

ADMINISTRATIVE DIVISION STAF Division of Student Affairs		POLICY NUMBER STAF 6.26
POLICY TITLE Student Code of Conduct		
SCOPE OF POLICY U of SC Columbia		DATE OF REVISION August 25, 2020
RESPONSIBLE OFFICER Vice President for Student Affairs		ADMINISTRATIVE OFFICE Office of the Dean of Students

PURPOSE

The purpose of the Code of Conduct is to articulate the university's authority to initiate disciplinary action against a student in accordance with procedure and due process protections. The Code of Conduct also identifies prohibited conduct and sanctions for violations of prohibited conduct.

DEFINITIONS

Administrative conference/hearing: meeting between a conduct administrator and a student to discuss the alleged code violation, explain university process, and potentially adjudicate violations of the Code of Conduct.

Advisor: a single individual whom the charged student or complainant may elect to accompany that individual to an administrative conference or a hearing regarding an alleged violation of university policy. Because the accused student is solely responsible for presenting their case during the disciplinary process, an advisor may confer with and advise the accused student but may not advocate for the student. If an advisor is directly related to a disciplinary case or if the advisor's presence poses a conflict of interest, the hearing chair of the Carolina Judicial Council panel, or the conduct administrator may dismiss the advisor from the administrative conference or hearing. Advisors may be dismissed from any disciplinary proceedings if they disrupt the process.

Carolina Judicial Council (CJC): a group of students, faculty, and staff who are selected and then trained to provide both educational outreach on behalf of the office of student conduct and academic integrity as well as serve on hearing panels to adjudicate allegations of student misconduct.

Carolina Judicial Council hearing: a meeting between the Carolina Judicial Council and a student to discuss the alleged code violation and adjudicate potential violations of the Code of Conduct.

Common sources: common sources of alcohol, including bulk quantities, which are not being served by a licensed and insured third party vendor, (i.e., amounts of alcohol greater than what a reasonable person should consume over the duration of an event).

Day: a university business day is one in which both the university is open and classes are in session. This excludes university holidays, Saturday and Sunday, Reading Day and final exam periods. Students may elect to participate in the conduct process during times when the university is open but classes are not in session. In extraordinary circumstances in which timely resolution is necessary, a required hearing may be scheduled on a date in which the university is open but classes are not in session.

Decision/Finding: the final disposition as to whether the weight of the information/evidence meets the preponderance standard of “Responsible”, “Responsible with Diversion” or “Not Responsible” for an alleged violation of the Code of Conduct. A “For Information Only” (FIO) finding may be given when the weight of the relevant information is just over the preponderance standard and there are extenuating circumstances.

Incident report: written narrative documentation of an incident that involves potential violations of the Code of Conduct; examples include, but are not limited to the conduct incident report or the interpersonal violence incident report.

Preponderance of the evidence: the preponderance of evidence is the standard used for a university conduct administrator or a Carolina Judicial Council hearing board to reach a decision or finding in a disciplinary case; using the preponderance of evidence standard, the university will weigh whether or not the information supports that a violation occurred or not.

Recognized student organization: a student organization that is currently active on campus, has fulfilled all responsibilities of a student organization and represents a group of students who desire to come together to support a particular view, explore common interests or accomplish identified tasks.

Student: a person who is currently enrolled at the university, or who is accepted for admission or readmission to the university, or who has been enrolled at the university in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the university while that person is on campus, or who engaged in prohibited conduct at a time when the individual met the above criteria. Individuals who are not currently enrolled at the university remain subject to the disciplinary process for conduct that occurred while they were enrolled.

University official: an employee of the university including faculty members and staff members. Student employees may be considered university officials when acting in the performance of their duties.

University operated facility/University property: any buildings or properties that are owned or controlled by the university, reasonably contiguous to one another and directly support or relate to the university’s educational purpose.

Witness: a person who was present during the incident and observed what occurred; or in limited circumstances, a person to whom a respondent or complainant interacted with regarding the incident. Character witnesses are not permitted.

