Student Code of Conduct
and
Student Grievance Procedure Manual

FLORENCE-DARLINGTON
TECHNICAL COLLEGE

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THE STUDENT CODE FOR THE SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM

I. Purpose

The Student Code for South Carolina Technical College System sets forth the rights and responsibilities of the individual student, identifies behaviors that are not consistent with the values of college communities, and describes the procedures that will be followed to adjudicate cases of alleged misconduct, except cases of alleged acts of sexual violence and sexual harassment. Cases of alleged acts of sexual violence and sexual harassment will be adjudicated through SBTCE procedure 3-2-106.2 or SBTCE procedure 8-5-101.1. This Code applies to behavior on college property, at college-sponsored activities and events, and to off-campus behavior that adversely affects the college and/or the college community. The Code applies to all “students”.

II. Principles

Technical/community college students are members of both the community and the academic community. As members of the academic community, students are subject to the obligations that accrue to them by virtue of this membership.

As members of a larger community, students are entitled to all rights and protections accorded them by the laws of that community, the enforcement of which is the responsibility of duly constituted authorities. If a student's alleged behavior simultaneously violates college regulations and the law, the college may take disciplinary action independent of that taken by legal authorities.

When it has been determined that a student violated a federal, state, or local law, college disciplinary action may be initiated only

when the presence of the student on campus will disrupt the educational process of the college.

When a student's alleged violation of the law, whether occurring on campus or off campus, may adversely affect the college's pursuit of its educational objectives or activities, the college may enforce its own regulations through this Student Code.

III. Solutions of Problems

The college will first seek to solve problems through internal review procedures. When necessary, off-campus law enforcement and judicial authorities may be involved.

In situations where South Carolina Technical/Community Colleges have shared programs, the Chief Student Services Officer where the alleged violation of the Student Code for the South Carolina Technical College System occurred will handle the charges. A change of venue to the other college may be granted, based on the nature of the offense, provided it is agreed to by the Chief Student Services Officers of both colleges. Any sanctions imposed will apply across both colleges.

In situations where a student is dually enrolled in two or more South Carolina Technical/Community Colleges and is charged with a violation of the Student Code for the South Carolina Technical College System, the Chief Student Services Officer of the college where the alleged infraction occurred will handle the charges and the sanctions may apply at each college in which the student is enrolled.

IV. Definitions

When used in this document, unless the content requires other meaning,

A. "College" means any college in the South Carolina Technical College System.

B. "President" means the chief executive officer of the college.

C. "Administrative Officer" means anyone designated at the college as being on the administrative staff such as President, Vice President, Dean of Students or Student Services, Chief Academic Officer, Dean of Instruction, or Business Manager.

D. "Chief Student Services Officer" means the Administrative Officer at the College who has overall management responsibility for student services, or his/her designee.

E. "Chief Academic Officer" means the Administrative Officer at the College who has overall management responsibility for academic programs and services, or his/her designee.

F. "Student" means an individual currently enrolled in a program and/or registered for the current or upcoming academic term.

G. "Instructor" means any person employed by the college to conduct classes.

H. "Staff" means any person employed by the college for reasons other than conducting classes.

I. "SGA" means the Student Government Association of the college or other group of students convened for the purpose of representing student interests to the college's administration or in the college's governance system.

J. "Campus" means any place where the college conducts or sponsors educational, public service, or research activities.

K. "Violation of Law" means a violation of a law of the United States or any law or ordinance of a state or political subdivision which has jurisdiction over the place in which the violation occurs.

L. “Instructional Days” means any weekday (M-F) in which classes are in session.

M. “Close of Business” means the time that the administrative offices of the college close on that specific workday.

N. “Approved Method of Notification” means any communication from college personnel through a communication channel to which the student has consented or which confirms receipt of the communication by the student, such as a hand-delivered letter, restricted mail delivery services, or e-mail. A student who communicates with the college via e-mail or otherwise provides an e-mail address in connection with communications relating to a grievance thereby consents to the service of documents and all other correspondence associated with the grievance by e-mail, and the date and time of such e-mail(s) shall be deemed the date and time of service.

STUDENT CODE

I. Student Rights

A. Freedom from Discrimination--There shall be no discrimination in any respect by the college against a student or applicant for admission as a student on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, gender, veteran status, pregnancy, childbirth or other categories protected by applicable law.

B. Freedom of Speech and Assembly--Students shall have the right to freedom of speech and assembly without prior restraints or

censorship subject to clearly stated, reasonable, and nondiscriminatory rules and regulations regarding time, place, and manner developed and approved by the college.
In the classroom and in other instructional settings, discussion and expression of all views relevant to the subject matter -are recognized as necessary to the educational process, but students have no right to interfere with the freedom of instructors to teach or the rights of other students to learn.

C. Freedom of the Press--In official student publications, students are entitled to the constitutional right of freedom of the press, including constitutional limitations on prior restraint and censorship. To ensure this protection, the college shall have an editorial board with membership representing SGA, faculty, and administration. Each college has the responsibility of defining the selection process for its editorial board. The primary responsibility of the board shall be to establish and safeguard editorial policies.

D. Freedom from Unreasonable Searches and Seizures--Students are entitled to the constitutional right to be secure in their persons, dwellings, papers, and effects against unreasonable searches and seizures. College security officers or administrative officers may conduct searches and seizures only as authorized by law.

E. Right to Participate in College Governance--Students should have the opportunity to participate on college committees that formulate policies directly affecting students, such as in the areas of student activities and student conduct. This participation may be coordinated through a Student Government Association whose constitution or bylaws have been approved by the college's area commission.

F. Right to Know Academic and Grading Standards--Instructors will develop, distribute, explain, and follow the standards that will

be used in evaluating student assignments and determining student grades.

Grades are awarded for student academic performance. No grade will be reduced as a disciplinary action for student action or behavior unrelated to academic conduct.

G. Right to Privacy--Information about individual student views, beliefs, and political associations acquired by instructors, counselors, or administrators in the course of their work is confidential. It can be disclosed to others only with prior written consent of the student involved or under legal compulsion.

H. Right to Confidentiality of Student Records--All official student records are private and confidential and shall be preserved by the college. Separate record files may be maintained for the following categories: (I) academic, (2) medical, psychiatric and counseling, (3) placement, (4) financial aid, (5) disciplinary, (6) financial, and (7) veteran's affairs. In addition, disciplinary records are maintained by the Chief Student Services Officer.

Student education records will be maintained and administered in accordance with the Family Educational Rights and Privacy Act of 1974, the guidelines for the implementation of this act, and other applicable federal and state statutes and regulations.

I. Right to Due Process--At a minimum, any student charged with misconduct under this code is guaranteed the following: 1) the right to receive adequate notice of the charge(s); 2) the right to see and/or hear information and evidence relating to the charge(s), and 3) the right to present information and evidence relating to the charge(s). Additional due process requirements will be identified in other sections of this Code.

II. Student Responsibilities

A. Students are expected to conduct themselves in a manner that is civil, that is respectful of the rights of others, and that is compatible with the college's educational mission.

B. Students are expected to comply with all of the college's duly established rules and regulations regarding student behavior while on campus, while participating in off-campus college sponsored activities, and while participating in off-campus clinical, field, internship, or in-service experiences.

C. Students are expected to comply with all course requirements as specified by instructors in course syllabi and to meet the standards of acceptable classroom behavior set by instructors. Instructors will announce these standards during the first week of classes. Ordinarily, if a student's behavior disrupts class, the instructor will provide a warning about said behavior. However, if the unacceptable conduct/disruption jeopardizes the health, safety, or well-being of the student or others, or is otherwise severe or pervasive, the instructor may immediately dismiss the student for the remainder of the class. Any disruption may result in a written referral to the Chief Student Services Officer. This written referral may result in the initiation of disciplinary action against the student. The college reserves the right to review syllabi in connection with this provision.

III. Student Conduct Regulations

The following list identifies violations for which students may be subject to disciplinary action. The list is not all inclusive, but it reflects the categories of inappropriate behavior and provides examples of prohibited behaviors.

A. Academic Misconduct
All forms of academic misconduct including, but not limited to,

cheating on tests, plagiarism, collusion, and falsification of information may call for disciplinary action.

