

## Preface

A community exists on the basis of shared values and principles. At Winthrop University, students are expected to uphold and abide by standards of conduct that form the basis of the Student Conduct Code (Code). These standards are embodied within a set of core values that include integrity, respect, social justice, community, and responsibility.

### Core Values of Student Conduct at Winthrop University

- **Integrity** – Winthrop students exemplify honesty, integrity, and honor in their pursuit of knowledge, truth, and all endeavors
- **Respect** – Winthrop students show positive regard for each other, for property, and for the community. Students will conduct themselves and treat others in a reasonable and respectful manner
- **Social Justice** – Winthrop students are just and equitable in their treatment of all community members. Student's value diverse perspective and respect the dignity of all persons
- **Community** – Winthrop students build and enhance their community
- **Responsibility** – Winthrop students assume full responsibility for themselves in all respects: for their actions, thoughts, personal growth and development

The purpose of the Code is to uphold Winthrop University's academic standards and core values, cultivate student learning, encourage personal accountability and responsible decision making, and prevent the occurrence and re-occurrence of harmful behaviors.

Students at Winthrop University are provided a copy of the Code annually in the form of a link on the University website. Each semester this link is emailed to all Winthrop University students. As Winthrop email is the University's primary means of communication with students, students are therefore responsible for monitoring all communication delivered to their Winthrop email address. Students are responsible for reading, knowing, and abiding by the information, policies, and procedures outlined in this document. Winthrop University reserves the right to make changes to this code as necessary and once these changes are posted online and communicated to students via University email, they are in effect.

## Section 1. Jurisdiction

The Code and all its procedures apply to the conduct of individual students, both undergraduate and graduate, full and part-time, those enrolled in on-campus, online, and distance-education, degree- and non-degree seeking, those who are auditing, as well as University-registered student organizations. For the purposes of student conduct, Winthrop University considers an individual to be a student once they have been admitted to the institution and extended thereafter, as long as the student has a continuing educational interest in the University. The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw, or have graduated for any misconduct that occurred prior to the leave, withdrawal, or graduation. Further, this Code may be applied to resident non-students, such as campers, as well as high school bridge/extension/partner/dual-enrollment or continuing education programs if a

contractual agreement is in place. Campus visitors and guests of Winthrop University may seek resolution of violations of the Code committed against them by members of the University community.

As responsible community members, students are expected to inform their guests of all Winthrop policies and expectations for good conduct. Therefore, Winthrop students and student organizations may be held accountable for the misconduct of their members and guests, as well as incidents that occur at the activities they sponsor.

The Code applies to behaviors that take place on the campus, at University-sponsored events, and off-campus, if it is determined that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- Any situation involving conduct that constitutes a violation of local, state, or federal law
- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of themselves or others
- Any situation that significantly impinges upon the rights, property, or achievements of self or others
- Any situation that significantly breaches the peace and/or causes social disorder
- Any situation that is detrimental to the educational mission and/or interests of the University

### Violations of the Law

As Winthrop students are expected to abide by local, state, and federal laws, any students, or student organizations who violate the law, may be subject to action under this Code, in addition to any penalty imposed by a legal authority. In these instances, student conduct action taken by Winthrop may precede a resolution by a legal authority.

The Code may be applied to behavior conducted online, via email, or other electronic mediums. As online postings, such as blogs, web postings, chats and social networking sites are discoverable in the public sphere, these postings can subject a student to allegations of misconduct. Winthrop University can take action on any online behavior prohibited under the Code that it becomes aware of, including, but not limited to, intentional harassment, disruption, and the issuance of true threats. Winthrop University defines a true threat as “a threat a reasonable person would interpret as serious expression of intent to inflict bodily harm upon specific individuals”.

## **Section 2. Statement of Student Rights and Responsibilities**

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Winthrop University recognizes that its students retain all the rights provided by the constitutions of the United States and State of South Carolina, Federal and state statutes, and applicable University policies, while attending the University. Free inquiry and free expression are indispensable to the attainment of these

goals. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom of the individual may be defined as the right to act or speak, so long as it does not adversely affect the rights of others. Believing in this concept, Winthrop University will protect freedom of action and freedom of speech for both students and employees, so long as it does not interfere with students' living and study conditions and the administration of its affairs. It shall constitute a disruptive act for any member of the campus community to engage in any conduct which would substantially obstruct, interfere with or impair instruction, research, administration, authorized use of University facilities, the rights and privileges of other members of the Winthrop community, or disciplinary proceedings. Moreover, Winthrop University is committed to improving the quality of campus life by promoting an inclusive educational experience. Therefore, bias-driven misconduct will not be tolerated.

Rights and freedoms imply duties and responsibilities. Note should be taken that a student who exercises his or her rights as a private citizen—whether individually or as a member of a group—must assume full responsibility for their actions.

### **Section 3. Authority**

Under normal circumstances, the Vice President for Student Affairs (VPSA) will designate the responsibility for the operation of the Code to the Dean of Students (Dean). This responsibility includes formulating and implementing operating procedures for the resolution of student conduct matters in an efficient, fair, impartial, and educational manner, as well as deputizing hearing authorities, and educating the campus community about the Code.

