

WOFFORD COLLEGE
Code of Student Rights & Responsibilities

Article I
Student Rights

Each student has a right to live, work, and study in an environment that is favorable to learning and conducive to success. These rights include freedom of inquiry, expression, and association; the right to study; the right to a safe and healthy environment; the right to pursue grievances; the right to just and reasonable accountability processes; and the right to privacy. Students have both an expectation for these rights and a responsibility to respect these rights for others.

STUDENT ORGANIZATIONS

Students may organize themselves into any groups they wish for whatever purpose they wish. Any student has the right to associate freely with off-campus organizations without being punished or in any way harassed for this membership or association. All students in an organization shall be subject individually to the rules of Wofford College and the community. Chartered student organizations are also subject to the rules/policies of Wofford College and the community.

STUDENT PUBLICATIONS

Oral and written Wofford publications shall conform to journalistic ethics and good practices of that profession, including the avoidance of libel and slander, indecency, undocumented allegations, attacks on personal integrity, harassment and innuendo. With these standards, any publications will be free of censorship, prior restraint or advance approval of copy. Individual editors will employ their own discretion concerning editorial and news policy and will not be subject to arbitrary suspension or expulsion from Wofford because of editorial or news policy.

Article II

Honor Code

PREAMBLE

Wofford College is committed to the moral as well as the intellectual growth of its students and staff. Freedom and responsibility in such a community demand that its members embrace unambiguous principles of good conduct. Thus, the Wofford College Code of Student Rights and Responsibilities emphasizes personal integrity as its highest value, and members of the community are expected to be honest, trustworthy, responsible and honorable. Dishonesty (lying, cheating, defrauding and/or stealing) is especially destructive of the academic process. Integrity being necessary in research, discovery and expression of ideas, Wofford College has an honor code to express its intolerance for academic dishonesty. The Honor Code requires faculty, staff and students to be honest in their own work and their use of ideas and to encourage others to do the same. The code demands a high standard of personal honor. It requires students to pledge honesty in their academic work, and it sets forth appropriate responses to those who violate that pledge.

ACADEMIC DISHONESTY

The Honor Code at Wofford College governs academic dishonesty. Academic dishonesty is a general term referring here to any cheating, misrepresentation and/or stealing in academic or intellectual work submitted by a student of Wofford College in courses or projects or for college publications. It also applies to dishonesty in academic activities in which students may represent Wofford College (college bowl or mathematics competitions, internships or research projects, for example), even if these activities occur when classes are not in session.

It is impossible to list all acts of academic dishonesty, but acts of academic dishonesty include:

- a. Any conduct that involves the unauthorized use of information obtained by any means.
- b. Unauthorized receiving, buying, selling or theft of any assignment, examination or quiz.
- c. Unauthorized use of any electronic or mechanical device during any academic course.
- d. Unauthorized collaboration on any test, assignment or project.
- e. Plagiarism is defined as the act of using another person's words or ideas and presenting them as one's own with or without the consent of the other. Examples include, but are not limited to:
 - + Verbatim repetition, without acknowledgement, of the writings of another author.
 - + Borrowing or using information developed by another without acknowledging the source.
 - + Paraphrasing or translating the work or thought of another person without acknowledgment.
 - + Allowing any other person or organization to prepare work that one then submits as their own.
 - + Borrowing language or ideas from another person without proper acknowledgement and citation.
- f. Preparing any assignment for another to submit as their own.
- g. Misrepresenting personal circumstances (such as conflicting responsibilities, personal illness or illness or death of loved ones) or misrepresenting technical difficulties (such as submission of corrupted files, computer malfunction, defective electronic equipment, etc.) in an effort to avoid an assignment or deadline or as an excuse for not meeting academic responsibilities in a course.
- h. Submitting for credit in a course any work previously submitted for credit in this course or in another course.
- i. Any other incident of lying, cheating, defrauding or stealing in the preparation or presentation of academic work.
- j. Lying to members of the faculty, administration or Honor Council who are conducting an investigation or a hearing of academic dishonesty.

- k. Misrepresenting personal or academic circumstances in order to gain advantage in registration for classes or to secure a course override.

HONOR PLEDGE

A condition of matriculation at Wofford College is the signing of the Honor Pledge, in which students promise the faculty and fellow students they will not engage in any act of academic dishonesty. The pledge reads as follows:

I understand that Wofford College seeks to develop the character as well as the intellect of its students. I understand that Wofford students are expected to be honest, trustworthy, and honorable. Further, I understand that behavior contrary to these expectations threatens the values of the college and destroys trust among members of our campus community.