1. Cheating on tests is defined to include the following:
    a. Copying from another student's test or answer sheet.
    b. Using materials or equipment during a test not authorized by the person giving the test.
    c. Collaborating with any other person during a test without permission.
    d. Knowingly obtaining) using, buying, selling, transporting, or soliciting in whole or in part the contents of a test prior to its administration.
    e. Bribing or coercing any other person to obtain tests or information about tests.
    f. Substituting for another student or permitting any other person to substitute for oneself.
    g. Cooperating or aiding in any of the above.

2. "Plagiarism" is defined as the appropriation of any other person's work and the unacknowledged incorporation of that work in one's own work.

3. "Collusion" is defined as knowingly assisting another person in an act of academic dishonesty.

4. "Fabrication" is defined as falsifying or inventing information in such academic exercises as reports, laboratory results, and citations to the sources of information.

B. Abuse of Privilege of Freedom of Speech or Assembly

No student acting alone or with others, shall obstruct or disrupt any teaching, administrative, disciplinary, public service, research, or other activity authorized or conducted on the campus of the college or any other location where such activity is conducted or sponsored by the college. This disruption does

not necessarily have to involve violence or force for the student to face disciplinary actions. In addition to administrative action, any person in violation of any federal, state, or local law will be turned over to the appropriate authorities.

C. Falsification of Information and other Acts Intended to Deceive

Falsification of information and other acts intended to deceive include, but are not limited to the following:

1. Forging, altering, or misusing college documents, records, or identification cards.

2. Falsifying information on college records.

3. Providing false information for the purpose of obtaining a service.

D. Actions which Endanger Students and the College Community

Actions which endanger students and the college community include, but are not limited to the following:

1. Possessing or using on campus a firearm or other dangerous or potentially dangerous weapon unless such possession or use has been authorized by the college.

2. Possessing, using, or threatening to use any incendiary device or explosive unless such possession or use has been authorized by the college.

3. Setting fires or misusing or damaging fire safety equipment.

4. Using, or threatening to use, physical force to restrict the freedom of action or movement of others or to harm others.

5. Endangering the health, safety, or wellbeing of others through the use of physical, written, or verbal abuse, threats, intimidation, harassment, and coercion.

6. Sexual violence, which refers to physical sexual acts perpetuated against a person's will or when a person is incapable of giving consent. Cases of alleged acts of sexual violence will be adjudicated through SBTCE procedure 3-2-106.2.

7. Retaliating, or threatening to retaliate, against any person for filing a complaint, providing information relating to a complaint, or participating as a witness in any hearing or administrative process.

E. Infringement of Rights of Others

Infringement of rights of others is defined to include, but is not limited to the following:

1. Stealing, destroying, damaging, or misusing college property or the property of others on campus or off campus during any college activity.

2. Sexually harassing another person. In addition to sexual violence, sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal , or physical conduct of a sexual nature, when submission to such conduct is made a term or condition of a student's education, a basis for academic conditions affecting the student, or the conduct is sufficiently serious to interfere with the student's academic performance or otherwise deny or limit the student's ability to participate in any aspect of the college's program, thereby creating an intimidating or hostile learning environment. Cases of alleged acts of sexual harassment will be adjudicated through SBTCE procedure 3-2-106.2 or SBTCE procedure 8-5-101.1.

3. Stalking, which is defined as engaging in a course of conduct, through physical, electronic, or other means, that

would place a reasonable person in fear for his/her safety, or that has, in fact, placed an individual in such fear. Where the stalking is based on sex, race, national origin, color, age, religion or disability, it may constitute harassment under other provisions of this Code.

4. Bullying or harassing conduct, including verbal acts and name calling; graphic and written statements, which may include the use of cell phones, the internet, or other electronic devices; and other conduct that may be physically harmful, threatening, or humiliating. Bullying or harassment based on race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, gender, veteran status, pregnancy, childbirth or other categories protected by applicable law, will be a violation of the Code when it is a basis for academic decisions affecting the student or the conduct is sufficiently serious to interfere with the student's academic performance or otherwise deny or limit the student's ability to participate in any aspect of the college's program, thereby creating an intimidating or hostile learning environment.

5. Engaging in any activity that disrupts the educational process of the college, interferes with the rights of others, or adversely interferes with other normal functions and services.

F. Other Acts which Call for Discipline

Other acts which call for discipline include, but are not limited to the following:

1. Possessing, using, or distributing any narcotics or other unlawful drugs as defined by the laws of the United States or the State of South Carolina.

2. Possessing, using, or distributing on campus any beverage containing alcohol.

3. Violating institutional policies while on campus or off campus when participating in a college sponsored activity or event.

4. Violating any South Carolina and/or federal laws while on campus or off campus.

IV. Student Disciplinary Procedures

The procedures and sanctions that follow are designed to channel faculty, staff or student complaints against students, except for those complaints alleging acts of sexual violence or sexual harassment which are processed under SBTCE procedure 3-2-106.2 or SBTCE procedure 8-5-101.1. Because due process is essential in dealing with infractions of college regulations, any disciplinary actions taken and sanctions imposed on a student or student organization will follow the provisions of this code.

A. Interim Suspension

In certain situations, the President, or President's designee, may temporarily suspend a student before the initiation of disciplinary procedures. Interim suspension may only be imposed when there is reason to believe that the continued presence of the accused student at the college poses a substantial and immediate threat to the student or to others or poses a serious threat of disruption of, or interference with, the normal operations of the college.

The interim suspension process is as follows:

1. When the Chief Student Services Officer, or designee, becomes aware of a situation which may warrant interim suspension, the Chief Student Services Officer, or designee,

will consult with the President, or President's designee, to confirm the imposition of interim suspension. This consultation includes providing the President, or President's designee, with the nature of the alleged infraction, a brief description of the incident(s) and the student's name. The decision to impose interim suspension should occur by the close of business within two instructional days.

2. The Chief Student Services Officer, or designee, will inform the student through an approved method of notification about the decision to impose an interim suspension. This notification must be sent within two (2) instructional days of receiving the information from the President, or designee.

   The notification must include the following information:
   a. the reason(s) for the interim suspension;
   b. notice that the interim suspension does not replace the regular hearing process;
   c. information about requesting a hearing before the Hearing Committee; and
   d. notice that the student is denied access to the campus during the period of suspension without prior approval of the Chief Student Services Officer.

B. Academic Misconduct

1. An instructor who has reason to believe that a student enrolled in his/her class has committed an act of academic misconduct must discuss the matter with the student. The instructor must advise the student of the alleged act of academic misconduct and the information upon which it is based. The student must be given an opportunity to refute the allegation. If the student chooses not to participate in the discussion, the instructor

will make a decision based upon the available information.

2. If the instructor, after meeting with the student, determines that the student has engaged in academic misconduct as alleged, the instructor will inform the student about the decision and the academic sanction that will be imposed. The instructor may impose one of the following academic sanctions:
    a. Completion of an educational activity relating to the nature of the offense.
    b. Assign a lower grade or score to the paper, project, assignment or examination involved in the act of misconduct.
    c. Require the student to repeat or resubmit the paper, project, assignment, or examination involved in the act of misconduct.
    d. Assign a failing grade for the course.
    e. Require the student to withdraw from the course.
    f. Egregious or repeat offenders may be referred to the College's conduct officer for a review of the matter. Such referrals will follow the Student Misconduct procedures and the sanctions that accompany it.

3. If the student is found responsible for the academic misconduct, within five (5) instructional days of the meeting with the student, the instructor, or designee, will submit a written report about the incident and the sanction imposed to the Chief Academic Officer.

4. The Chief Academic Officer, or designee, will send a notification to the student summarizing the incident, the finding, the terms of the imposed sanction, and informing the student that he/she may appeal the decision and/or the sanction by submitting a written request to the Chief

Academic Officer within seven (7) instructional days of the date of the Chief Academic Officer's notification.