POLICY STATEMENT

The University of South Carolina's mission includes providing students with the knowledge, skills, and values necessary for success and responsible citizenship in a complex and changing world. The university's aspirational set of values that will guide student behavior are encompassed in the Carolinian Creed (www.sc.edu/creed). Consistent with procedural and due process protections, however, this policy outlines specific prohibited conduct that can result in the disciplinary process being initiated with a student, group of students, or student organization.

A. Authority

The Board of Trustees and the President of the university are ultimately responsible for governing the university. The student conduct system is administered by the Division of Student Affairs and Academic Support. The Vice President for Student Affairs and Academic Support, in turn, designates the office of the dean of students and the office of student conduct with administrative authority and responsibility for student conduct policies and procedures. This responsibility includes: (a) formulating and implementing conduct-related policies and procedures in cooperation with other appropriate university bodies; and (b) the imposition of sanctions in an efficient, consistent, fair, legal, and educationally meaningful manner. The office of student conduct may further delegate its adjudicatory responsibility to various student conduct bodies and administrative staff including the Carolina Judicial Council, university housing staff, as well as fraternity and sorority life staff.

B. Application and Jurisdiction

1. The university may initiate disciplinary action for prohibited conduct that occurs on university property or within a university operated facility. The university may initiate disciplinary action for prohibited conduct that occurs while the student, students, or student organization is participating in off-campus activities sponsored by or affiliated with the university (including student organization functions, field trips, internships, rotations, and clinical assignments) or for any conduct that is deemed to potentially threaten the health/safety of the campus or disrupt the university learning environment no matter where such behavior may occur.
2. University disciplinary action may be instituted against a student or student organization charged with conduct that potentially violates both criminal/civil law and university policy without regard to the pendency of civil or criminal litigation in court or arrest. The university's disciplinary process may be initiated prior to, simultaneously with, or following criminal/civil proceedings off campus and any disciplinary sanctions reached under the university's process will not be re-evaluated based on the results of a criminal/civil legal proceeding. Students or student organization conduct proceedings and actions are not subject to challenge or postponement on the grounds that criminal or civil charges involving the same/similar incident have been dismissed, reduced, or are pending in criminal/civil court.

3. University disciplinary action occurring under the Code of Conduct will be based on the preponderance of evidence standard.
4. Students, guests of students, and student organizations remain subject to discipline for prohibited conduct that occurs while suspended from the university.
5. Adjudication of any alleged violation of prohibited conduct will advance under established policies that are in effect on the day that the university receives notification of the alleged violation and not the date on which the purported infraction is noted to have occurred.
6. Additional rules and regulations may be put in place during the year and will be updated to the university's website upon adoption.

C. Student Organization Misconduct:

STAF 3.10 governs specific policies pertaining to the university recognition of student organizations as well as a number of specific regulations student organization must follow. Student organizations accused of violating the regulations contained in STAF 3.10 or the Code of Conduct, will follow the same disciplinary procedures outlined in this policy.

D. Findings

The outcome of an administrative conference or Carolina Judicial Council hearing will be one of the following:

1. Not Responsible: Insufficient information exists to warrant a responsible finding.
2. Responsible: Based on the preponderance of the evidence standard, a violation of the Code of Conduct occurred.
3. Responsible with Diversion: May be given when the weight of the information is just over the preponderance standard and there are extenuating circumstances. Code charges with a finding of Responsible with Diversion will be deemed as a non-reportable offense after a period of time, no less than six months, designated by the office of student conduct, after the date of resolution when both of the following stipulations are met: educational sanctions are completed by the prescribed deadlines and there are no additional offenses. A non-reportable offense is a record that is not reportable outside of the university (i.e. graduate schools, background checks).

E. Prohibited Conduct

1. Compliance with General Laws and Arrests - Disciplinary action imposed by the university may precede and/or be in addition to any penalty imposed by an off-campus authority if a student engages in conduct that is determined by the institution to violate any provision of federal, state, or local laws.

