C. Code Ann. Sections 61-6-2600, 61-6-4020, 61-6-4710

## **UNDERAGE YOUTH AND DUI**

Suspension or denial of issuance of driver's license for six months or one year if you have been convicted of driving under the influence (DUI) or driving with a BAC of .02% or higher while under the age of 21, within the five years preceding the violation mandatory enrollment and completion of an Alcohol and Drug Safety Action Program (ADSAP) if license is suspended S.C. Code Ann. Section 56-1-286

**Driving a motor vehicle with a BAC of .02% or higher if you are under the age of 21**

Suspension of driver's license for three months. Suspension of driver's license for six months if you have had a DUI conviction within the past five years. Mandatory enrollment and completion of an ADSAP if license is suspended.

S.C. Code Ann. Section 56-1-286

**Operating a motor vehicle while under the influence of alcohol. If you have a BAC of .08% or higher, it will be inferred that you were driving while under the influence of alcohol. A BAC that is at least .05% but less than .10% may be considered with other evidence to determine guilt or innocence.**

A fine of up to \$400 and/or imprisonment from 48 hours to 30 days *and* suspension of driver's license for six months for a first offense. A fine of \$2,000 to \$5,000 and imprisonment not less than 5 days to one year *and* suspension of driver's license for one year for a second offense. A fine of \$3,800 to \$6,300 and imprisonment from 60 days to three years, *and* suspension of driver's license for two years for a third offense.

Imprisonment from one to five years and permanent revocation of driver's license for a fourth or subsequent offense. If the third offense occurs within five years of the first offense, the driver's license is suspended for four years. If the third or subsequent offense occurs within 10 years of the first offense, the vehicle used must be confiscated if the offender is the owner or a resident of the household of the owner. Mandatory enrollment and completion of an ADSAP if license is suspended. A third or subsequent offense is considered a felony offense. The name and address of any person whose license is suspended shall be released to the public.

S.C. Code Ann. Sections 56-5-2930, 56-5-2990, 56-5-2940, 56-5-3000, 56-5-6240, 56-5-2933

**Driving a motor vehicle with a BAC of .15% or higher**

Mandatory suspension of driver's license for 30 days. Suspension of driver's license for 60 days if you have had a prior DUI conviction within the past 10 years S.C. Code Ann. Sections 56-5-2950, 56-5-2951

**Refusing to submit to testing to determine your blood alcohol concentration (BAC) level if you are under the age of 21**

Suspension of driver's license for six months to one year. Suspension of driver's license for one year if you have had a prior DUI conviction within the past 5 years. S.C. Code Ann. Section 56-1-286 (F)

**Driving a vehicle while under the influence of alcohol or other drugs and causing great bodily injury to any other person**

Mandatory fine of \$5,100 to \$10,100 and imprisonment for 30 days to 15 years. This crime is considered a felony offense. S.C. Code Ann. Section 56-5-2945

**Driving a vehicle while under the influence of alcohol or other drugs and causing death to any other person**

Mandatory fine of \$10,100 to \$25,100 and imprisonment for one to 25 years. This crime is considered a felony offense. S.C. Code Ann. Section 56-5-2945

***Commission of a felony DUI offense***

*Additional penalties (besides fines and imprisonment as identified above) include:*

- *ineligibility to vote until sentence is served (including probation and parole);*

- possible denial of entry to the armed forces or restriction in regard to certain jobs within the armed forces;
- ineligibility to work for a federal law enforcement agency;
- possible denial of employment by federal or state agencies; and
- ineligibility to file to run for any office in the state or its political subdivisions until 15 years or more after the completion of sentence (including probation and parole).