5. If the student requests an appeal, the Chief Academic Officer, or designee, will send an approved method of notification to the student's address of record. The notification must contain the following information:
    a. a restatement of the charge(s);
    b. the time, place, and location of the appeal;
    c. a list of witnesses that may be called; and
    d. a list of the student's basic procedural rights. These rights follow:
        1) The right to consult with counsel. The role of the person acting as counsel is solely to advise the student. Counsel may not participate in any of the questioning or make any statements on behalf of the student. The student will be responsible for paying any fees charged by his/her counsel.
        2) The right to present witnesses on one's behalf.
        3) The right to present evidence and notice that the Chief Academic Officer, or designee, may determine what evidence is admissible.
        4) The right to know the identity of the person(s) bringing the charge(s).
        5) The right to hear witnesses on behalf of the person bringing the charges.
        6) The right to testify or to refuse to testify without such refusal being detrimental to the student.
        7) The right to appeal the decision of the Chief Academic Officer to the President.
    e. A statement informing the student that the sanction imposed by the instructor will be held in abeyance pending the outcome of the appeal.

6. On the basis of the information presented at the appeal, the Chief Academic Officer, or designee, will render one of the following decisions:

a. Accept the decision and the sanction imposed by the instructor.
b. Accept the instructor's decision but impose a less severe sanction.
c. Overturn the instructor’s decision.

Within two (2) instructional days of the meeting with the student, the Chief Academic Officer, or designee, will notify the student of the decision through an approved method of notification. The notification must also inform the student that the decision may be appealed to the College's President and that any appeal request must be written and must detail the reason(s) for the appeal. The student seeking the appeal must provide reasons for the appeal which sets forth a statement that specifies the issues that further review is sought and any evidence which supports the issue(s) on appeal. The written appeal must be sent to the President within five (5) instructional days of the receipt of the Chief Academic Officer's decision.

After receiving the student's request, the President will review all written materials, non-written materials, and evidence relating to this incident and render one of the following decisions:

a. Accept the decision and the sanction imposed
b. Accept the decision, but impose a less severe sanction
c. Overturn the decision
d. Remand the case to the Student Hearing Committee to be re-heard. The decision of the hearing committee is final.

The President's decision is final and cannot be appealed further.

C. STUDENT MISCONDUCT

Any member of the college community may file charges alleging a violation of the Code. A charge, that includes a description of the alleged violation, must be submitted in writing to the Chief Student Services Officer as soon as possible after the incident occurs, but no later than ten (10) instructional days after the incident, unless the person filing the charge demonstrates that exceptional circumstances prevented filing the charge within this time period. The Chief Student Services Officer, or designee, will determine whether the circumstances merit an extension of the deadline.

1. Preliminary Investigation

Within seven (7) instructional days after the charge has been filed, the Chief Student Services Officer, or designee, shall complete a preliminary investigation of the charge and schedule a meeting with the student. After discussing the alleged infraction with the student and reviewing available information, the Chief Student Services Officer, or designee will decide whether the information presented during the meeting indicates that the violation occurred as alleged. When the student cannot be reached to schedule an appointment, or when the student fails to attend the meeting, the Chief Student Services Officer, or designee, will base the decision upon the available information.

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

a. Reprimand--A written warning documenting that the student violated a student conduct regulation and indicating that subsequent violations could result in more serious disciplinary sanctions.
b. Restitution--Compensation for loss or damage to

college property or the property of others while on the campus or at a college event or activity including but not limited to field trips, internships, and clinicals.

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

Within five (5) instructional days of the preliminary investigation, the Chief Student Services Officer, or

designee, will send an approved method of notification to the student. This notification will confirm the date of the investigation, identify the specific regulation(s) that the student allegedly violated, identify the decision, summarize the rationale, and, if the student violated the regulation(s), state the sanction that was imposed. This notification must also state that if the student disagrees with the decision or the sanction, the student may request a hearing before the Hearing Committee, that the student must submit this request no later than five (5) instructional days after receiving the decision unless a request is made and approved by the Chief Student Services Officer, or designee, for an extension, and that any decision made and sanction imposed after the preliminary investigation may be held in abeyance should the student decide to go before the Hearing Committee.

2. Hearing Committee

   a. The Hearing Committee shall be composed of the following:
      1) Two faculty members appointed by the Chief Academic Officer and approved by the President.
      2) Two student members appointed by the appropriate student governing body and approved by the President.
      3) One member of the Student Services staff appointed by the Chief Student Services Officer and approved by the President.
      4) The Chief Student Services Officer, or designee, who serves as an ex officio non-voting member of the Committee and who presents the case.

b. The Hearing Committee shall perform the following functions:
   1) Hear cases of alleged violations of the Code of Student Conduct.
   2) Insure that the student's procedural rights are met.
   3) Make decisions based only on evidence and information presented at the hearing.
   4) Provide the student with a statement of the committee's decision including findings of fact and, if applicable, impose one or more of the following sanctions:
      i. Academic Misconduct Sanctions
         a) Refer to Student Code; IV. Disciplinary Procedures; B. Academic Misconduct; Section 2
      ii. Student Misconduct Sanctions
         a) Refer to Student Code; IV. Disciplinary Procedures; C. Student Misconduct; Section 1

c. Hearing Committee Procedures
   1) The Chief Student Services Officer, or designee, shall refer the matter to the Hearing Committee together with a report of the nature of the alleged misconduct, the name of the person(s) filing the complaint(s), the name of the student against whom the charge(s) has (have) been filed, and a summary of the findings from the preliminary investigation.
   2) At least seven (7) instructional days before the date set for the Hearing meeting, the Chief Student Services Officer, or designee, shall send an approved method of notification to the student’s address of record. The notification must contain the following information:

i. A statement of the charge(s).
ii. A brief description of the incident that led to the charge (s).
iii. The name of the person(s) submitting the incident report.
iv. The date, time, and place of the scheduled hearing.
v. A list of all witnesses who might be called to testify.
vi. A statement of the student's procedural rights. These rights follow:
   a) The right to consult counsel. This role of the person acting as counsel is solely to advise the student. Counsel may not address the Hearing Committee or participate in any of the questioning. The student has the responsibility for paying any of the counsel's fees and any other of the counsel's charges.
   b) The right to present witnesses on one's behalf.
   c) The right to know the names of any witnesses who may be called to testify at the hearing.
   d) The right to review all available evidence, documents, exhibits, etc., that may be presented at the hearing.
   e) The right to present evidence; however, the Hearing Committee will determine what evidence is admissible.
   f) The right to know the identity of the person(s) bringing the charge(s).

g) The right to hear witnesses on behalf of the person bringing the charges.
h) The right to testify or to refuse to testify without such refusal being detrimental to the student.
i) The right to a fair and impartial decision.
j) The right to appeal the Hearing Committee's decision.

3) On written request of the student, the hearing may be held prior to the expiration of the seven (7) day advance notification period if the Chief Student Services Officer, or designee, concurs with this change.
4) The Chief Student Services Officer, or designee, may postpone the hearing due to circumstances beyond the control of the parties.

d. Hearing Committee Meetings
1) The Chair shall be appointed by the College's President from among the membership of the Committee. Ex officio members of the Committee may not serve as its Chair.
2) Committee hearings shall be closed to all persons except the student ("Student") accused of the violation(s), the person(s) initiating the charge(s), respective counsel for the Student and the College, witnesses authorized by the Committee to participate in the hearing, and one or more persons designated by the Committee to be responsible for making an official written record or audio recording of the hearing.
3) The Committee will arrange for an official audio recording or written record of the hearing (not including deliberations) to be made, and only the

person(s) designated by the Committee may make any kind of record of the proceedings. No record of the Committee's deliberations shall be permitted to be made by any means. The official audio recording or written record of the hearing is the property of the College and will be maintained in the office of the Chief Student Services Officer. The Student may review the official audio recording or written record of the hearing (as applicable) under the supervision of the Chief Student Services Officer or designee, but the Student is not entitled to a copy of the audio recording or written record. Notes made by Committee members for use as a personal memory aid shall not be made a part of the written record and are not subject to review by the Student.

4) Witnesses shall be called in one at a time to make a statement and to respond to questions, as permitted by the Chair.
5) After the portion of the hearing concludes in which all pertinent information has been received, everyone other than the Committee will be excused and its deliberations will begin. The of the "preponderance evidence" standard shall apply to the deliberations, which means that the Committee members must determine if the information presented at the hearing leads them to conclude that it is more likely than not that the violation(s) occurred as alleged. The Committee members will determine by majority vote whether the violation(s) occurred and, if so, the Committee members will decide upon the appropriate sanction(s) by majority vote.
6) The Chair of the Committee will send an approved method of notification to the Student's

address of record within two (2) instructional weekdays of the Committee's decision. The letter shall inform the Student of the Committee's decision, the date of the decision, any sanction(s) imposed, and the appeal process.