2. Alcohol Related Misconduct

Prohibited behaviors include:

- a. Possession or consumption of alcohol by a person under the age of 21 or under the lawful age of the jurisdiction in which the student resides.
- b. Possession or consumption of alcohol by students of legal age in non-designated areas at the university.
- c. Public intoxication in a public place or gathering in a grossly intoxicated condition or otherwise conducting oneself in a disorderly or boisterous manner.
- d. Possession of alcohol related paraphernalia (empty containers, beer pong table, etc.) or games that are specifically designed for alcohol consumption in any University operated facility unless approved by a university official acting within the line and scope of their duties.
- e. Open containers of alcohol in vehicles or in open spaces, or public areas of residence halls or the Greek Village or university operated facilities (lobbies, hallways, etc.).
- f. Possessing, manufacturing, distributing, dispensing or selling alcohol on university-controlled property or in connection with a university-affiliated activity unless expressly permitted by university policy.
- g. Providing or distributing alcohol to individuals under the age of 21 or to an intoxicated person.
- h. Common sources of alcohol, including bulk quantities, which are not being served by a licensed and insured third party vendor, (i.e., amounts of alcohol greater than what a reasonable person should consume over the duration of an event) are prohibited.
- i. Students and student organizations must comply with the published regulations and applicable laws concerning the transport, display, provision, possession, and consumption of beer, wine, and other alcoholic beverages. Stipulations of the university alcohol policy can be found at www.sc.edu/policies/staf302.pdf.
- j. Possession of fake or altered identification.
- k. In the presence of alcohol under the age of 21 in university operated housing.

3. Drug Related Misconduct

Prohibited behaviors include:

- a. Possession or use of any illegal, counterfeit, or controlled drug or narcotic is prohibited. This includes the unauthorized use or possession of prescription medications, prescription medication that is not issued under your own name, and medical marijuana in any university operated facility.
- b. Possession of quantities of any illegal, counterfeit, or controlled drug or narcotic that meet the legal definition for distribution.
- c. Selling, transferring, giving away, or exchanging something in return for narcotics, prescription medications, or other illegal, controlled, or counterfeit substances.
- d. Possession of drug paraphernalia (i.e. pipes, bongs, rolling papers, grinder, scale, nicotine cartridges, etc.).
- e. Failing, missing, forging or submitting a dilute test or late test for a drug screen that is required by the university.

4. Health and Safety Concerns

Intent is not an element of this violation, but will be considered in the application of sanctions. Prohibited behaviors include:

- a. Conduct that threatens or endangers the health or safety of another living being.
- b. The use of any object or instrument in a manner that a reasonable person in a similar situation would believe to be threatening.
- c. Driving while impaired under the influence of alcohol or drugs.
- d. The use of skateboards, bicycles, rollerblades or any motorized vehicle in unauthorized areas or in a manner that threatens physical safety, damages university or personal property, disrupts university classes or activities or disrupts normal pedestrian or vehicular traffic flow.
- e. Intentional obstruction or restriction which unreasonably interferes with freedom of movement (including but not limited to pedestrian or vehicular obstruction).
- f. Physical, verbal, or electronic threats of violence or placing a reasonable person in fear of imminent physical injury or danger.
- g. Physical abuse, physical intimidation, coercion, and/or other conduct that threatens or endangers the health or safety of another person or violates a legal protective order or No Contact directive.
- h. Throwing or dropping objects or substances out of university operated facilities.

- i. The entry or exit of any person through a window, balcony access, rooftop or any otherwise authorized/unsafe opening without cause for emergency.

5. Weapons

Prohibited behaviors include:

- a. Unauthorized use, possession, or storage on university property or in any university operated facility of any weapon since the university is designated as a school safety zone. Weapons may be defined as any object used or designed to inflict or attempt to inflict harm or injury or fear of harm or injury. Weapons include, but are not limited to firearms, any weapon designed or intended to propel a missile of any kind (this includes air soft, paintball, BB or pellet guns, potato guns and other such homemade devices), knives over two inches, slingshots, metal knuckles, explosives, fireworks, any dangerous chemical or biological agent, or any other object or material capable of causing harm.
- b. Possession of ammunition is not permitted in any university facility or on university property.

6. Disruptive Activity

Disruptive Activity is any conduct that impedes, interferes with, or disrupts any teaching, research, administrative, disciplinary, public service, learning, or other authorized behavior. Disruptive Activity may occur at functions on or off campus, or at other authorized non-university activities when the conduct occurs on university property.