S.C. Code Ann. Sections 7-5-170, 7-5-120, AETC 36-2002, AR-601-210 S.C. Const. Art. VI, §1, Art. III, §7

**NOTE:**

- All convictions are placed on a permanent criminal record. All alcohol offenses are misdemeanors except a felony DUI conviction.
- For underage drinking laws, alcohol offenses can be “stacked.” In other words, a person charged and convicted of three separate offenses can receive all three fines or jail terms, not just the largest of the three.
- Persons convicted of first offense DUI:
  - Are required to show proof of financial responsibility to the Department of Highways and Public Transportation, usually in the form of a guarantee of high-risk insurance coverage, for three years.
  - Are required to complete an Alcohol and Drug Safety Action Program (ADSAP) before becoming eligible to apply to the Department of Highways and Public Transportation for driver’s license reinstatement.
  - May be eligible for a provisional driver’s license upon meeting requirements. \*All accidents resulting in injury or death of a person under age 21 as a result of DUI are investigated.

**PUBLIC DRINKING**

**Being grossly intoxicated on any highway or at any public place or public gathering**

A fine of up to \$100 or imprisonment for up to 30 days S.C. Code Ann. Section 16-17-530

**Consuming alcoholic liquor in a public conveyance**

A fine of up to \$100 or imprisonment for up to 30 days S.C. Code Ann. Section 61-6-4720

**SELLING OR POSSESSING KEGS**

**Selling a keg of beer without the proper tag or forms**

A fine of up to \$675 for the first offense and a fine of up to \$1,090 for a second or subsequent offense. S.C. Code Ann. Section 61-4-1920

**Possessing a keg of beer that does not have the proper tag**

A fine of up to \$1,090 and/or imprisonment for up to 30 days S.C. Code Ann. Section 61-4-1930

**Removing, altering, or obliterating the tag on a keg of beer**

A fine of up to \$1,090 and/or imprisonment for up to 30 days S.C. Code Ann. Section 61-4-1940

**BE AWARE THAT STATE ALCOHOL LAWS ARE SUBJECT TO CHANGE**

**INFORMATION ON SOUTH CAROLINA DRUG LAWS**

The following is a partial list of South Carolina’s drug laws. For more information and a complete list of laws relating to offenses, please see Chapter 53, Title 44 of the South Carolina Code of Laws, as amended.

MARIJUANA—HASHISH

**Possession of 1 ounce or less of marijuana, or 10 grams or less of hashish**

- First offense: Not more than 30 days of imprisonment and/or a fine of not less than \$100 nor more than \$200; \$570 with court fees.
- Second or subsequent offense: Not more than one year and/or \$200 to \$1,000 (Section 44-53-370{d}{3})

**Manufacture, distribution, or possession with the intent to distribute**

- First offense: Not more than five years and/or not more than \$5,000
- Second offense: Not more than 10 years and/or not more than \$10,000
- Third or subsequent offense: Not less than five years nor more than 20 years and/or not more than \$20,000 (Section 44-53-370{b}{2})

**Trafficking (10 lbs. to 100 lbs. of marijuana)**

- First offense: Not less than one year nor more than 10 years and \$10,000
- Second offense: Not less than five years nor more than 20 years and \$15,000
- Third or subsequent offense: 25 years and \$25,000 (Section 44-53-370{e}{1}{a})

**Trafficking (100 lbs. to 2,000 lbs. of marijuana, or 100 to 1,000 marijuana plants regardless of weight)**

- 25 years and \$25,000 (Section 44-53-370{e}{1}{b})

**Trafficking (2,000 lbs. to 10,000 lbs. or more of marijuana, or 10,000 or more marijuana plants regardless of weight)**

- Not less than 25 years and \$50,000 (Section 44-53-370{e}{1}{c})

LSD, COCAINE AND HEROIN

**LSD Possession** • First offense: Not more than three years and/or not more than \$5,000

- Second offense: Not more than ten years nor more than \$7,500
- Third or subsequent offense: Not more than ten years and/or not more than \$12, 500 (Section 44-53-375{d}{1})