#### Hearing Officers

The Dean may further delegate responsibility to individual administrators, including but not limited to Assistant Deans, Directors, Assistant Directors, and Residence Life professionals within the division. Administrative hearing officers are trained and authorized to hear and resolve cases. For the purpose of this policy these administrators will be referred to collectively and individually, as Hearing Officers.

#### Student Conduct Board

The Dean will also delegate responsibility to the Student Conduct Board. The Student Conduct Board is a group of students, staff, and faculty trained by the Dean of Students Office, to hear cases of alleged violations of the Code. Any student who has allegedly violated the Code has the option to have their case heard by the board.

The Student Conduct Board shall consist of the following 15 members: A chair appointed from the faculty by the Provost and Executive Vice President for Academic Affairs, four faculty members appointed by the Provost and Executive Vice President for Academic Affairs, two faculty members elected by the Faculty Conference, four staff members appointed by the Vice

President for Student Affairs, one graduate student appointed by the Dean of the Graduate School, and three undergraduate students appointed by the Council of Student Leaders. Except for those cases involving allegations of Sexual Misconduct, each case brought before the Student Conduct Board will be heard by a five-member panel comprised of two students and three faculty/staff members. Cases involving allegations of Title IX Prohibited Conduct are administered under a separate process as required by federal regulations and the Winthrop Interim Title IX Sexual Harassment Policy. Due to the sensitive nature of these cases, this panel will not include students. More information about Title IX hearings can be found in the [Interim Title IX Sexual Harassment Policy](#).

## Section 4. Prohibited Conduct

The University considers the behavior described in the following subsections as inappropriate for the Winthrop community and in direct opposition to the core values set forth in this code. These expectations and rules apply to all admitted students, whether undergraduate, graduate, full-time, part-time, degree-seeking, or non-degree seeking, or auditing, as well as student organizations.

**Integrity – Winthrop students exemplify honesty, integrity, and honor in their pursuit of knowledge, truth, and all endeavors. Behavior that violates this value includes but is not limited to:**

1. **Falsification.** Knowingly providing false information during matters of record and transaction, including but not limited to, the application for admission, petitions, requests, student conduct hearings, investigations, complaints, reports, campus job applications, financial instruments or other matters of record involving Winthrop University business and personnel.
2. **Academic Misconduct.** Acts of academic dishonesty, which include but are not limited to:
  - a. Misrepresentation of someone else’s work as one’s own providing or receiving assistance in a manner not authorized by the professor in the creation of work to be submitted for academic evaluation including papers, projects, and examinations
  - b. Presenting, as one’s own, the ideas or words of another for academic evaluation without proper acknowledgement
  - c. Completing unauthorized academic work for which another person will receive credit for or be evaluated
  - d. Presenting the same or significantly similar papers or projects in two or more courses without the explicit permission of the professors involved
  - e. Attempting to influence one’s academic evaluation by means other than academic achievement or merit
  - f. Serving as an accessory to academic misconduct. Such as a student who writes a paper or does an assignment for another student or any student who knowingly permits another student to copy their own work

3. **Misuse of University Documents.** Forging, transferring, altering, or otherwise misusing any Winthrop document, including identification cards, course registration material, or other document or record.
4. **Misuses of University Facilities.** This includes unauthorized presence in or forceful entry into a University facility or University-related premises as well as improperly accessing or tampering with University software and/or information systems.
5. **Taking of Property.** Unauthorized taking of University property or the individual property of another, including goods, services, and other valuables. This includes knowingly accepting, maintaining, and/or possessing stolen property.
6. **Misappropriation or Misuse of Student Club/organization Funds or Property.** This includes, but is not limited to, over-extension of the budget of a student club/organization; spending monetary receipts prior to proper deposit; and unauthorized personal use of the equipment or funds owned or managed by a student club/organization.
7. **False Reporting.** The intentional false reporting of a bomb, fire or other emergency in any building, structure, or facility by means of activating an alarm or in any other manner is prohibited. This includes the intentional tampering, damaging, or misuse of fire equipment that triggers an emergency response.
8. **Collusion.** Any action or inaction with another or others to allow, enable, or assist with behavior that violates the Student Conduct Code or any campus policy.
9. **Trust.** Violations of positions of trust within the University community, including the misuse of privileges granted due to a leadership position, included but not limited to, Resident Assistants, Orientation Leaders, Peer Mentors, Council of Student Leaders, officers of registered student organizations, student workers, and graduate assistants/associates.

