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**TITLE:** THE STUDENT CODE FOR THE SOUTH  
CAROLINA TECHNICAL COLLEGE SYSTEM

**POLICY  
REFERENCE NUMBER:** 3-2-106

**DIVISION OF  
RESPONSIBILITY:** ACADEMIC AFFAIRS

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**DATE OF LAST REVISION:** September 13, 2007

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**VICE PRESIDENT, ACADEMIC AFFAIRS**

  
**EXECUTIVE DIRECTOR**

## **GENERAL PROVISIONS**

### **I. Principles**

Technical/community college students are members of both the community at large 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 the larger community of which the college is a part, students are entitled to all rights and protection accorded them by the laws of that community.

By the same token, students are also subject to all laws; the enforcement of which is the responsibility of duly constituted authorities. When students violate laws, they may incur penalties prescribed by legal authorities. In such instance, college discipline will be initiated only when the presence of the student on campus will disrupt the educational process of the college. However, when a student's violation of the law also adversely affects the college's pursuit of its recognized educational objectives, the college may enforce its own regulations. When students violate college regulations, they are subject to disciplinary action by the college whether or not their conduct violates the law. If a student's behavior simultaneously violates both college regulations and the law, the college may take disciplinary action independent of that taken by legal authorities.

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The Student Code for South Carolina Technical Colleges sets forth the rights and responsibilities of the individual student.

## II. Solutions of Problems

The college will seek to solve problems by internal procedures of due process. 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 2 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.

## III. 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.

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- 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 a person taking any course(s) offered by the college.
  - 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 Student Government Association of the college.
  - 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. "Suspension" means a temporary separation of the college and student under specified conditions.
  - M. "Expulsion" means permanent separation of the college and student.

## **STUDENT CODE**

- I. General Rights of Students
  - A. Nondiscrimination-- There shall be no discrimination in any respect by the college against a student, or applicant for admission as a student, based on race, color, age, religion, national origin, sex or disability.
  - 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.

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Students desiring to conduct an assembly must submit a request to the President, or other designated college official, requesting a specific date, time, location, and manner no later than 15 working days prior to the date of the desired event. The request will be approved, amended, or denied no more than 10 working days prior to the desired event.

- C. Freedom of the Press-- In official student publications, they 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. Protection Against 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. Student Representation in College Governance-- Students should be represented on campus committees that have the following duties:
  - 1. To propose policy that affects student activities and conduct.
  - 2. To make policy decisions on such matters.
  - 3. To implement policy.
- F. Classroom Behavior-- Discussion and expression of all views relevant to the subject matter is 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.

The instructor sets the standards of behavior acceptable in the classroom by announcing these standards early in the term. If a student behaves disruptively in class after the instructor has explained the unacceptability of such conduct, the instructor may dismiss the student for the remainder of that class period.

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The instructor shall initiate a discussion with the student to resolve the issue prior to the next class meeting. A further disruption by the student may result in a second dismissal and referral in writing by the faculty member to the Chief Student Services Officer. These procedures for classroom behavior do not limit the action that may be taken for proscribed conduct under Section III herein and instructors may dismiss students from class for the remainder of the class period for such conduct. Students remain subject to other sanctions hereunder for such conduct.

- G. Evaluation and Grading-- Instructors will follow the announced standards in evaluating and grading students.

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

- H. 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.

I. Records

1. General

The student records office will maintain and safeguard student records. All official student and former student records are private and confidential and shall be preserved by the college. Separate record files may be maintained for the following categories: (1) academic, (2) medical, psychiatric and counseling, (3) placement, (4) financial aid, (5) disciplinary, (6) financial, and (7) veterans affairs.

2. Confidentiality of Records

Before information in any student file may be released to anyone, the student must give prior written consent except in those instances stated below:

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- a) To instructors and administrators for legitimate educational purposes.
  - b) To accrediting organizations to carry out their functions.
  - c) To appropriate parties to protect the health and safety of students or other individuals in emergencies with the understanding that only information essential to the emergency situation will be released.
  - d) The Chief Student Services Officer may release directory information as authorized by the college through federal and state privacy legislation.
  - e) If the inquirer has a court order, the Chief Student Services Officer or someone designated by that official will release information from the student's file.

3. Disciplinary Records

Records of disciplinary action shall be maintained in the office of the Chief Student Services Officer. No record of disciplinary action shall be entered or made on the student's academic records.

4. Treatment of Records after Student Graduation or Withdrawal When students withdraw or graduate from a technical/community college, their records shall continue to be subject to the provisions of this code.