**Cocaine Possession (less than one gram)**

- First offense: Not more than three years and/or not more than \$5,000
- Second offense: Not more than ten years nor more than \$7,500
- Third or subsequent offense: Not more than ten years and/or not more than \$12, 500 (Section 44-53-375{d}{3})

**Manufacture, distribution, or possession with the intent to distribute cocaine (10 grains < 10 grains).**

- First offense: Not more than 15 years and/or not more than \$25,000
- Second offense: Not less than five years nor more than 30 years and/or not more than \$50,000 (Section 44-53-370 {d}{4})

**Trafficking cocaine (10 grams to 28 grams).**

- First offense: Not less than three years nor more than 10 years and \$25,000
- Second offense: Not less than five years nor more than 30 years and \$50,000 (Section 44-53-370{e}{2}{A})

**Manufacture, distribution, or possession with the intent to distribute heroin, opium, or morphine (2 grains < 4 grains).**

- First offense: Not less than 15 years and \$25,000
- Second or subsequent offense: 5-30 years and \$50,000 (Section 44-53-370{e}{3}{a})

## ANABOLIC STEROIDS

### **Possession of 10 or fewer dosage units without a valid prescription**

- First offense: Not more than six months and/or not more than \$1,000
- Second or subsequent offense: Not more than one year and/or not more than \$2,000  
(Section 44-53-1530{2})

### **Possession of 10 to 100 dosage units without a valid prescription**

- First offense: Not more than one year and/or not more than \$2,000
- Second or subsequent offense: Not more than two years and/or not more than \$3,000  
(Section 44-53-1530{3})

### **Possession of more than 100 dosage units without a valid prescription**

- First offense: Not more than five years and/or not more than \$5,000
- Second or subsequent offense: Not more than 10 years and/or not more than \$10,000  
(Section 44-53-1530{4})

## SUSPENSION OF DRIVER'S LICENSE

In addition to the above, the driver's license of any person convicted of a controlled substance violation involving hashish or marijuana must be suspended for a period of six months. The driver's license of any person convicted of any other controlled substance violation must be suspended for a period of one year. (Section 56-1-286{a})

**Possessing PRESCRIPTION DRUGS without a valid prescription is illegal.** For example, Adderall and Ritalin are prescription stimulants often prescribed for Attention Deficit Hyperactivity Disorder (ADHD). Both of these drugs are classified as Schedule II controlled substances, as are cocaine and heroin. Unlawful distribution of Adderall or Ritalin, which means either the sale or simply giving the drug to another person, is a felony carrying up to five years in prison. Additionally, if the offense occurs on or within a half-mile of the college campus, an additional crime of distribution in proximity to a school as been committed, which is a felony carrying a 10-year sentence. A person who has in their possession one of these drugs, without a valid prescription, is guilty of a misdemeanor carrying a penalty of up to two years in prison.

## MISCELLANEOUS STATE LAWS

**Distribution of controlled substance within proximity of a school.** (Distance from school, public park, or playground, or college or university is a radius of one-half mile.) Fine is not more than \$10,000 and imprisonment to be less than 10 years. For crack cocaine, the fine is between \$10,000 and 15,000 and prison between 10 and 15 years. For purchase, the fine will not exceed \$1,000 and not exceed one year of prison. Any violation of this section is considered a separate offense. (Section 44-53-445)

**Illegal acts involving persons under 17-years-old.** Any use of persons under the age of 17 by persons over the age of 17 in the violation of Section 44-53-370 and 375, or the receipt of controlled substance from a person under 17 is considered a felony with punishment between 5 and 15 years. Any violation of this section is considered a separate offense. (Section 44-53-577)

**Illegal acts involving persons under 17 years old and controlled substances.** It is unlawful for any person at least 17 years old to knowingly use, hire, coerce, or employ a person under 17 years old to violate a controlled substance law. Violation of this section is a separate offense and punishment is imprisonment for not less than five years up to 15 years. (Section 44-53-577)