3. Appeal

If the student disagrees with either the decision or the sanction, the student may submit a written appeal to the College's President. This letter must be submitted within seven (7) instructional days of the date on which the Hearing Committee made its decision. The written appeal must include a statement indicating why the student disagrees with the Hearing Committee's findings.

The President, or designee, shall review the Hearing Committee's findings, conduct whatever additional inquires as deemed necessary, and render a decision within ten (10) instructional days of receiving the appeal. The President, whose decision is final, shall have the authority to approve, modify, or overturn the Hearing Committee's decisions and, if needed, void the process and reconvene another Hearing Committee. The President's decision regarding disciplinary actions under the Student Code 3-2-106.1 is not grievable.

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

STUDENT CODE PROCEDURES FOR ADDRESSING ALLEGED ACTS OF SEXUAL HARRASSMENT UNDER TITLE IX

I. Procedural Overview

Under Title IX of the Education Amendments of 1972 (20 U.S.C. 1681) and its implementing regulations (34 C.F.R. 106), sexual harassment is a form of prohibited sex discrimination. Title IX provides that, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." The South Carolina Technical College System is committed to fostering an environment that is free from unlawful discrimination on the basis of sex, including sexual harassment and sexual assault. Any questions regarding Title IX may be referred to the college's Title IX coordinator. Each college must prominently display the contact information required for the Title IX coordinator (name or title, telephone number, e-mail address, and office address) on its website, if any, and in each handbook, catalog, or publication that it makes available to persons entitled to a notification. In addition, colleges should include contact information for the U.S. Department of Education's Office of Civil Rights.

The Student Code for the South Carolina Technical College System (SBTCE Procedure 3-2-106.1) sets forth the rights and responsibilities of the individual student, identifies behaviors that are not consistent with the values of college communities, and describes the procedures that will be followed to adjudicate cases of alleged misconduct. The Student Code for Addressing Alleged Acts of Sexual Harassment (SBTCE Procedure 3-2-106.2) applies to behavior or complaints alleging acts of sexual harassment on college property, or in an education program or activity. This Code does not apply to persons outside of the United States. In order to proceed through the sexual harassment grievance process detailed herein, a formal complaint must be filed with or by a Title IX coordinator and meet the following elements:

A. The alleged activity falls within the definition of sexual harassment as defined in Section II (CC.);

B. The alleged activity occurred within a college's education program or activity; and

C. The alleged activity occurred against a person physically located in the United States.

Complaints reported to the college's Title IX coordinator which do not meet the above elements shall be adjudicated under the grievance process outlined in the Student Code for the South Carolina Technical College System (SBTCE Procedure 3-2-106.1). The Non- Discrimination, Anti-Harassment, and Sexual Misconduct procedure of the South Carolina Technical College System (SBTCE Procedure 8-5-101.1) shall apply in situations where complaints are made against employees of a college.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment) to the Title IX Coordinator at any time, including non- business hours, via the phone number, e-mail address or office mailing address listed for the Title IX coordinator.

Irrespective of whether a report of sexual harassment is anonymous, a college with actual knowledge of sexual harassment or allegations of sexual harassment in the college's education program or activity against a person in the United States must respond promptly in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances.

In some cases, campus authorities may become aware of allegations of sexual harassment via local law enforcement. These allegations

may also be addressed by this Procedure. The State Board for Technical and Comprehensive Education and its member colleges encourage the prompt reporting of sexual harassment to campus security and local law enforcement. The complainant may also file a criminal report regarding the alleged conduct. However, Title IX investigations are separate from criminal investigations. In some cases, colleges may need to temporarily delay the fact-finding portion of a Title IX investigation while law enforcement gathers evidence. Contact information for local law enforcement and campus security is available on the colleges' websites.

Retaliatory acts, which may include giving students failing grades, preventing students from participating in school activities, and threatening expulsion against any individual who exercises his or her rights under Title IX are considered to be discrimination and are unlawful. Colleges are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX.

II. Definitions

When used in this document, unless the context requires other meaning,

A. "Actual Knowledge" means notice of sexual harassment or allegations of sexual harassment to a college's Title IX coordinator or any official of the college who has authority to institute corrective measures on behalf of the college.

B. An "Advisor" is someone who is present to help the complainant or respondent understand the proceedings and to conduct cross-examination on behalf of the party during a live hearing.

C. An "Appeals Officer" is a person designated by a college to hear an appeal of a dismissal of a formal complaint or a decision-maker determination.

D. An "Approved Method of Notification" means any communication from college personnel through a communication channel to which the student has consented or which confirms receipt of the communication by the student, such as a hand-delivered letter, restricted mail delivery services, or e-mail. A student who communicates with the college via e-mail or otherwise provides an e-mail address in connection with communications relating to a grievance thereby consents to the service of documents and all other correspondence associated with the grievance by e-mail, and the date and time of such e-mail(s) shall be deemed the date and time of service.

E. "Chief Student Services Officer" means the Administrative Officer at the college who has overall management responsibility for student services, or his/her designee.

F. "Close of Business" means the time that the administrative offices of the college close on that specific workday.

G. "College" means any college in the South Carolina Technical College System.

H. "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

I. "Consent" is clear, knowing, and voluntary agreement. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous

relationships or prior consent cannot imply consent to future sexual acts.

J. "Dating Violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

K. A "Decision-Maker" is someone (who cannot be the same person as the Title IX coordinator or the investigator) who issues a written determination with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.

L. "Domestic Violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

M. "Education Program or Activity" includes locations, events, or circumstances over which the college exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also

includes any building owned or controlled by a student organization that is officially recognized by the college.

N. “Exculpatory Evidence” is evidence that creates a reasonable doubt that a respondent engaged in the conduct alleged in a complaint.

O. “Fondling” is the touching of the private parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because his/her temporary or permanent mental incapacity.

P. “Formal Complaint” means a document filed by a complainant with the Title IX coordinator or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that the college investigate the allegation of sexual harassment. A report of behavior to the Title IX coordinator or other college official does not constitute a formal complaint.

Q. “Incest” is sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law (see S.C. Code Ann. § 16-15-20).

R. “Inculpatory Evidence” is evidence indicating that a respondent engaged in the conduct alleged in the complaint.

S. “Instructional Days” means any weekday (M-F) in which classes are in session.

T. “Instructor" means any person employed by the college to conduct classes.

U. An "Investigator" is someone who acts as a neutral party in the investigation and provides a detailed, unbiased report regarding the findings of the investigation.

V. "Official with Authority" means an official of the college with authority to institute corrective measures. Officials with authority are those personnel designated by a college who would be considered to have actual knowledge upon receiving notice of alleged sexual harassment.

W. "Preponderance of the Evidence" is the standard used to evaluate the evidence for purposes of making findings and drawing conclusions for an investigation or hearing conducted under this Procedure. The preponderance of evidence standard means it is more likely than not that the conduct complained of occurred.

X. A "Report" is notice from a complainant of alleged sexual harassment, other than a formal complaint, made to the Title IX coordinator or an official with authority.

Y. "Rape" is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Z. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

AA. "Retaliation" is adverse action taken against an individual for engaging in protected activity. No college or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by 34 C.F.R. Part 106 (Title IX), or because the individual has made a report or

complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

BB. "Sexual Assault" is defined as rape, fondling, incest, and statutory rape as defined herein.

CC. "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo); (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined herein.

DD. "Staff" means any person employed by the college for reasons other than conducting classes.

EE. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. For the purposes of this definition: "Course of conduct" means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes,

surveils, threatens, or communicates to or about, a person, or interferes with a person's property; "reasonable person" means a person of ordinary prudence and action under the circumstances in which the course of conduct occurs; and "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

FF. "Statutory rape" is sexual intercourse with a person who is under the statutory age of consent (see S.C. Code Ann. § 16-3-655)

GG. "Student" means an individual currently enrolled in a program and/or registered for the current or upcoming academic term.

HH. "Supportive Measures" are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

II. A "Third-Party Reporter" is an individual who files a complaint on behalf of another individual alleging violation of this policy.

JJ. A "Title IX Coordinator" is an employee designated by the college to coordinate its efforts to comply with and carry out its responsibilities under 34 C.F.R. Part 106 (Title IX), including any investigation of any complaint communicated

to such college alleging its noncompliance with Title IX or alleging any actions which would be prohibited by Title IX.