## II. Student Government and Student Organizations

### A. Student Government Associations

The college Student Government Association's constitution, as approved by the area commission, establishes the governance structure for students at a college. Amendments to the constitution require approval as stipulated in each Student Government Association constitution.

### B. Student Organizations

An essential prerequisite for a student organization to be approved is that it has educational importance and that its objectives be clearly explained in a proposed charter.

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The formation of organizations strictly as social clubs should be discouraged. Prior to consideration for approval as an organization, an organization constitution or bylaws must be prepared, and a person must be identified who is willing to serve as advisor, and the names of charter members must be submitted.

### III. Proscribed Conduct

#### A. General

Certain conduct is proscribed and upon violation of such proscriptions, a student shall be subject to one or more of the sanctions specified in Section IV.D.2.c. However, it is expected that the more severe sanctions of suspension and expulsion will be imposed sparingly and only for more extreme or aggravated violations or for repeated violations.

#### 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 who violates the law will be turned over to the appropriate authorities.

In the event of illegal or disruptive activity on a college campus, the Chief Student Services Officer or other administrative officer will request those involved either to leave the campus or abide by regulations governing uses of, or presence on, the campus. The Chief Student Services Officer or other official will further announce that failure to disperse will result in enforcement of Section 16-17-420 of the South Carolina Code of Laws pertaining to illegal or disruptive activity on a college campus. According to South Carolina law, "It shall be unlawful for any person willfully or unnecessarily (a) to interfere with or disturb in any way or in any place the students or teachers of any school or college in this state, (b) to enter upon any such school or school premises, (c) to loiter around the premises, except on business, without the permission of the principal or president in charge, or, (d) to act in an obnoxious manner thereon." (Section 16-17-420 part 2 of South Carolina Code of Laws).

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C. Academic Misconduct

All forms of academic misconduct including, but not limited to, cheating on tests, plagiarism, collusion, and falsification of information will call for discipline. Alleged violations will be handled according to the procedures presented in Section IV.B.

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" means 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.
- D. Falsification of information, and other unlawful acts, with intent to deceive is defined as:
1. Forgery, alteration, or misuse of college documents, records, or identification cards.
  2. Destruction of evidence with the intent to deny its presentation to the appropriate hearing or appeals panel when properly notified to appear.

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

1. Physical or verbal abuse inflicted on another person.
2. Severe emotional distress inflicted upon another person.
3. Theft, destruction, damage, or misuse of the private property of members of the college community or non-members of the college community occurring on campus or off campus during any college approved activity.
4. Sexual harassment inflicted on another person. This is defined as sexual discrimination where the harassing conduct created a hostile environment. Therefore, unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when the conduct is sufficiently severe, persistent, or pervasive to limit an individual's ability to participate in or benefit from the education program, or to create a hostile or abusive educational environment.
5. Stalking, defined as engaging in a course of conduct that would place a reasonable person in fear for their safety, and that has, in fact, placed an individual in such fear.

F. Other unlawful acts which call for discipline include, but are not limited to:

1. Destruction, theft, damages, or misuse of college property occurring on or off campus.
2. Unauthorized entry upon the property of the college after closing hours.
3. Unauthorized presence in any college facility after hours.

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4. Unauthorized possession or use of a key to any college facility or other property.
  5. Possession or use on campus of any firearm or other dangerous weapon or incendiary device or explosive unless such possession or use has been authorized by the college.
  6. Possession, use or distribution on campus of any narcotics, dangerous, or unlawful drugs as defined by the laws of the United States or the State of South Carolina.
  7. Possession, use, or distribution on campus of any beverage containing alcohol.
  8. Violation of institutional policies while on campus or off campus when participating in a college sponsored activity.
  9. Violation of South Carolina and/or federal laws while on campus or off campus when participating in a college sponsored activity.
  10. 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.

#### IV. Rules of Student Disciplinary Procedure and Sanctions

The sanctions that follow are designed to channel faculty, staff or student complaints against students. Due process of law is essential in dealing with infractions of college regulations and state and federal statutes. Consequently, any disciplinary sanction imposed on a student or organization will follow the provisions of this code.

##### A. Administrative Suspension

1. If an act of misconduct threatens the health or well being of any member of the academic community or seriously disrupts the function and good order of the college, an administrative officer may direct the student involved to cease and desist such conduct and advise the student that failing to cease and desist may result in immediate administrative suspension. If the student fails to cease and desist, or if the student's continued presence constitutes a danger, the President of

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the College, or his/her designee, may temporarily suspend the student from the college pending the outcome of a disciplinary hearing on the charge(s).