**Unlawful to advertise for sale, manufacture, possess, sell, or deliver, or to possess with intent to sell or deliver drug paraphernalia.** Any person convicted can be fined no more than \$500; a corporation can be fined up to \$50,000. (Section 44-53-391)

**Distribution of controlled substances to persons under 18-years- old.** Distribution of a narcotic drug, LSD, and crack cocaine is guilty of a felony and upon conviction must be imprisoned not more than 20 years or fined not more than \$30,000, or both, and the sentence may not be suspended and probation may not be granted. Distribution of any other controlled substance to a person under 18 is guilty of a misdemeanor, and upon conviction must be imprisoned not more than 10 years or fined not more than \$10,000 or both. (Section 44-53-440)

**BE AWARE THAT STATE DRUG LAWS ARE SUBJECT TO CHANGE.**

**INFORMATION ON FEDERAL DRUG LAWS**

The following is a partial list of federal drug laws and penalties. Penalties are set by sentencing guidelines in Federal Court. For more information and a complete list of the laws relating to drug offenses, please see Title 21 of the U.S. Code of Laws, as amended.

**Possession of a controlled substance without a valid prescription**

- First offense: Not more than one year and/or less than \$1,000
- Second offense: Not less than 15 days nor more than two years and not less than \$2,500
- Third or subsequent offense: Not less than 90 days nor more than three years and not less than \$5,000 (Statute - 21 U.S.C.A. Section 844{a})

**Possession of a mixture or substance which contains cocaine base**

- First offense: If the amount exceeds 5 grams, not less than five years nor more than 20 years and/or a fine of \$1,000
- Second offense: If the amount exceeds 3 grams, not less than five years nor more than 20 years and/or a fine of \$1,000
- Third offense: If the amount exceeds 1 gram, not less than five years nor more than 20 years and/or a fine of \$1,000 (Statute - 21 U.S.C.A. Section 844{a})

**Distribution of controlled substances to persons under the age of 21**

- First offense: Imprisonment (for not less than one year) and/or a fine, neither to exceed twice that authorized by 21 U.S.C.A. Section 841 (b)
- Second offense: Imprisonment (for not less than one year) and/or a fine, neither to exceed three times that authorized by 21 U.S.C.A. Section 841 (b) Statute 21 U.S.C.A. Section 859
- Third offense: Life imprisonment (Statute - 21 U.S.C.A. Section 841{b}{1}{A})

**Manufacture, distribution, or possession with intent to manufacture or distribute controlled substances in or on, or within 1,000 feet of the real property compromising a public or private elementary, vocational, secondary school, college, junior college, or university, or a playground, or within 100 feet of a public or private youth center, public swimming pool, or video arcade**

- First offense: Imprisonment (for not less than one year) and/or a fine, neither to exceed that authorized by 21 U.S.C.A. Section 841 (b)
- Second offense: Not less than three years nor more than life (or three times that authorized by an offense, whichever is greater) and/or a fine not to exceed three times that authorized by 21 U.S.C.A. Section 841 (b)
- Third offense: Life imprisonment (Statutes - 21 U.S.C.A. Section 860; and 21 U.S.C.A. Section 841 {b}{1}{a})

**Manufacture, distribution, or possession with intent to manufacture or distribute:**

- a) 1 kilogram or more of a mixture or substance containing a detectable amount of heroin; or

- b) 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine;  
or
- c) 50 grams or more of a mixture or substance which contains cocaine base;  
or
- d) 100 grams or more of PCP or 1 kilogram or more or a mixture or substance containing a detectable amount of PCP;  
or
- e) 10 grams or more of a mixture or substance containing a detectable amount of LSD;  
or
- f) 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana, or 1,000 or more marijuana plants regardless of weight;  
or
- g) 100 grams or more of methamphetamine, or 1 kilogram or more of a mixture or substance containing a detectable amount of methamphetamine.