III. Receipt of Reports and Formal Complaints

A. Reports

A report of alleged sexual harassment to a Title IX coordinator or any official of the college who has authority constitutes actual knowledge. The college must maintain a list of college personnel who are considered officials with authority to institute corrective measures and may name additional responsible employees who must report sexual harassment to the Title IX coordinator. An official with authority who receives a report of alleged sexual harassment must promptly notify the Title IX coordinator of the report. A report is not considered to be a formal complaint but initiates the offering of supportive measures.

B. Formal Complaints

A Title IX coordinator may receive a formal complaint alleging sexual harassment by phone, mail, e-mail, or any other approved method of notification. Receipt of a formal complaint must be acknowledged in writing by the Title IX coordinator to the complainant within three (3) instructional days of submission of the complaint. Formal complaints may be initiated by a complainant or the Title IX coordinator. Upon determining a formal complaint meets the elements set forth in Section I of this Procedure, the college's sexual harassment grievance process is initiated.

IV. Supportive Measures

Upon receiving or being made aware of a report alleging sexual harassment, regardless of whether a formal complaint has been filed, the Title IX coordinator must provide supportive measures to

both the complainant and the respondent. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures and must consider a complainant's wishes with respect to measures provided. Measures provided shall be kept confidential unless disclosure is necessary to provide the measures, such as in the case of a no-contact order. Such measures should restore or preserve equal access to the education program or activity without unreasonably burdening the other party.

Interim suspension or expulsion of a respondent is not included in the list of supportive measures. Emergency removal of a respondent from an educational program or activity is allowable only after conducting a safety and risk analysis and determining there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment that justifies removal. The respondent must be provided with notice of the removal and an opportunity to challenge the decision immediately following the removal. Such a challenge must be made to the Title IX coordinator in writing through an approved method of notification within two (2) instructional days of the removal and include a rationale for why the emergency removal should be rescinded. A respondent may not be subject to an emergency removal without full and appropriate consideration of applicable disability laws, such as Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, in order to preserve equal education access.

V. Sexual Harassment Grievance Process

The sexual harassment grievance process must include reasonably prompt time frames determined by the college and written into policy for conclusion of the grievance process (from the filing of a formal complaint to the written determination by the decision-maker), informal resolutions, and appeals. The college's policy must also include an explanation and examples of time extensions

beyond the published policy, and such extensions must be temporary and justified by good cause.

A. Dismissal of a Formal Complaint

The college must dismiss formal complaints alleging sexual harassment if the conduct in the alleged complaint does not meet the definition of sexual harassment as contained herein; if the conduct did not occur in the college's education program or activity; or if the conduct did not occur against a person in the United States. However, the complaint may be investigated under the Student Code for the South Carolina Technical College System (SBTCE Procedure 3-2-106.1) if it violates a college's student code of conduct.

A college may dismiss a formal complaint under this Procedure if, at any time, a complainant notifies the Title IX coordinator that the he or she wishes to withdraw the complaint; if the respondent is no longer enrolled at the college; or if specific circumstances prevent the college from gathering evidence sufficient to reach a determination. If a formal complaint is dismissed, written notice containing reason(s) for the dismissal must be made by an approved method of notification and provided to both parties. Dismissal of a formal complaint can be appealed.

B. Notice of Allegations

Upon receiving a formal complaint alleging sexual harassment, written notice of the allegation(s) ("Notice of Allegations") must be provided within seven (7) instructional days to both the complainant and the respondent. The written notice must be made by an approved method of notification and include:

1. The identities of the parties involved in the incident;
2. The conduct allegedly constituting sexual harassment;

3. The date and location of the alleged incident;
4. Notice of the college's sexual harassment grievance process, to include information regarding its informal resolution process, if available;
5. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made upon conclusion of the grievance process;
6. Notice as to whether the college's code of conduct prohibits knowingly making or submitting false information during the grievance process, and;
7. Notice that the parties may have an advisor of their choice.

Such notice of allegations must be provided at least three (3) instructional days prior to any initial interviews or meetings to allow the respondent sufficient time to respond to the allegations. Notice of additional allegations added after the initial notice must also be provided in writing through an approved method of notification.

C. Advisors

Both the complainant and respondent may have an advisor of their choosing to be present during meetings with college officials (such as the Title IX coordinator or investigator), interviews, and review of materials related to the complaint. Both the complainant and respondent must have an advisor present at the hearing whose sole purpose is to conduct cross-examination on behalf of the party. A party who does not bring an advisor of their choosing to the hearing shall be assigned an advisor by the college. In the event that neither a party nor their advisor appears at the hearing, the college must provide an advisor to appear on

behalf of the non-appearing party. An assigned advisor may or may not be an employee of the college.

D. Investigation

1. Investigative Process

Upon receipt of a formal complaint of allegations of sexual harassment, the college must initiate an investigation led by an impartial investigator whose purpose is to collect and summarize evidence. The person(s) investigating may not also serve as the Title IX coordinator or decision-maker. The college must ensure that the burden of proof and burden of gathering evidence sufficient to reach a determination lies on the college and not the parties involved. Parties must receive equal opportunity to present witnesses and evidence. Such evidence must be submitted to the investigator within ten (10) instructional days upon receipt of the Notice of Allegations. Written notice must be provided to a party when the party's participation in a meeting with the investigator is invited or expected. The notice must include the date, time, and location of the meeting; the expected participants; the meeting's purpose; and must allow up to three (3) instructional days, although this period may be shortened if mutually agreed upon by the parties. Investigators may record interviews with parties and witnesses. Such recordings may be included in the investigative report if relevant, either by transcription with irrelevant information redacted or by recording with irrelevant audio removed. The investigative process should be completed within approximately thirty (30) to forty-five (45) instructional days from receipt of the formal complaint. Circumstances may warrant additional time to complete the investigative process.

2. Review of Evidence

   Before an investigator issues a report, both parties must be allowed at least ten instructional days to (1) review evidence gathered during the investigation that is directly related to the allegations raised in the formal complaint and (2) submit a written response to the evidence. Investigators may but are not required to share such responses to the other party. Should the college discover additional evidence resulting from further investigation prompted by a party's initial response to evidence, the required time of ten (10) instructional days must again be provided for a party to review and respond to the evidence. Notification of any such additional evidence for review shall be made to the parties in writing by an approved method of notification. Upon conclusion of the investigation, the investigator shall generate a written report within seven (7) instructional days unless this time period is extended for an additional five (5) instructional days upon written notice to the parties with an explanation for the extension. Privileged information will not be provided, and treatment records of a party may only be provided to the other party with written consent.

3. Investigative Report

   The investigator(s) must create a report that fairly summarizes all relevant inculpatory and exculpatory evidence and distribute the report to the parties and their advisors at least ten (10) instructional days prior to the scheduled hearing. The investigative report should include a description of procedural steps taken during the investigation and a summary of evidence. Only evidence relevant to the allegations of sexual harassment shall be included in the investigative report.

Prior sexual history is not deemed relevant (1) unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or (2) if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Parties may provide written responses to the investigative report, which shall be provided to the decision-maker at least one instructional day in advance of the hearing.

E. Hearings

A college's sexual harassment grievance process must provide for a live hearing with cross-examination of parties and witnesses. The parties may bring an advisor of their choice to conduct the cross-examination. Should a party not have an advisor, the college must provide an advisor at no cost. Parties must be notified of a scheduled hearing at least ten (10) instructional days prior to the hearing through an approved method of notification that shall include the date, time, and location of the hearing.

At the live hearing, advisors of the parties shall cross-examine parties and witnesses who have provided information relevant to the complaint or response thereto. The decision-maker does not have to allow witnesses who are solely character witnesses. The decision-maker must allow the advisor for each party to ask the other party and any witnesses relevant questions and follow-up questions. Such cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice and may occur with the parties in separate rooms using technology

that enables participants to simultaneously see and hear the person answering questions. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a question while under cross- examination or otherwise, the decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions for cross-examination may be presented in advance to the decision-maker so that relevancy may be determined prior to the hearing. However, providing cross- examination questions in advance does not preclude the advisor(s) from asking additional questions not provided in advance to the decision-maker.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

At the request of either party, the college must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the party or the witness answering questions. An audio or visual recording or a transcript of the hearing must be created and made available for review and inspection.