**Respect – Winthrop students show positive regard for each other, for property, and for the community. Students will conduct themselves and treat others in a reasonable and respectful manner. Behavior that violates this value includes, but is not limited to:**

10. **Actual or Threatened Physical Assault, Injury, or Harm to Persons.**
11. **Sexual Misconduct.** Violations of prohibited conduct as found in the Winthrop [University Interim Title IX Sexual Harassment Policy](#)
  - a. Title IX Prohibited Conduct

- b. Non-Title IX Prohibited Conduct – Inappropriate conduct of a sexual nature that by definition or scope, does not rise to the level of a Title IX Prohibited Conduct. This behavior includes but is not limited to: actual or attempted sexual assault, stalking, intimate partner violence, dating violence, domestic violence, sexual exploitation, inappropriate touching, revenge porn, and self-exposure.
- 12. Unwanted Contact.** Engaging in unwanted physical touching of or bodily contact with another individual.
- 13. Unwanted Communication.** Engaging in communication with a person after they have made a reasonable request to have no further communication/contact.
- 14. Bullying.** Intimidating or threatening an individual with harm is prohibited. Bullying is defined as any pattern of gestures, electronic communication, or written, verbal, physical, or sexual acts that are reasonably perceived to have the effect of harming a person physically or emotionally, damaging a person’s property or placing them in reasonable fear of personal harm or property damage or causing them to engage in self-harm.
- 15. Disorderly Conduct.** Any individual or group behavior that is considered inconsistent with the University’s values. Disorderly conduct may include but is not limited to:
- a. Behavior that disrupts or threatens to disrupt the function of the University
  - b. Contemptuous or disrespectful behavior
  - c. Boisterous or threatening conduct which is unreasonable for the area, time, or manner in which it occurs
  - d. Targeting. This includes engaging in deliberate acts to ridicule, cause harm, or bring shame to an individual or group
  - e. Provocation. This includes using abusive epithets that when directly addressed to any ordinary person, in the context used and as a matter of common knowledge, are inherently likely to provoke an immediate violent reaction, whether or not they do so. Such words include, but are not limited to, those terms widely recognized to be derogatory references to race, ethnicity, religion, sex, gender, sexual orientation, and disability
  - f. Lewd, indecent, or obscene conduct; public exposure; or public urination
  - g. Obstructing or impeding teaching, research, educational, administrative, conduct proceedings, or any other University activities or function; including public service functions on or off-campus, or of other authorized non-Winthrop activities when the conduct occurs on campus
  - h. Obstructing or impeding the learning environment inside or outside the classroom (I.e., residential facilities, dining halls, campus center, library, West center, etc.)
  - i. Excessive, persistent, and unreasonable requests and/ or demands for attention from faculty, staff, and/or other students
  - j. Hindering or preventing Winthrop personnel from carrying out their professional responsibility. This item includes non-Winthrop personnel that have been authorized or contracted to provide a service to the University or those renting/reserving University facilities to host an event or meeting
  - k. Obstructing the free flow of pedestrian or vehicular traffic on Winthrop property or at Winthrop-sponsored or supervised functions.

**16. Violation of Privacy.** Using any electronic device to make an audio, video, or photographic record of any individual without that person's knowledge and consent, while the person is in a place where they have a reasonable expectation of privacy. Examples include, but are not limited to, meetings with staff or faculty, residence hall rooms, bathrooms, locker rooms, study areas, instructional space, and communal areas. This item excludes students with accommodations approved by the Office of Accessibility to audio or video record within and limited to the duration and scope of that approval.

**Social Justice – Winthrop students are just and equitable in their treatment of all members of the community. Students recognize and respect the dignity of all persons. Behavior that violates this value includes, but is not limited to:**

**17. Discrimination.** Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the University educational program or activities.

**18. Discriminatory Harassment.** Any unwelcome conduct based on an actual or perceived protected status including, but not limited to: Sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, or other protected status. This does not include behavior (gender-based harassment) that rises to the level of Title IX prohibited conduct, as such behavior will be handled under the [Interim Title IX Sexual Harassment Policy](#). Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community.

**19. Hostile Environment.** Behavior that creates an unwelcome environment sufficiently severe, pervasive (or persistent) and objectively offensive to the point that it unreasonably interferes with, limits, or denies the ability to participate in or benefit from the University/College's educational programs or activities. Sexual misconduct that creates a hostile environment will be handled under the [Interim Title IX Sexual Harassment Policy](#).

**20. Retaliation.** Intimidation, harassment, or any form of retaliation against a person reporting an incident, participating in an investigation, hearing, or any student conduct matter, including faculty, staff, or student staff who are in the process of carrying out their official responsibilities.

**Community – Winthrop student build and enhance their community. Behavior that violates this value includes, but is not limited to:**

**21. Possession and/or Use of Firearms, Weapons, or Dangerous Items.** Winthrop University prohibits the presence of dangerous weapons/ items on our campus. This includes, but is not limited to: firearms, fireworks or any item with gun powder, bladed weapons longer than 2 inches, projectile devices, explosive devices, and hazardous chemicals.

**22. Damage to Property.** Damage, destruction, defacement, or alteration of University property or property of any person as the result of a deliberate or negligent action or because of reckless or imprudent behavior.

**23. Unauthorized Use of the Name or Insignia of the University by Individuals or Groups.**

**24. Unauthorized or Misuse of University Property or Equipment.** This Includes, but not limited to, all real property of the campus and fixtures, educational equipment, laboratory supplies, art supplies, musical instruments or equipment, recreational equipment, fitness equipment, audio visual equipment, computers, printers, phones or Wi-fi services.