Prohibited behaviors include:

- a. Behavior in a classroom or instructional program that unreasonably interferes with the instructor or presenter's ability to conduct the class or program after the instructor requests the activity to cease.
- b. Non-compliance with reasonable time, place, and manner restrictions on activities.
- c. Making, causing, or continuing any loud, unnecessary, or unusual noise that disrupts the normal operations of the university or infringes on the rights of other members of the university community or in off-campus living communities.

7. Violent Conduct

Prohibited behaviors include:

- a. Fighting, assaults, or actions which inflict bodily harm upon any person or animal or threaten force of bodily harm against any person or animal.

- b. Hazing as defined by the university policy [STAF 3.05 Hazing](#).
8. Damage to Property
- a. Damage to or destruction of property
9. Discrimination and Harassment
- a. Prohibited behaviors as defined in university policy [EOP 1.02 Sexual Harassment](#), [EOP 1.03 Prohibition of Unlawful Discrimination and Harassment](#), [EOP 1.05 Sexual Misconduct, Intimate Partner Violence and Stalking](#), or other university approved policies or prohibitions relating to interpersonal violence and/or discrimination and harassment.
10. Retaliation
- a. Retaliation against a person who reports a potential violation under the Code of Conduct, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under the Code of Conduct is prohibited. Retaliation includes but is not limited to threats, intimidation, reprisals and/or adverse actions related to an individual's employment or education. The university will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this institutional rule will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to file a complaint with the university.
11. Sexual Misconduct, Intimate Partner Violence and Stalking
- Prohibited behaviors include:
- a. Sexual assault as defined by the university policy [EOP 1.05 Sexual Misconduct, Intimate Partner Violence, and Stalking](#).
 - b. Sexual harassment and discriminatory harassment as defined in the University's Sexual Harassment and Discriminatory Harassment Policies ([EOP 1.05 http://www.sc.edu/policies/ppm/staf105.pdf](http://www.sc.edu/policies/ppm/staf105.pdf)).
12. Fire and General Safety
- Prohibited behaviors include:
- a. Starting a fire or creating a fire hazard on university property without university authorization.

- b. The unauthorized possession and/or use of candles, torches, incense and/or incense burners, other open flame apparatus, extension cords, gasoline, propane tanks or lighter fluid in any university operated facility or on-campus location without written permission from a university official.
- c. Unauthorized possession of or use of fireworks and explosive materials, the ignition or detonation of anything which could cause damage to persons or property or disruption by fire, smoke, explosion, noxious odors, stain, or corrosion.
- d. Making or causing to be made, a false fire alarm or emergency report of any kind.
- e. Tampering with, damaging, disabling or misusing fire safety equipment and/or warning systems including fire extinguishers, fire sprinklers, fire hoses, fire alarms and fire doors.
- f. Failing to immediately evacuate any university building when a fire alarm or other emergency notification has been sounded or hindering or impairing orderly evacuation.
- g. Disobeying a directive or command by any university or emergency official in connection with a fire, alarm, or other safety, security, or emergency matter.
- h. Misuse of emergency call boxes.

13. Theft and Burglary

Prohibited behaviors include:

- a. Theft of any kind, including obtaining academic materials or services through deceptive means or possessing public, private or university property that was removed without authorization.
- b. Burglary, the unlawful entry of a structure to commit a theft.
- c. Knowingly giving assistance or information to aid in the action of theft.
- d. Sale, possession, appropriation or attempt to appropriate property without the consent of the owner or the person to whom it belongs.
- e. Selling or attempting to sell textbooks not owned by the student.

14. Fraudulent Behavior

Prohibited behaviors include:

- a. Fraudulent behavior in any oral or written transaction with the university.

- b. Dishonesty or misrepresenting the truth before a hearing of the university, or furnishing false information or withholding information to any university official which interferes with university processes or procedures.
- c. Forgery, alteration, or misuse of any document, record, or officially issued identification information from university processes and/or officials, including parking permits and athletic tickets.