F. Determinations

Determinations must be made using the Preponderance of

the Evidence standard. Determinations may be made at the conclusion of the live hearing or within three (3) instructional days of the live hearing's conclusion and shall be provided in writing by an approved method of notification simultaneously to both parties. A written determination shall include:

1. Identification of the allegation(s) of sexual harassment;
2. A description of the process of investigation, from receipt of the complaint through the determination, to include any notifications to the parties, interviews, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of any of the college's policies to the facts
5. A statement of, and rationale for, the determination regarding each allegation, to include:
    a. Disciplinary sanctions for the respondent
    b. Remedies provided to the complainant to restore the complainant's equal access to the college's education program or activity; and
6. Information regarding the opportunity to appeal the determination.

A determination is considered final either on the date that the college provides the parties with the written determination or upon expiration of the option to file an appeal.

G. Appeals

Both parties must be afforded the opportunity to appeal dismissal of a formal complaint as well as a final determination on the following grounds:

1. A procedural irregularity affecting the outcome;
2. New evidence not available at the time of the determination that could affect the outcome; or

3. Conflict of interest or bias on the part of the Title IX coordinator, investigator(s), or decision-maker which affected the outcome.

If a party wishes to appeal, an appeal must be made within ten (10) instructional days of dismissal of a formal complaint or delivery of a written determination. If a party files an appeal, the other party must be notified by an approved method of notification. A party wishing to appeal must do so by submitting an appeal in writing to the Title IX coordinator, who will assign review of the appeal to an appeals officer within three (3) instructional days of receipt. The appeal must include a statement indicating why the appealing party disagrees with dismissal of the complaint or the determination, and specify on which ground(s) the appeal is being made. The college must ensure that the appeals officer is not the Title IX coordinator, investigator(s), or decision-maker who reached the original determination. A decision by an appeals officer must be rendered within three (3) instructional days of receipt by the appeals officer and provided in writing to both parties simultaneously through an approved method of notification. Should an extension be necessary, the appeals officer may provide the parties with written notice extending determination of the appeal for five (5) instructional days with an explanation for the extension. The results of an appeal and the rationale for the determination must be provided in writing simultaneously to both parties.

VI. Informal Resolution

Upon receipt of a formal complaint, a college may choose to introduce the option of a voluntary informal resolution process. Informal resolution may include a range of conflict resolution strategies to include arbitration, mediation, or restorative justice. Informal resolution is a voluntary process that must be agreed upon

in writing by both parties, and the documented agreement must notify the parties of their right to withdraw at any time from the informal resolution process. Colleges may not offer or facilitate an informal resolution process to resolve complaints of sexual harassment where the complainant is a student and the respondent is an employee. The informal resolution process may result in sanctions for a respondent.

Colleges may not, under any circumstance, require a party to waive the right to an investigation and adjudication of formal complaints under Title IX. Similarly, a college may not require the parties to participate in the informal resolution of a formal complaint or offer an informal resolution process unless a formal complaint is filed.

Informal resolution, which does not involve a full investigation and adjudication, may be offered at any time prior to reaching a final determination as long as:

A. Colleges do not require informal resolution participation as a condition of enrollment or continuing enrollment or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section; and

B. The parties receive a written notice that includes the following:
   1. The allegations;
   2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
   3. That at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint;
   4. Any consequences resulting from participating in the

informal resolution process, including the records that will be maintained or could be shared; and

5. Signature blocks for the parties' voluntary, written consent to the informal resolution process.

The complainant and respondent both have the right to terminate the informal resolution process at any time and proceed with the formal grievance process. Furthermore, the Title IX coordinator or designee may, where appropriate, terminate or decline to initiate informal resolution and proceed with formal resolution instead. In such cases, statements or disclosures made by the parties in the course of the informal resolution process may be considered in any subsequent formal proceedings.

VII. Sanctions

Following an investigation of allegations presented before the decision-maker, the following sanctions may be imposed if the available information indicates that a violation has occurred:

A. Reprimand -- A written warning documenting that the student violated a student conduct procedure and indicating that subsequent violations could result in more serious disciplinary sanctions.

B. Special Conditions -- Completion of a variety of educational activities relating to the nature of the offense may be imposed. Examples include, but are not limited to, the following: a formal apology, an essay or paper on a designated topic, or participation in a special project or activity.

C. Disciplinary Probation -- A written reprimand documenting that the student violated a student conduct procedure. Probation is for a specified period of time and it serves as a warning that subsequent violations could most likely result

in more serious disciplinary sanctions.

D. Loss of Privileges -- Suspension or termination of particular student privileges.

E. Suspension from the college -- Separation from the college for a specified period of time. Suspended students will not receive academic credit for the semester in which the suspension was imposed. During the suspension period, the student may not return to the campus unless prior permission by the Chief Student Services Officer, or designee, has been granted.

F. Expulsion from the college -- Permanent separation from the college. An expelled student may not return to the campus unless prior permission by the Chief Student Services Officer, or designee, has been granted. An expelled student will not receive academic credit for the semester in which the expulsion was imposed.

G. Additional Measures -- Minimizing contact between complainant and respondent. This may include but is not limited to: change in academic and extracurricular activities, living arrangements, transportation, dining, and college-related work assignments, as appropriate.

H. Any combination of the above.

VIII. Recordkeeping

A college must maintain for seven (7) years from the initial report or formal complaint of sexual harassment, records of:

A. Any sexual harassment investigation, including any final determination thereof, any required recording or transcript, any sanctions imposed on the respondent, and any remedies provided to the complainant.

B. Any appeal and its result.

C. Any informal resolution and its result.

D. Records of any action, including any supportive measures, taken in response to an informal or formal complaint of sexual harassment.

The college must also maintain for a period of seven (7) years all materials used to train Title IX coordinators, investigators, decision-makers, and those who conduct the informal resolution process with regard to sexual harassment. This requirement applies only to complaints (informal or formal) received on or after August 14, 2020.

IX. Confidentiality and Privacy

The college must keep confidential the identity of complainants, respondents, third-party reporters and witnesses involved in the grievance process, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding. The college must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the college to provide the supportive measures. If a formal complaint is made to a Title IX coordinator, confidentiality of the complainant may not be maintained. However, both parties and their advisors may be required to sign non-disclosure or privacy notices requesting that information shared as part of the sexual harassment grievance process not be disclosed.

X. Amnesty for Drug and Alcohol Possession and Consumption Violations

Students are encouraged to report instances of sex-based discrimination, sexual harassment, or sexual assault. Therefore, students who report information about sex-based discrimination, sexual harassment, or sexual assault will not be disciplined by the

college for any violation of the college's drug or alcohol possession or consumption policies in connection with making the report.

THE STUDENT GRIEVANCE PROCEDURE FOR THE SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM

I. PURPOSE

The purpose of the student grievance procedure is to provide a system to channel and resolve student complaints against a college employee concerning decisions made or actions taken. A decision or action can be grieved only if it involves a misapplication of a college's policies, procedures, or regulations, or a state or federal law. This procedure may not be used in the following instances: (1) to grieve a claim against a college employee for any matter unrelated to the employee's role or position at the college; (2) for complaints or appeals of grades awarded in a class or for an assignment, unless the complaint is based upon alleged discrimination on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, gender, veteran status, pregnancy, childbirth, other categories protected by applicable law or on the basis of alleged sexual harassment/violence; or (3) to grieve a decision for which other grievance or appeal procedures exist (e.g., appeal of a disciplinary case, a residency appeal, a financial aid appeal, FERPA grievances, transfer credit evaluations).
The student filing the grievance must meet the definition of a "student" at the time of the decision or action being grieved and must be the victim of the alleged mistreatment. A grievance cannot be filed on behalf of another person.

II. DEFINITIONS

When used in this document, unless the content requires other meaning,

A. “College” means any college in the South Carolina Technical College System.
B. “President” means the chief executive officer of the college.

C. Administrative Officer" means anyone designated at the college as being on the administrative staff, such as the President, Chief Academic Officer, Chief Student Services Officer, etc.

D. "Chief Student Services Officer" means the Administrative Officer at the College who has overall management responsibility for student services or his/her designee.