**25. Computer Abuse.** This includes, but is not limited to, illegal downloading, plagiarism of programs; misuse of computer accounts; unauthorized destruction of files; using another's credentials to access University, creating illegal accounts; possession of unauthorized passwords; and disruptive or annoying behavior on the University's computer systems.

**Responsibility – Winthrop students assume full responsibility for themselves in all respects: for their actions, thoughts, personal growth, and development. Behavior that violates this value includes, but is not limited to:**

**26. Alcohol.** Alcohol violations include but are not limited to:

- a. The purchase, consumption, or possession of alcohol by any person under the age of 21
- b. The sale or transfer of alcoholic beverages to any person under the age of 21.
- c. Driving or operating a motorized vehicle while under the influence of alcohol with a blood alcohol level above the legal limit permitted for drivers by South Carolina Law
- d. The public or open display or consumption of alcohol in any place not specifically licensed for public consumption.
- e. Public Intoxication – Being intoxicated in public attributable in part or in whole to the consumption of alcohol
- f. Failure to abide by procedures for hosting events that serve Beer/Wine as found in the [Alcoholic Beverage Policy](#) .



- 27. Drugs.** Drug violations include but are not limited to:
- a. The possession, consumption, or use of drugs or narcotics in accordance with State statutes, including prescription drugs without a corresponding prescription
  - b. The possession or use of drug paraphernalia, including but not limited to bongs, bowls, pipes, roach holders, baggies, or scales
  - c. The actual or attempted manufacture, distribution, sale, offer for sale, or delivery of drugs or narcotics
  - d. Huffing or sniffing any substance that is not intended for such use
  - e. Misusing medically prescribed or over-the-counter drugs
  - f. Operating a motorized vehicle while under the influence of or impaired by any drugs or narcotics
  - g. Being intoxicated in public, attributable in part or in whole to the use of drugs

**28. Behavior or Activities that Endangers the Health and Safety of Oneself or Others.**

This includes, but is not limited to:

- a. Intentionally or recklessly causing any act that creates a substantial risk of physical harm to others, including the incitement or influencing of others to act recklessly
  - b. Creation of safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.) is prohibited.
  - c. Violation of temporary or permanent published safety guidelines
  - d. Behavior that creates a health risk to individuals or the community as a whole
- 29. Failure to Comply.** Failure to comply with a reasonable request of University personnel/officials or law enforcement officers carrying out the responsibility of their duties and/or failure to identify oneself to these persons when requested to do so.

**30. Failure to Complete.** Violations of any of the restrictions, conditions or terms of any sanctions resulting from a previously held conduct hearing or failure to complete conditions or terms within the designated time.

**31. Violation(s) of the Residence Hall Contract.** This includes egregious single or repeated violations of the [Residence Hall Contract](#).

**32. Violations of University Policies and Procedures.** Failure to abide by any published University policy or procedure, including but not limited to Interim Title IX Sexual Harassment Policy, Social Event guidelines for student organizations, Membership Intake policies for Greek-letter organizations, temporary or permanent health and safety guidelines.

## Section 5. Incident Reporting

Each member of the Winthrop community plays an active role in maintaining a safe campus environment. Therefore, all students, staff, and faculty have a duty to report any prohibited behavior or incidents of misconduct they observe. Incidents involving the following behaviors must be reported immediately:

- Any incident involving a violation of a criminal law. These incidents should always be reported to Winthrop Police
- Any incident involving immediate or imminent threat of harm or injury to self or another person(s)
- Any incident which threatens the health and safety of the community as a whole
- Any incident which could result in serious damage to or destruction of Winthrop University property

While incidents can be reported at any time, those who are impacted by, witness, or become aware of misconduct are encouraged to report it as quickly as possible so that the risk to the campus community can be mitigated and the University can collect the information needed to respond accordingly. Reports can be submitted anonymously, however, doing so may limit the University's ability to investigate and respond accordingly.

Incident Reports can be submitted via the following:

- Electronically - [Report an Incident](#)
- Email – [deanofstudents@winthrop.edu](mailto:deanofstudents@winthrop.edu)
- Phone – Dean of Students Office (803) 323-4503, Campus Police (803) 323-3333

## Section 6. Student Conduct Procedures

All students and student organizations are subject to the procedures prescribed in this Code. This overview gives a general idea of how the University's student conduct process works, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and can be adapted as needed to accommodate unique circumstances, including but not limited to students enrolled in remote learning, on-line degree programs and residential visitors enrolled in summer camps and high school enrichment programs. All actions authorized by this Code shall be documented and maintained by the University via digital/electronic records.

### Incident Report

All student conduct proceedings begin with a report of alleged misconduct. Winthrop University receives incident reports from a variety of sources (individual students, Resident Assistants, faculty, staff, Winthrop Police, parents, online, etc.). Once the Dean or designee is notified that an alleged violation has occurred, they will review the content of the report and then conduct a preliminary investigation to gather more information regarding the allegation. Once information

has been gathered, the Dean or designee will facilitate an informal or administrative resolution or provide formal written notice to the respondent that formal student conduct proceedings will ensue or dismiss the report or complaint due to insufficient information. Any incident that involves a violation of the law, may also be referred to a law enforcement agency, for a criminal investigation.