2. The President, or his/her designee, shall notify the Chief Student Services Officer writing about the nature of the infraction and the name of the student before 5:00 p.m. of the first class day following its imposition of the administrative suspension. The Chief Student Services will inform the student, in writing, about the decision. This written notice will be hand-delivered to the student or sent by certified mail within two working days of receiving the information from the President or his/her designee.

#### 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 meet with the student to discuss this matter. 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.
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) Assign a lower grade or score to the paper, project, assignment or examination involved in the act of misconduct.
  - b) Require the student to repeat or resubmit the paper, project, assignment, or examination involved in the act of misconduct.
  - c) Assign a failing grade for the course.
  - d) Require the student to withdraw from the course.
3. If the student is found responsible for the academic misconduct, within five working days of the meeting, the instructor will submit a written report about the incident and the sanction imposed to the Chief Instructional Officer.

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4. The Chief Instructional Officer, or designee, will send a letter 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 Instructional Officer within seven working days of the date of the Chief Instructional Officer's letter
  5. If the student requests an appeal, the Chief Instructional Officer, or designee, will schedule a time for the meeting. The Chief Instructional Officer, or designee, will send a certified letter to the student. In addition to informing the student that the Chief Instructional Office, or designee, will hear the appeal, this letter must also contain the following information:
    - a) A restatement of the charges
    - b) The time, place, and location of the meeting
    - c) A list of witnesses that may be called
    - d) A list of the student's procedural rights. These procedural rights are presented in of the Student Code and Grievance Procedure, Section V. A. 1.e.
  6. On the basis of the information presented at the appeal, the Chief Instructional 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
  7. The Chief Instructional Officer, or designee, will send the student a letter within two working days of the meeting. This letter will inform the student of the decision and inform the student that the decision can be appealed to the President of the College by sending a letter detailing the reasons for the appeal to the President's Office within five working days.
  8. After receiving the student's request, the President will review all written materials relating to this incident and render one of the following decisions. The President's decision is final and cannot be appealed further.
    - 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 Appeals Committee to re-hear the case according to the procedures listed in section IV. D and section V.

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## C. STUDENT MISCONDUCT

1. A charge involving a student infraction must be filed in writing at the office of the Chief Student Services Officer within 5 working days after the alleged infraction or after such infraction becomes known to an administrative officer of the college.
2. Within 5 working days after the charge is filed, the Chief Student Services Officer, or designee, shall complete a preliminary investigation of the charge and schedule immediately a meeting with the student. After discussing the alleged infraction with the student, the Chief Student Services Officer, or designee, may act as follows:
  - a) Drop the charges.
  - b) Impose a sanction consistent with those shown in Section IV.D.2.c, Student Appeals Committee.
  - c) Refer the student to a college office or community agency for services.
3. The decision of the Chief Student Services Officer, or designee, shall be presented to the student in writing within 5 working days following the meeting with the student. In instances where the student cannot be reached to schedule an appointment, or where the student refuses to cooperate, the Chief Student Services Officer, or designee, shall send a certified letter to the student's last known address, providing the student with a list of the charges, the Chief Student Services Officer's, or designee's decision, and instructions governing the appeal process.
4. A student who disagrees with the decision may request a hearing before the Student Appeals Committee. This request must be submitted within 2 working days after receipt of the decision unless a request is made and approved for an extension of time. The Chief Student Services Officer shall refer the matter to the Committee together with a report of the nature of the alleged misconduct, the name of the complainant, the name of the student against whom the charge has been filed, and the relevant facts revealed by the preliminary investigation.

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#### D. The Student Appeals Committee

Each college shall have a Student Appeals Committee (hereafter referred to as the Committee) to consider the case of a student who declines to accept the findings of the Chief Student Services Officer. The hearing shall be held within 15 working days after the student has officially appealed the decision of the Chief Student Services Officer.

1. Membership of the Committee shall be composed of the following:
  - a) Three faculty members appointed by the chief instructional officer and approved by the President.
  - b) Three student members appointed by the appropriate student governing body and approved by the President.
  - c) One member of the Student Services staff appointed by the Chief Student Services Officer and approved by the President.
  - d) The Chief Student Services Officer serves as an ex officio nonvoting member of the Committee.
  - e) The chair shall be appointed by the President from among the membership of the Committee. Ex officio members of the committee may not serve as the chair of the committee.
  