E. "Chief Academic Officer" means the Administrative Officer at the College who has overall management responsibility for academic programs and services or his/her designee.

F. “Grievable Act or Decision” means a misapplication of a college’s policies, procedures, or regulations, or a violation of a state or federal law.

G. “Instructional Days” means any weekday (M-F) in which classes are in session.

H. “Student” means an individual currently enrolled in a program and/or registered for the current or upcoming academic term.

I. "Instructor" means any person employed by the college to conduct classes.

J. “Staff" means any person employed by the college for reasons other than conducting classes.

K. "Campus" means any place where the college conducts or sponsors educational, public service, or research activities.

L. “Approved Method of Notification” means any communication from college personnel through a communication channel to which the student has consented or which confirms receipt of the communication by the student, such as a hand-delivered letter, restricted mail delivery services, or e-mail. A student who communicates with the college via e-mail or otherwise provides an e-mail address in connection with communications relating to a grievance thereby consents to the service of documents and all other correspondence associated with the grievance by e-mail, and the date and time of such e-mail(s) shall be deemed the date and time of service.

M. “Close of Business” means the time that the administrative offices of the college close on that specific workday.

III. GRIEVANCE PROCESS

A. Filing a Complaint
This procedure must be initiated by the student within fifteen (15) instructional days of becoming aware of the decision, action, or event giving rise to the grievance. This time limit may be extended by the President or his/her designee, if the student requests an extension within the fifteen (15) instructional day period.

Before initiating the Student Grievance process, a student may go to the college employee who originated the alleged problem and attempt to resolve the matter informally. In instances alleging discrimination or harassment, including sexual harassment and violence, the student is not required to initially try to resolve the matter with the person alleged to

have committed the violation under this policy. Where applicable, if the student is not satisfied with the outcome of this meeting or if the student prefers to ignore this step, then the student may file a written complaint and initiate the grievance process. This written complaint should describe the decision or action that is being grieved, the date of the decision or action, and the college employee(s) involved in the decision or action.

1. Written complaints about alleged discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, gender, veteran status, pregnancy, childbirth, other categories protected by applicable law and written complaints about alleged sexual harassment or violence shall be submitted to the employee(s) designated in the college's Statement of Nondiscrimination to coordinate Section 504, Title II, and Title IX compliance.

2. Written complaints about decisions and actions not related to discrimination on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, gender, veteran status, pregnancy, childbirth, other categories protected by applicable law or sexual harassment shall be submitted to the college's Chief Student Services Officer.

3. Any written complaint naming the College's President as the person whose alleged action or decision originated the problem shall be submitted to the President of the South Carolina Technical College System.

B. Preliminary Investigation and Findings

The person receiving the student's written complaint will send a written acknowledgement to the student no later than two (2) instructional days after receiving the written complaint.

1. When the complaint is against anyone other than the President of a College:
   The person receiving the complaint will forward the complaint to the immediate supervisor of the employee named in the complaint no later than two (2) instructional days after it has been received.
   As a part of the effort to resolve the matter, the supervisor, or designee, will consult, as needed, with the employee named in the complaint, the student filing the complaint, the Chief Administrative Officer of the division or component concerned, and any other parties relevant to the resolution of the complaint.

   The supervisor, or designee, shall respond in writing to the student within ten (10) instructional days of receipt of the complaint. The response, sent through an approved method of notification, shall include a summary of the findings and, as needed, propose the steps that shall be taken to resolve the complaint. If the student does not agree with the proposed resolution, the student may request to have the complaint heard by the Student Grievance Committee.

2. When the complaint is against the President of a College:
   The South Carolina Technical College System's Executive Vice President, or designee, will be responsible for the preliminary investigation and findings.

   As a part of the effort to resolve the matter, the South Carolina Technical College System's Executive Vice President, or designee, will consult, as needed, with the College President named in the complaint, the student filing the complaint, the Chief Administrative Officer of the division or component concerned, and any other parties relevant to the resolution of the complaint.
   The South Carolina Technical College System's Executive

Vice President, or designee, shall respond in writing to the student within ten (10) instructional days of receipt of the complaint. The response, sent through the approved method of notification, shall include a summary of the findings and, as needed propose the steps that shall be taken to resolve the complaint. If the student does not agree with the proposed resolution, the student may request to have the complaint heard by an ad hoc committee.

The President of the South Carolina Technical College System will convene a three person ad hoc committee consisting of System Presidents or a three person ad hoc committee from within the System to hear the student's complaint.

C. Student Grievance Hearing

1. Requesting a Hearing

a. When the complaint is against anyone other than the President of a College:

1) The student must submit a written request for a Grievance Hearing to the Chief Student Services Officer within seven (7) instructional days after receiving the supervisor's written response. The request must be related to the original complaint, and include a statement describing why the supervisor's response was unsatisfactory.

2) If the student does not submit the written request for a hearing within seven (7) instructional days after receiving the supervisor's written response, and the student can demonstrate that extenuating circumstances resulted in the failure to meet this

deadline, the Chief Student Services Officer may allow the hearing to take place.

3) Within two (2) instructional days of receiving the request for a hearing, the Chief Student Services Officer shall notify the College President about the need to convene a Student Grievance Committee. These committees shall be formed to hear specific complaints and a new committee may be formed each time a grievance covered by this procedure is filed.

b. When the complaint is against the President of a College:

1) The student must submit a written request for a Grievance Hearing to South Carolina Technical College System's Executive Vice President, or designee, within seven (7) instructional days after receiving the Executive Vice President's written response. The request must be related to the original complaint, and include a statement describing why the Executive Vice President's response was unsatisfactory.

2) If the student does not submit the written request for a hearing within seven (7) instructional days after receiving the Executive Vice President's written response, and the student can demonstrate that extenuating circumstances resulted in the failure to meet this deadline, the Executive Vice President may allow the hearing to take place.

3) Within two (2) instructional days of receiving the request for a hearing, the Executive Vice President shall notify the South Carolina Technical College System President about the need to convene an ad

hoc committee of System Presidents or a three person ad hoc committee from within the System to hear the student's complaint. These committees shall be formed to hear specific complaints and a new committee may be formed each time a grievance covered by this procedure is filed.

2. Grievance Committees

   a. When the complaint is against anyone other than the President of a College:
      1) Student Grievance Committee- The College President must approve all recommended members. The committee shall be composed of the following:
         a) Two students recommended by the governing body of the student body;
         b) One faculty member recommended by the Chief Academic Officer;
         c) One Student Services staff member recommended by the Chief Student Services Officer;
         d) One administrator, other than the Chief Student Services Officer, to serve as the Committee's chairperson;
         e) The Chief Student Services Officer, or designee, who serves as an ex-officio, nonvoting member of the committee.

      2) The Chief Student Services Officer, or designee, will send copies of the student's request for a hearing to the committee members, the employee, and the employee's supervisor. The employee against whom the grievance was filed has an opportunity to submit his/her response to the request for a hearing to the Committee prior to the hearing.

3) The Student Grievance Committee's hearing shall be conducted within twenty- one (21) instructional days following the date of the request. The chairperson may grant a postponement if either party submits a written request no later than five (5) instructional days prior to the scheduled hearing. The chairperson of the Student Grievance Committee, in his/her discretion, may postpone the hearing due to circumstances beyond the control of the parties. The re- scheduled hearing must take place within ten (10) instructional days of the date of the previously scheduled hearing.

b. When the complaint is against the President of a College:

1) Ad hoc committee- The President of the South Carolina Technical College System will select three College Presidents from the System to serve on this committee and identify one of the three College Presidents to serve as the chairperson for the hearing. The President of the South Carolina Technical College System may also choose to select a three person ad hoc committee from within the System to hear the student's complaint.

2) The President of the South Carolina Technical College System, or designee, will send copies of the student's request for a hearing to the committee members, and the President at that college. The President against whom the grievance was filed has an opportunity to submit his/her response to the request for a hearing to the Committee prior to the hearing.

3) The ad hoc committee hearing shall be conducted within twenty-one (21) instructional days following the date of the request. The chairperson may grant

a postponement if either party submits a written request no later than five (5) instructional days prior to the scheduled hearing. The chairperson of the ad hoc committee, in his/her discretion, may postpone the hearing due to circumstances beyond the control of the parties. The re-scheduled hearing must take place within ten (10) instructional days of the date of the previously scheduled hearing.