### Informal Process

If the situation warrants, the Dean or designee may resolve lower-level violations informally, by having an educational conversation with an individual student, conducting a facilitated mediation, or by guiding a dialogue with a group of students.

### Administrative Process

If the circumstances are appropriate, the Dean of Students or designee may resolve common, lower-level violations administratively, via a written reprimand, or by issuing sanctions directly via written notice. Circumstances that would allow for a situation to be resolved through the Administrative Process include but are not limited to:

- There is a preponderance of the evidence that a student has been involved in a violation of the Residence Hall Contract or Community Living Standards
- There is little additional information needed to resolve the case
- Information relevant to the policy violation and community expectations may be communicated to the student in writing, without a face-to-face meeting
- The appropriate response to the violation is limited to an official written notice to the student educating them about the policy that has been violated.

If a student accumulates more than two single lower-level violations or multiple violations during one incident, they may be referred to the student conduct process. Examples of lower-level violations, include but are not limited to, noise complaints, violations of the guest policy, propping exit doors, and other non-egregious violations that occur in the residence halls.

### Student Conduct Process

1. Notification – Once it is determined that the student conduct process will be initiated, the student or student organization alleged of misconduct (respondent), will be provided written notification of the allegations. This notification will provide specifics about the alleged violation, inform the student to arrange a pre-hearing interview with the corresponding University Official within five (5) business days, and provide an electronic link to the Student Code for the student to review prior to the pre-hearing interview.
2. Pre-Hearing Interview –The purpose of the prehearing interview is to ensure that the responding student/party will be sufficiently familiar with the student conduct process to prepare and present a response at the hearing. At this interview the respondent will be advised:

- Immediately of the right to decline to make any statements to avoid the possibility of self-incrimination. Refusal to speak or to answer questions shall not be interpreted as evidence of responsibility.
  - Of the alleged violations and an provided with an explanation of the prohibited conduct. The student will be advised if suspension or expulsion is possible outcome of the hearing.
  - Of their right to review any information that will be considered in deciding whether their behavior was in-violation
  - Of their right to present any information that they wish to be considered in determining whether their behavior is in-violation
  - Of the identity of witnesses or others who will testify, the general content of their testimony, and the content of any written material or physical exhibit which will be presented at the hearing. If additional information or new witnesses are to be presented at the hearing, the respondent will be informed at least three (3) days prior to the hearing date and the information will be made available for the student's review.
  - That a list of those witnesses requested by the respondent must be provided and any written statements by those witnesses must be included in the case file three (3) days prior to the hearing. Any additional written information must be made available to the hearing officer at least three (3) days prior to the hearing date, for a determination of relevancy, and to be included in the case file for the hearing authority to review.
  - Of their right to an advisor. Advisors may be present at all meetings throughout the process, and their role is to support the respondent and consult with them at reasonable intervals. Except for in Title IX hearings, advisors may not address any hearing officers Conduct Board, or any other hearing authority at the pre-hearing interview or hearing, unless permitted by the official or board.
  - Of their right to consult with the Dean of Students or designee regarding any questions they have about the procedure.
  - That hearings are scheduled to provide the respondent a minimum of five (5) business days from the date of notification of charges (excluding weekends and holidays) during which to prepare a response.
  - That any request for a delay of the hearing must be in the form of a written petition to the Dean of Students Office, which schedules hearings and determines whether a delay will be granted. Such a delay will not affect the student's status.
  - That the Dean of Students Office may choose to delay the hearing for good cause. Such a delay will not affect the student's status.
  - Of their options for resolution of the misconduct alleged. The severity of the misconduct alleged shall be considered in scheduling a hearing
  - Of their right to review their student conduct record or any information that would be considered when determining sanctions, if found in violation.
3. Options for Resolution - At the pre-hearing interview, the respondent will be provided the following options for responding to the allegations brought forth, as outlined below, fully explained:
- Mutual Resolution - The respondent can accept responsibility for the misconduct alleged and elect for the corresponding hearing officer or the Student Conduct Board

to determine an appropriate sanction(s). A hearing officer can deem themselves inappropriate to conduct the hearing, in which case the matter must be heard by the Student Conduct Board.

- Resolution by Hearing - The respondent can deny responsibility for the misconduct alleged and have a hearing with the Student Conduct Board.
- Dismissal - If the hearing officer determines, after or while conducting the pre-hearing interview, that insufficient information exists to justify a hearing, the allegation will be dismissed.