- First offense: Not less than 10 years nor more than life (if death or serious bodily harm results from the use of such substance, imprisonment shall be for not less than 20 years nor more 47 than life) and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or \$4,000,000
- Second offense: Not less than 20 years nor more than life (if death or serious bodily harm results from the use of such substance, imprisonment shall be for life) and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or \$8,000,000
- Third offense: Life imprisonment (Statute - 21 U.S.C.A. Section 841{b}{1}{A})

**Manufacture, distribution, or possession with the intent to manufacture or distribute:**

- a) 100 grams or more of a mixture or substance containing a detectable amount of heroin;  
or
- b) 500 grams or more of a mixture or substance containing a detectable amount of cocaine;  
or
- c) 5 grams or more of a mixture or substance which contains cocaine;  
or
- d) 10 grams or more of PCP or 100 grams or more of a mixture or substance containing a detectable amount of PCP;  
or
- e) 1 gram or more of a mixture or substance containing a detectable amount of LSD;  
or
- f) 100 kilograms or more of a mixture or substance containing a detectable amount or marijuana, or 100 or more marijuana plants regardless of weight;  
or
- g) 100 grams or more of methamphetamine, or 100 grams or more of a mixture or substance containing a detectable amount of methamphetamine

- First offense: Not less than five years nor more than 40 years (if death or serious bodily injury results from the use of such substance, imprisonment shall be for not less than 20 years or more than life) and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or \$2,000,000
- Second or subsequent offenses: Not less than 10 years nor more than life (if death or serious bodily harm results from the use of such substance, imprisonment shall be for life) and/or a fine not to exceed the greater of twice that authorized by Title 18 of the U.S. Code or \$4,000,000 (Statute - 21 U.S.C.A. Section 841 {b}{1}{B})

**Manufacture, distribution, or possession with intent to manufacture or distribute:**

- a) 50 kilograms or less of marijuana (except in the case of 50 or more marijuana plants regardless of weight); or b) 10 kilograms or less of hashish, or 1 kilogram or less of hashish
- First offense: Not more than five years and/or a fine not to exceed the greater of that authorized by Title 18 or \$250,000

• Second or subsequent offenses: Not more than 10 years and/or a fine not to exceed the greater of twice that authorized by Title 18 or \$500,000 (Statute - 21 U.S.C.A. Section 841 {b}{1}{D})

**Manufacture, distribution, or possession with the intent to manufacture or distribute any controlled substance listed in Schedule I or II** (e.g., LSD, heroin, opium, morphine) of 21 U.S.C.A. Section 812 (except as provided elsewhere):

• First offense: Not more than 20 years (if death or serious bodily injury results from the use of such substance, imprisonment shall be for not less than 20 years nor more than life) and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or \$1,000

• Second or subsequent offenses: Not more than 30 years (if death or serious bodily injury results from the use of such substance, imprisonment shall be for life) and/or a fine not to exceed the greater of twice that authorized by Title 18 of the U.S. Code or \$2,000,000 (Statute - U.S.C.A. Section 841 {b}{1}{C})

**Manufacture, distribution, or possession with intent to manufacture or distribute any controlled substance listed in Schedule IV** of 21 U.S.C.A. Section 812:

• First offense: Not more than three years and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or \$250,000

• Second or subsequent offenses: Not more than six years and/or a fine not to exceed the greater of twice that authorized by Title 18 of the U.S. Code or \$500,000 (Statute - 21 U.S.C.A. Section 841 {b}{2})

**Manufacture, distribution, or possession with intent to manufacture or distribute a controlled substance listed in Schedule V** of 21 U.S.C.A. Section 812:

• First offense: Not more than one year and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or \$100,000

• Second or subsequent offenses: Not more than two years and/or a fine not to exceed the greater of twice that authorized by Title 18 of the U.S. Code of \$200,000 (Statute - 21 U.S.C.A. Section 841 {b}{3})

**BE AWARE THAT DRUG LAWS ARE SUBJECT TO CHANGE.**