2. Functions of the Committee are described as follows:
  - a) To hear an appeal from a student charged with an infraction that may result in disciplinary action.
  - b) To hand down a decision based only on evidence introduced at the hearing.
  - c) To provide the student defendant with a statement of the committee's decision including findings of fact and if applicable, to impose one or more of the following sanctions:
    - (1) Academic Misconduct
      - (a) Assign a lower grade or score to the paper, project, assignment or examination involved in the act of misconduct.
      - (b) Require the student to repeat or resubmit the paper, project, assignment, or examination involved in the act of misconduct.
      - (c) Assign a failing grade for the course.
      - (d) Require the student to withdraw from the course.

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(2) Student Misconduct

- (a) A written reprimand.
- (b) An obligation to make restitution or reimbursement.
- (c) A suspension or termination of particular student privileges.
- (d) Disciplinary probation.
- (e) Suspension from the college.
- (f) Expulsion from the college.
- (g) Any combination of the above.

V. Procedures for Hearings before the Student Appeals Committee

A. Procedural Duties of the Chief Student Services Officer

1. At least 7 working days prior to the date set for hearing before the Committee, the Chief Student Services Officer shall send written notice to all involved and a certified letter to the student's last known address providing the student with the following information:
  - a) A restatement of the charge or charges.
  - b) The time and place of the hearing.
  - c) A list of all witnesses who might be called to testify.
  - d) The names of Committee members.
  - e) A statement of the student's basic procedural rights. These rights follow:
    - (1) The right to counsel. The role of the person acting as counsel is solely to advise the student. The counsel shall not address the Committee. The student will be responsible for paying any fees charged by his/her counsel.
    - (2) The right to produce witnesses on one's behalf.
    - (3) The right to request, in writing, that the President disqualify any member of the committee for prejudice or bias. (At the discretion of the President, reasons for disqualification may be required.) A request for disqualification, if made, must be submitted at least 2 working days prior to the hearing. If such disqualification occurs, the appropriate nominating body shall appoint a replacement to be approved by the president.
    - (4) The right to present evidence. The Committee may determine as to what evidence is admissible.
    - (5) The right to know the identity of the person(s) bringing the charge(s).

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- (6) The right to hear witnesses on behalf of the person bringing the charges.
  - (7) The right to testify or to refuse to testify without such refusal being detrimental to the student.
  - (8) The right to appeal the decision of the Committee to the President who will review the official record of the hearing. The appeal must be in writing and it must be made within 7 working days after receipt of the decision.

2. On written request of the student, the hearing may be held prior to the expiration of the 7 day advance notification period, if the Chief Student Services Officer concurs with this change.

#### B. The Conduct of the Committee Hearings

1. Hearings before the Committee shall be confidential and shall be closed to all persons except the following:
  - a) The student and the person who initiated the charges; however the hearing may be conducted without either party present if either party ignores the notice of the hearing and is absent without cause.
  - b) Counsels for the student and the college.
  - c) A person, mutually agreed upon by the student and the Committee, to serve in the capacity of recorder.
  - d) Witnesses who shall:
    - (1) Give testimony singularly and in the absence of other witnesses.
    - (2) Leave the committee meeting room immediately upon completion of the testimony.
2. The Committee shall have the authority to adopt supplementary rules of procedure consistent with this code.
3. The Committee shall have the authority to render written advisory opinions concerning the meaning and application of this code.
4. The conduct of hearings before this Committee is unaffected by charges of local, state, or federal authorities against the student for acts that are the same, or similar to, charges of misconduct to be heard by the Committee. Two separate

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jurisdictions are involved in such cases. Therefore, hearings may be held and decisions rendered independent of any resolution by the court system.

5. In addition to written notes, the hearing may be tape recorded, except for the Committee's deliberations. After the conclusion of the hearing, the tape will be kept in the office of the Chief Student Services Officer. The student may listen to the tape of his/her hearing under the supervision of the Chief Student Services Officer or designee. The student is not entitled to a copy of the tape or a written transcript of the hearing.
6. Upon completion of a hearing, the Committee shall meet in executive session to determine concurrence or non-concurrence with the original finding and to impose sanctions, if applicable.
7. Decisions of the Committee shall be made by majority vote.
8. Within 2 working days after the decision of the Committee, the Chairperson shall send a certified letter to the student's last known address providing the student with the committee's decision and a summary of the rationale for the decision.

#### C. Appeal to the President

When the student appeals to the President, the President, whose decision is final, shall have the authority to:

1. Receive from the student an appeal of the Committee's decision.
2. Review the findings of the proceedings of the Committee.
3. Hear from the student, the Chief Student Services Officer, and the members of the Committee before ruling on an appeal.
4. Approve, modify, or overturn the decision of the Committee.
5. Inform the student in writing of the final decision within 10 working days of the receipt of the appeal.