### Hearing Procedures

All hearings are conducted in private session and can be done in-person or virtually. All statements, information, or comments given during hearings will be held in the strictest confidence by members of the Student Conduct Board, and all parties participating in the process. Video, audio, stenographic, or photographic recording of student conduct hearings are prohibited, except as authorized by the hearing authority. All hearings follow an established protocol, which is provided to the parties in advance of the hearing. The hearing authority will exercise control over the hearing to ensure the hearing follows protocol and is conducted in a civil manner. Except for those involving allegations of Title IX, which is determined under the [Interim Title IX Sexual Harassment Policy](#), prohibited conduct, hearings will follow the procedures listed below:

- The Dean of Students or designee is responsible for scheduling, coordinating, and presenting all cases
- All hearings shall be conducted in an informal manner and technical rules of evidence will not be applied. The taking of statements of witnesses may be done by discussion, though the testimony of each witness may be subject to question and rebuttal. While written statements are admissible, the respondent shall have the opportunity to question and rebut the testimony, unless extenuating circumstances preclude this option. Any written witness statements must be available in the file for review three (3) days prior to the hearing date
- Witnesses shall be present during a hearing only during the time they are testifying
- During cases in which there is a complainant or impacted party (theft, sexual misconduct, harassment, hazing, physical assault, etc.), the impacted party may be present throughout the hearing along with an advisor. The respondent may also have an advisor present. In cases of this nature, the parties are not permitted to question each other directly. All questioning between the two parties will be conducted through the chair of the Student Conduct Board who will then pose the question to the corresponding party
- The Dean of Students or designee will make an audio recording of all hearings conducted to determine whether a student is in violation. The respondent shall have the right, upon request, to listen to the recording in the presence of a staff member of the Dean of Student Office. The respondent may request a transcript or duplicate copy of the recording within a period of six months from the date of the hearing and must assume the cost of this expense.

During a hearing, the respondent is entitled to:

- Appear in person, hear all information presented and present any relevant information, call witnesses, and ask questions of witnesses present at the hearing
- Elect not to appear at the hearing, in which case the hearing may be conducted in their absence
- Refuse to answer any questions or make a statement; after which, the hearing authority shall make its decision solely based on information presented at the hearing
- Challenge the presence of a Student Conduct Board member for cause. Cause is defined as personal bias, prior involvement, or inappropriate access to information concerning the incident. The removal of a Student Conduct Board member for cause will be at the discretion of the remaining board members as determined by majority vote

### Hearing Decisions

Upon completion of the hearing, the hearing authority shall deliberate in private session to consider the information presented to determine responsibility or to dismiss the allegation(s) due to insufficient information. The hearing authority shall consider only the information presented at the hearing and make determinations of responsibility using a preponderance of the evidence standard; meaning that it is “more likely than not” that a violation of the Code occurred. This same standard of proof will be used when determining responsibility for allegations of sexual misconduct.

To find a student in-violation, a majority vote of council members shall be required to find a student responsible and to assign a sanction. Five members constitute a quorum. If the Student Conduct Board determines a respondent’s behavior is in-violation, they may consult with the Dean of Students or designee to determine an appropriate sanction.

If responsibility is acknowledged, or determined, prior to the determination of the sanction(s), the hearing authority shall allow the introduction of information concerning the past conduct record of the respondent and a victim impact statement which details the violations impact on the victim. The statement may be written or oral. These will be provided in the presence of the respondent. If the respondent is found to be in violation does not choose to be present, the student’s prior conduct record and victim impact statement will be introduced in their absence.

### Notification of the Decision

Upon completion of all deliberations, the hearing authority will notify the respondent of the full decision. The written decision from the hearing authority shall consist of written confirmation of the decision including the findings of fact, the determination of responsibility, a rationale, and the complete description of any sanction imposed or the decision to drop the charges due to insufficient information. The hearing authority will provide this information in writing via electronic letter (email) to the respondent in a timely manner matter, usually within 3 business days after completion of the hearing.

### Failure to Respond

If the respondent has been properly notified of the alleged violations and does not schedule a pre-hearing interview within five (5) business days, a registration hold will be placed on their

account. The Dean of Students or designee will then schedule a hearing date and notify the responding student/party via their campus email address of the hearing date. If the respondent does not attend the scheduled hearing, or requests an alternate date for the hearing, the hearing will be conducted by the corresponding hearing authority or Student Conduct Board, in their absence. The respondent will be considered properly notified when the formal notification letter and a letter scheduling the hearing have been delivered electronically to the student via their campus email address.

## **Section 7. Academic Integrity**

Academic integrity is a fundamental tenet of the Winthrop learning community. If it is suspected that a student, undergraduate or graduate, has engaged in academic misconduct, the following procedural guidelines are to be followed:

- **Notification** - Professors must report academic integrity violations to the Dean or designee, so that violations can be documented and tracked. When a professor believes that it is more likely than not that academic misconduct has occurred, the professor shall notify the student in writing (email), within 30 days of discovering the academic misconduct. The [notice](#) will inform the student of the offense (time, date, course, and circumstances), their academic consequences, and their right to contest the allegation. The professor will provide the student with copies of their work along with all evidence of the violation, upon request. Professors may consult with a designee from the Dean of Students office prior to notifying a student of academic misconduct.
- **Response** - The student is given five (5) business days (excluding weekends, holidays, and unplanned closures) from the first written notice to respond. If the student acknowledges responsibility for the academic misconduct or does not respond to the written notice within five business days, the academic consequences shall be imposed by the professor who will also submit an [electronic report](#) to the Dean of the college and the Dean of Students Office. A student accused of academic misconduct may consult with a designee from the Dean of Students Office prior to responding.
- **Evaluation** – Upon receipt of the academic misconduct report, The Dean or designee will evaluate the students conduct record. Only violations that have been reported to the Dean or designee, will be counted as priors. If the student has prior misconduct on their record, or the misconduct is considered egregious, the Dean of Students (or designee) may initiate the student conduct process by sending the student a notification letter. All student conduct proceedings may be conducted remotely to accommodate distance learners and unique circumstances.
- **Conduct Proceedings**– A student accused of academic misconduct can contest the allegation and request the matter be resolved through the student conduct system, which affords the student the right to a hearing. The purpose of the hearing is to determine if the