15. Misuse of Identification or University Resources

Prohibited behaviors include:

- a. Violating, attempting to violate, or assisting the violation of any established rule or regulation of the university not specifically included in the Code of Conduct.
- b. Possession of fake or altered identification.
- c. Unauthorized entry into, presence in, or use of university operated facilities, equipment or property which has not been reserved or accessed through appropriate university officials.
- d. Student identification cards and keys:
 - i. failing to present a Student ID/Carolina Card when requested by a university official acting in the performance of that individual's duties.
 - ii. possession of more than one Student ID/Carolina Card.
 - iii. lending a university Student ID/Carolina Card to anyone for reasons not authorized by the university Student ID/Carolina Card policy (violations may subject both the owner and the holder to disciplinary action).
 - iv. failure to report within 24 hours a lost ID/key to a secured facility.
 - v. unauthorized use, possession, or duplication of any university key.
- e. Unauthorized disclosure of confidential or proprietary information gained in the course of or by reason of the student's responsibilities or duties as a student employee.

16. Misuse of Institutional Technology

- a. Failure to adhere to the university policy [UNIV 1.52 Responsible Use of Data, Technology, and User Credentials](#).

- b. Engaging in an inappropriate or disproportionate use of an information technology resource owned or controlled by the university or using an information technology resource for an illegal, threatening, or intentionally destructive purpose. Prohibited conduct includes, but is not limited to, circumventing system or network security, committing copyright infringement, transmitting unsolicited email, sharing a university-issued password, falsifying an email header, and using resources for personal financial gain or profit.

17. Failure to Comply

Prohibited behaviors include:

- a. Failure to comply with and respond appropriately to the reasonable and lawful requests of university officials (including resident mentors) in the performance of their duties.
- b. Failure to properly comply with or complete a sanction or obligation resulting from a conduct or honor code hearing.

18. Shared Responsibility for Violations

Prohibited behaviors include:

- a. Acting in concert to violate university policy.
- b. Attempting, assisting or promoting any act prohibited by university policy.
- c. Condoning, encouraging, or the collusion of behavior that violates university conduct regulations. Collusion is any action or inaction with another one or more individual(s) to intentionally violate university policy.
- d. Allowing, permitting or providing opportunity for a guest to violate university policy.
- e. Being an accessory to any act prohibited by university policy.

19. Privacy Violation

- a. Engaging in surveillance or recording of any type without the subject's knowledge or consent in areas where there is a reasonable expectation of privacy and/or the broadcasting or distribution of such material.

20. Harassing Behavior

- a. Repeated conduct of a harassing nature that reasonably interferes with one's ability to succeed in an academic setting or major life activity and that persists after such conduct has been requested to stop.

F. Sanctions

One or more of the following sanctions may be utilized to provide educational interventions and to hold the student accountable. The severity of the sanctions will align with the severity of the offense, community standards and will increase with subsequent violations of the Code of Conduct. Although not an exhaustive list, the following are examples of sanctions that may be applied:

1. Educational workshops: seminar style educational sessions which may focus on alcohol, decision making, off-campus living, civility, etc. Workshops may include a pretest and posttest.
2. Conduct probation: a period of review during which a student is on official notice that subsequent violations of the Code of Conduct are likely to result in more severe sanctions, including suspension.
3. Reflection papers: a written response to prompts with the goal of promoting student learning reflection on their actions to determine what they have learned, how they impacted others, and how they may avoid future missteps. The topic and essay questions assigned will depend on the incident type.
4. Community service: compensatory hours of unpaid service to a non-profit organization or university office to facilitate self-awareness. A reflection paper is part of the community service assignment. Hours must be documented and signed by a site supervisor.
5. Fines: fines assist with costs associated with administering, facilitating and evaluating the educational workshops and programs. Violations of policies may result in administrative fees. For the schedule of fine and fees, please refer to https://sc.edu/about/offices_and_divisions/student_conduct_and_academic_integrity/hearings/hearing_outcomes/code_of_conduct_sanctions/index.php
6. Restitution: for theft, misappropriation or damage to university property, students may be required to reimburse the university for the loss, which may also include cost of materials and labor for repairs.
7. Students Taking Initiative and Responsibility (STIR): Three one-on-one sessions with staff members from Substance Abuse Prevention and Education (SAPE) to assess their substance use and consider ways to avoid negative consequences in the future. Students will pay a \$100 fee to SAPE for this evaluation.
8. Drug testing: Required for students found in violation of the drug policy. Tests are available at off-campus licensed agencies. Students are responsible for the costs.