3. Hearing Procedures

   a. When the complaint is against anyone other than the President of a College:
      1) The Chief Student Services Officer, or designee, shall send an approved method of notification to the student filing the complaint and to the employee(s) named in the complaint at least five (5) instructional days before the scheduled hearing. This notification shall include:
         a) a brief description of the complaint, including the name of the person filing the complaint;
         b) the date, time, and location of the hearing;
         c) the name of any person who might be called as a witness.
         d) a list of the student's procedural rights. These rights follow:

            i. The right to review all available evidence, documents or exhibits that each party may present at the hearing. This review must take place under the supervision of the Chief Student Services Officer, or designee.
            ii. The right to appear before the Hearing Committee and to present information and additional evidence, subject to the

Committee's judgment that the evidence is relevant to the hearing.

iii. The right to consult with counsel. This person serving as counsel may not address the committee, question the employee(s) named in the complaint, or any witnesses. The student will be responsible for paying any fees charged by the counsel.

iv. The right to present witnesses who have information relating to the complaint. Witnesses will be dismissed after presenting the information and responding to questions posed by the Committee, the student filing the complaint, and the employee(s) named in the complaint.

2) At least ten (10) instructional days before the scheduled hearing the parties must submit the names of persons that the parties anticipate calling as witnesses as well as any evidence that the parties intend to introduce at the hearing.

3) Committee hearings shall be closed to all persons except the student filing the complaint, the employee(s) named in the complaint, respective counsel for the student and the employee(s), witnesses authorized by the Committee to participate in the hearing, committee members, and one or more persons designated by the Committee to be responsible for making an official written record or audio recording of the hearing.

4) The Committee will arrange for an official audio recording or written record of the hearing (not

including deliberations) to be made, and only the person(s) designated by the Committee may make any kind of record of the proceedings. No record of the Committee's deliberations shall be permitted to be made by any means. The official audio recording or written record of the hearing is the property of the College and will be maintained in the office of the Chief Student Services Officer. The Student or employee(s) named in the complaint may review the official audio recording or written record of the hearing (as applicable) under the supervision of the Chief Student Services Officer or designee, but neither are entitled to a copy of the audio recording or written record. Notes made by Committee members for use as a personal memory aid shall not be made a part of the written record and are not subject to review by the Student or employee(s).

5) Witnesses shall be called in one at a time to make a statement and to respond to questions, as permitted by the Chair.

6) After the portion of the hearing concludes in which all pertinent information has been received, everyone other than the Committee will be excused and its deliberations will begin. The "preponderance of the evidence" standard shall apply to the deliberations, which means that the Committee members must determine if the information presented at the hearing leads them to conclude that it is more likely than not that the violation(s) occurred as alleged. The Committee members will determine by majority vote whether the violation(s) occurred and, if so, the Committee members will decide upon the appropriate

sanction(s) by majority vote. In case of a tie, the chairperson may vote.

7) The Chair of the Committee will send an approved method of notification to the Student and employee's address of record within two (2) instructional weekdays of the Committee's decision. The letter shall inform both parties of the Committee's decision, the date of the decision, any sanction(s) imposed, and the appeal process.

b. When the complaint is against the President of a College:
   1) The South Carolina Technical College System President, or designee, shall send an approved method of notification to the student filing the complaint and to the College President named in the complaint at least five (5) instructional days before the scheduled hearing. This notification shall include:
      a) a brief description of the complaint, including the name of the person filing the complaint;
      b) the date, time, and location of the hearing;
      c) the name of any person who might be called as a witness.
      d) a list of the student's procedural rights. These rights follow:
         i. The right to review all available evidence, documents or exhibits that each party may present at the hearing. This review must take place under the supervision of the South Carolina Technical College System President, or designee.
         ii. The right to appear before the ad hoc committee and to present information and additional evidence, subject to the Committee's judgment that the evidence is relevant to the hearing.

iii. The right to consult with counsel. This person serving as counsel may not address the committee, question the College President named in the complaint, or any witnesses. The student will be responsible for paying any fees charged by the counsel.

iv. The right to present witnesses who have information relating to the complaint. Witnesses will be dismissed after presenting the information and responding to questions posed by the Committee, the student filing the complaint, and the College President named in the complaint.

2) At least ten (10) instructional days before the scheduled hearing the parties must submit the names of persons that the parties anticipate calling as witnesses as well as any evidence that the parties intend to introduce at the hearing.

3) Committee hearings shall be closed to all persons except the student filing the complaint, the College President named in the complaint, respective counsel for the student and the employee(s), witnesses authorized by the Committee to participate in the hearing, committee members, and one or more persons designated by the Committee to be responsible for making an official written record or audio recording of the hearing.

4) The Committee will arrange for an official audio recording or written record of the hearing (not including deliberations) to be made, and only the person(s) designated by the Committee may make any kind of record of the proceedings. No record of

the Committee's deliberations shall be permitted to be made by any means. The official audio recording or written record of the hearing is the property of the College and will be maintained in the office of the President of the South Carolina Technical College System. The Student or College President named in the complaint may review the official audio recording or written record of the hearing (as applicable) under the supervision of the System President or designee, but neither are entitled to a copy of the audio recording or written record. Notes made by Committee members for use as a personal memory aid shall not be made a part of the written record and are not subject to review by the Student or College President.

5) Witnesses shall be called in one at a time to make a statement and to respond to questions, as permitted by the Chair.

6) After the portion of the hearing concludes in which all pertinent information has been received, everyone other than the Committee will be excused and its deliberations will begin. The "preponderance of the evidence" standard shall apply to the deliberations, which means that the Committee members must determine if the information presented at the hearing leads them to conclude that it is more likely than not that the violation(s) occurred as alleged. The Committee members will determine by majority vote whether the violation(s) occurred and, if so, the Committee members will decide upon the appropriate sanction(s) by majority vote. In case of a tie, the chairperson may vote.

7) The Chair of the Committee will send an approved method of notification to the Student and College President's address of record within two (2) instructional weekdays of the Committee's decision. The letter shall inform both parties of the Committee's decision, the date of the decision, any sanction(s) imposed, and the appeal process.

IV. Appeal Process

A. When the complaint is against anyone other than the President of a College:

If either party is not satisfied with the Student Grievance Committee's decision, that person may submit a written appeal to the President of the College within ten (10) instructional days of the Committee's decision. The written appeal must include a statement indicating why the person was not satisfied with the Committee's decision. The College President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary and render a decision within ten (10) instructional days of receipt of the appeal. The College President will notify both parties of his/her decision through an approved method of notification. The President's decision is final and this decision cannot be the sole reason for filing a grievance against the President.

B. When the complaint is against the President of a College:

If either party is not satisfied with the ad hoc committee's decision, that person may submit a written appeal to the President of the South Carolina Technical College System within ten (10) instructional days of the Committee's decision. The written appeal must include a statement indicating why the person was not satisfied with the Committee's decision. The System President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary

and render a decision within ten (10) instructional days of receipt of the appeal. The System President will notify both parties of his/her decision through an approved method of notification. The System President's decision is final.

Policy on Nondiscrimination

Florence-Darlington Technical College does not discriminate in admission or employment on the basis of race, color, religion, national or ethnic origin, creed, marital status, veteran status, disability, sex, or age in its programs and activities. For inquiries about nondiscrimination policies, contact: Title IX and Section 504 Coordinator, P. O. Box 100548, Florence, South Carolina 29501-0548 or call (843) 661-TECH.

Title IX: Discrimination & Sexual Assault

Students seeking Title IX assistance are encouraged to contact Terry Dingle, AVP of Human Resources/Internal Relations, Title IX Coordinator (5000 Building-2nd Floor, 843-661-8321; Terry.Dingle@fdtc.edu) or Genell Gause, AVP for Enrollment Management and Student Services, Coordinator-Title II of the ADA/ADAA, Section 504 (100 Building-Room 117, 843-661-8351 v/TTY; Genell.Gause@fdtc.edu).

Title IX: Pregnant and/or Parenting Students

Students seeking accommodations for pregnancy and/or parenting are encouraged to contact Rhonda Tuten, the College's Disabilities Coordinator (100 Building Room 111B, 843-661-8124; Rhonda.Tuten@fdtc.edu).

Disclaimer

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Revised April 2022