student is responsible for the misconduct alleged. Students cannot request a hearing to contest the severity of the academic sanction imposed. If the student is deemed by the hearing authority to be responsible for the violation, the professors' sanctions shall be imposed, and the hearing authority may also include educational sanctions to prevent the re-occurrence of further violations. If the hearing authority determines the student was not responsible for a violation, no academic consequences within the course can be imposed by the professor. If a student wishes to request a hearing, they student must inform their professor and the Dean or designee in writing (email), that they would like to request a student conduct hearing. Upon receipt of the request, the Dean or designee will then send a notification letter to the student to initiate the student conduct process.

- Consultation - The Dean or designee is responsible for assisting students, professors, and hearing authorities in matters of process and procedure associated with Winthrop's academic misconduct policy. Professors and/or students may consult with the Dean or designee to gain clarity on the process/procedure, or to request an informal review of the matter. The Dean or designee is also responsible for informing the student, faculty, and Dean of the college in which the student is enrolled, of the outcome/resolution of the case, which is provided in writing. All academic misconduct records will be maintained by the Dean of Students Office.

#### Supplementary Procedures for Cases of Graduate Academic Misconduct

Professors will follow the same procedures for graduate student academic misconduct as for undergraduate students. However, due to specific academic accreditation requirements, if the academic penalty causes their GPA to fall, graduate students found responsible for academic misconduct may also face dismissal from their respective graduate program. The procedures for academic dismissal from a graduate program due to academic performance are separate from academic misconduct procedures and can be found here: [Graduate School Academic Dismissal](#) .

## **Section 8. Sanctions**

When a student or student organization is found to be in violation of a campus policy, the hearing authority will issue sanctions. The purpose of sanctions is threefold: to repair harm, prevent the occurrence/re-occurrence of harmful behaviors, and to educate individual students on how to be responsible community members. Sanctions are designed to be educational and to connect students with resources and tools that can help promote growth and learning, while holding them accountable for the behavior in question. The severity of the sanction(s) issued is intended to correspond with the severity or frequency of the behavior in violation. Several factors will be considered when determining an appropriate sanction for a violation of the Code, including but not limited to:

- The seriousness, severity, persistence, or pervasiveness of the prohibited conduct
- The nature or violence (if applicable) of the prohibited conduct
- The impact of the violation on individual members of the University community or the community as a whole



- The maintenance of a safe, nondiscriminatory, and respectful learning environment
- The respondent's prior student conduct record with the University.
- Whether the respondent has accepted responsibility for the prohibited conduct
- The respondents' willingness to recommit themselves to good citizenship
- Any other mitigating, aggravating, or compelling factors that the presiding hearing authority determines to be relevant and admissible.

A list of potential sanctions can be found by accessing the following link:  
[Student Conduct Sanctions](#)

## Section 9. Appeals

A student may appeal a Hearing Officer/Authority's decision. An appeal may be sought on two grounds:

- Procedural Error - An error in the hearing procedure that significantly impacted the outcome of the hearing. Appeals requested on such grounds must be able to show material deviation from established procedures and how they impacted the outcome.
- New Information - On a claim of new evidence or information material to the case which was not available at the time of the hearing or investigation, that could substantially impact the original finding or sanction. Appeals requested on such grounds must include a summary of the new evidence as well as its potential impact and made within the required timeframe.

Appeals must be submitted in writing (email – [deanofstudents@winthrop.edu](mailto:deanofstudents@winthrop.edu) or electronically ([Appeals Request Form](#)) within five (5) business days of the notice of the outcome of the hearing. An appeal is not a new hearing, but rather a review of the record of the original hearing and/or the new evidence/information provided. An appeal may be dismissed if not sought on proper grounds. If an appeal is upheld, the case with procedural specifications shall be referred to the original hearing officer/board. Any sanction imposed as a result of a hearing shall remain in effect during the process of appeal. However, under extenuating circumstances, the Appeal Review Officer has the authority to defer the imposed sanction while an appeal is in process. The Dean of Students, or designee, will refer all requests to the appropriate Appeal Review Officer and then draft a response memorandum to the appeal request(s) based on the Appeal Review Officer's determination and rationale. The Appeal Review Officers are listed below:

Hearing Authority	Appeal Review Officer
Residence Life Professionals	Assistant Directors of Residence Life
Dean of Students or Designee	Vice President for Student Affairs

Student Conduct Board	Vice President for Student Affairs
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Cases involving alleged violations of Title IX Prohibited Conduct, follow a separate set of guidelines, which can be found in the [Interim Title IX Sexual Harassment Policy](#)