9. Anger management or substance use interventions and treatment: For times students may need higher level of services and may be referred to an off-campus provider for substance use or anger management assessments. Students are responsible for the costs.
10. Removal from an academic class: When permission has been granted by academic affairs, the student may be removed from a course(s).
11. Disciplinary withdrawal: under certain circumstances when it is impossible for a student to address disciplinary action due to specific mitigating factors and the incident in question does not require a suspension, the university may grant a student a disciplinary withdrawal. The decision to grant a disciplinary withdrawal will be made by the hearing officer or their designee(s), in consultation with the Executive Director of Student Conduct. The student will be permitted to withdraw from classes and a disciplinary hold will be placed on the student's registration and transcript. The student must understand that they will not be permitted to return to the university until the disciplinary matter has been resolved.
12. Access Restriction: Access restriction for a period of time to specific or all university operated buildings may be a part of sanctions imposed for a violation of the code of conduct.
13. Housing removal/cancellation of housing contract: an action requiring that a student be removed from that student's on-campus room either on a temporary, interim basis or permanently if found responsible for a Code of Conduct violation. Students removed from housing are restricted from university housing operated facilities.
14. Housing relocation: an action requiring that a student be either immediately moved to a newly assigned on-campus housing room on an interim basis during the time a disciplinary complaint is investigated, resolved, or relocated on a permanent basis if the student is found responsible for a Code of Conduct violation.
15. Delayed suspension: a status used in situations where the conduct is severe enough to justify suspension but mitigating circumstances exist to permit the student an opportunity to correct behavior. During this period of time, students who fail to follow all requirements of their restrictions will almost always be immediately suspended. Like probation, delayed suspension is imposed for a certain period of time and may be contingent on completing additional requirements.
16. Suspension: a denial of enrollment, attendance, presence on university property, and other privileges at the university for no less than one semester. Permission to apply for readmission upon termination of the period may be granted with or without conditions/restrictions.
17. Expulsion: permanent dismissal from the university.

18. Degree revocation: the termination of a student’s degree based on a violation that occurs after a student graduates.

G. Retention and Release of Conduct Records

All records related to a student’s interaction with the office of student conduct are deemed educational records in accordance with university policy [ACAF 3.03 Handling of Student Records](#) and the release of such records is governed by that policy. The office of student conduct maintains its educational records for six years from the last day of the academic year of the offense. Records of suspension and expulsion are permanently retained and reported.

PROCEDURES

The set of processes and procedures that involve the receipt of allegations of student misconduct, the investigation of such allegations, and the resolution of such allegations is maintained online by the office of student conduct; see

https://sc.edu/about/offices_and_divisions/student_conduct_and_academic_integrity/index.php

RELATED UNIVERSITY POLICIES

[ACAF 3.03 Handling of Student Records](#)

[EOP 1.05 Sexual Misconduct, Intimate Partner Violence and Stalking](#)

[STAF 3.02 Alcohol Policy and Guidelines for the University Community](#)

[STAF 3.05 Hazing](#)

[STAF 3.10 Student Organizations](#)

[STAF 4.03 Campus Housing Policies and Regulations](#)

[STAF 6.24 Student Non-Discrimination and Non-Harassment Policy](#)

[UNIV 1.52 Responsible Use of Data, Technology, and User Credentials](#)

[UNIV 3.03 Quarantine and Isolation of Students, Faculty, and Staff](#)

[UNIV 3.04 Communicable Disease Outbreak Mitigation Measures](#)

HISTORY OF REVISIONS

DATE OF REVISION	REASON FOR REVISION
June 1, 1992	New policy approval
March 4, 2014	More concise and specific
June 6, 2019	Updated to fit the new formatting and to be more concise, specific and accessible to students, faculty, and staff.
August 25, 2020	Updated to include accurate process, procedures and additional violations/sanctions in relation to health directive violations