## Section 10. Interim Action

Under the Code the Dean of Students or designee may impose interim actions on a student or student organization when it is determined that their presence, behavior, or activity represents an immediate safety concern. Interim action is warranted by potential or threatened danger or disruption and utilized when the serious nature or immediacy of the threat makes it impractical to follow normal disciplinary procedures. Situations that present any of the following elements may warrant interim action:

- A threat of harm to self, or others
- A threat to public health or the health of the campus community
- Allegations of serious criminal activity
- The need to preserve the integrity of an investigation
- The need to protect and preserve University property
- The need to prevent disruption of, or interference with, the normal operations of the University
- Upon notification that a student is facing a criminal investigation and/or arrest.
- Upon notification that a student is facing conduct violations at another educational institution.

### Types of Interim Actions

Interim actions can include mandated assessments, medical referrals, separation from the institution, and/or restrictions on participation in campus activities or from designated areas of campus. Interim actions are issued for no more than ten (10) business days pending the scheduling of a campus hearings. Interim actions authorized by this policy include but are not limited to:

- A University ordered “No Contact” directive, which forbids a student from communicating (verbal, written, or electronic, or third party) with another identified party.
- Temporary relocation of a student to another on-campus residence hall.
- Temporary suspension of a student’s eligibility for enrollment or attendance, as well as denial of the student’s access to campus housing, general or specific facilities or property.
- Temporary suspension or limitation of a student’s campus privileges, such as participation in or attendance of certain events (or certain kinds of events) without the suspension of enrollment status. This interim action may prohibit a student’s presence on

campus property or in certain facilities or impose conditions which must be met for that student to enjoy certain privileges, participate in activities, or attend events.

- Temporary suspension or limitation of a student organization's eligibility to enjoy certain privileges, participation in or attendance at certain events (or certain kinds of events), access to campus facilities or property, or university recognition.

### Procedures for Interim Suspension

During an interim suspension, the student will be provided written notice explaining the reason for, and duration of the action, as well as any conditions that may apply. A student or student organization that receives an interim suspension may request a meeting with the Dean of Students or designee to demonstrate why an interim suspension is not merited and shall be given an opportunity to meet with the Dean of Students or a designee within five (5) business days from the date of the request.

The interim suspension meeting shall be held only to consider the reliability of information alleging a student's misconduct, and/or whether the conduct circumstances indicate the student's presence on campus or continued, unrestricted participation in campus affairs would pose an immediate threat to the safety, health, or welfare of persons or property. It is not the purpose of the meeting to hear information concerning responsibility of pending allegations made against the student. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of campus hearing.

Following the issuance of an interim suspension, standard University conduct procedures shall be provided as expeditiously as possible, unless circumstances render doing such impossible or unreasonably difficult. These procedures shall be initiated within 10 University business days from the effective date of the interim action. Any student who is issued an interim suspension and returns to the campus or University property and/or violates other stated conditions during the specified period shall be subject to further separate action and may be treated as a trespasser. Permission to be on campus for a specific purpose (e.g., to take an exam, to consult with the Dean of Students or designee, or to participate in the conduct process) must be requested and obtained in writing or by telephone prior to arrival and may be granted by the Dean of Students or designee.

At the discretion of the Dean or designee, and in collaboration with the appropriate academic partners, alternative coursework options may be pursued to ensure as minimal of an academic impact as possible on the respondent.

## **Section 11. Student Conduct Records**

A student's conduct record is maintained separately from any other academic or official file at the University. All student conduct records are maintained by the University for seven (7) years from the date of the incident except those that result in separation (suspension, expulsion, removal from housing) and those that fall under Title IX, which are maintained indefinitely. In cases where the student alleged of the misconduct is found not to be in violation, no official conduct record will be retained. When allegations are dropped due, due to insufficient

information, an official conduct record will be maintained until graduation or seven years from the date of the hearing.

#### Disclosure

Student conduct files are considered a part of the educational record and are not released outside of the University without the written consent of the student, or through other legal means. Within the University, a student's conduct record may be shared with individuals who are determined to have a legitimate educational interest in obtaining this information in accord with the Family Educational Rights and Privacy Act of 1974. A student may request to view a copy of their student conduct record or have their record amended due to inaccuracy. Additional information on accessing student conduct records can be found by accessing the following link: [Winthrop FERPA Rights](#)

#### Transcript Notation

The sanctions of expulsion and suspension are the only conduct sanctions that are entered into a student's permanent record (transcript). However, the University reserves the right to enter a notation, if a student leaves (withdrawal or graduation) the University prior to resolving a student conduct case that is serious in nature (involves violence or sexual violence, presents a threat of harm to others, would likely result in a suspension or expulsion).

**The Vice President of Student Affairs can adopt special hearing procedures to accommodate situations that present unique circumstances. Special hearing procedures include, but not limited to appointing alternate members of the faculty and staff to serve as hearing authorities, during holidays and the summer months, convening smaller panels to hear a case, appointing an alternate Appeal Review Officer, and assigning a case to be heard by an external authority.**