I have read and understand the provisions of the Wofford College Honor Code governing academic dishonesty. I understand that academic dishonesty reflects poor judgment and character, undermines the integrity of the academic program, and diminishes the value of the credentials of the graduates of the college.

As a sign of my membership in the Wofford College community and of my allegiance to its principle of honor, I promise the faculty and my fellow students that I will never engage in an act of dishonesty in my academic work.

As a reinforcement of the promise, students will sign work submitted in a course with the word “pledged” and their signature.

HONOR COUNCIL

The Honor Council, a component of the student government at Wofford College, administers the provisions of the Honor Code. The Council is composed of 12 students. The Honor Council is required to meet once every other week. Members of the Honor Council are selected each spring for the following year. At the beginning of the spring semester, the chair of the Honor Council will solicit the student body for applicants for membership on the council. Candidates will submit an application letter and two recommendations, one from a student and one from a faculty or staff member. The applicants are screened by the Electoral Board, which consists of the outgoing chair of the Judicial Commission, the four outgoing officers of the Campus Union, the six outgoing senior delegates of the Campus Union, the dean of students, the outgoing chair of the Honor Council, and two members of the faculty. The board will pass the names of those applicants it approves to the outgoing senior members of the Honor Council, who will elect from those approved by the board members of the Honor Council for the upcoming year. In making its selection of new members of the Honor Council, the board and the seniors on the council give primary consideration to a candidate’s moral character and commitment to the promotion of academic honesty.

The newly elected members of the Honor Council are eligible to assume their council responsibilities effective at the beginning of spring semester academic holidays. The Honor Council elects its chair, vice chair and secretary. If for any reason a member of the Honor Council vacates a position, the seniors on the council will name a replacement.

The chair of the Honor Council presides at hearings of accusations of academic dishonesty. For each case, the chair appoints a member of the council to serve as college advocate for that case. The chair also appoints a student requested by the accused student to serve as student advocate. If the accused student has no request, the chair will appoint a student advocate from the council. If for any reason the chair is unavailable, the vice chair will act in their place. The secretary is responsible for all records and communications from the council. The Academic Integrity Committee will appoint at least one of its faculty members to observe each meeting and hearing of the council and to give advice and guidance to the council in performing its duties. The faculty member will not vote, nor will they attempt to persuade the council in its verdict or sanction.

Reporting Procedures

While failure to report an act of academic dishonesty is not an infraction of the code, all persons in the Wofford College community are to uphold the values of the Honor Code, and they should not tolerate academic dishonesty by others.

When anyone in the Wofford College community has reason to believe that a student has committed an act of academic dishonesty, it is appropriate and right to report the matter in writing to the provost and the chair of the Academic Integrity Committee or to the faculty member involved. If the report goes to the faculty member, they will notify the chair of the

Academic Integrity Committee. Upon receiving a report, the chair of the Academic Integrity Committee will notify the chair of the Honor Council (and the faculty member, if the report did not originate with the faculty member in question) and begin the process of adjudicating the case as described below.

Members of the Wofford College community must use their best judgment in determining whether or not acts are covered by the definitions of this code and therefore constitute academic dishonesty. Instructors who suspect that an instance of academic dishonesty has occurred will report the circumstances to the provost and the chair of the Academic Integrity Committee.

Safeguards

When a case is sent to the Honor Council for a hearing, the accused student is guaranteed the following procedural safeguards:

1. The student must be informed in writing of any charge or charges at least 72 hours before the case is heard.
2. The student must be informed orally or in writing of the procedural rights set forth in these numbered paragraphs below.
3. The student has the option of being excused from any tests or examinations for a period of 48 hours before and after the scheduled hearing.
4. The student will be represented by a member of the Honor Council, who is appointed by the chair as the student's advocate or, at the request of the charged student, the chair may appoint a Wofford student who is not on the council.
5. The student has the right to ask the hearing board to invite persons to testify on their behalf regarding the facts of the case, and the hearing board will invite such persons.
6. The student has the right to remain silent, and such silence does not constitute evidence of responsibility.
7. The student and their student advocate and the college advocate are required to exchange all evidence and materials for use in the proceeding at least 48 hours prior to the hearing.
8. The student may (and should) continue to participate in all course activities until the case and any appeals are fully resolved.

ADJUDICATION

Upon receiving a report that an act of academic dishonesty may have occurred, the chair of the Academic Integrity Committee will determine whether the accused student previously has violated the code, and then will proceed as follows:

If the alleged infraction would be a first offense:

The professor in question always has the right to determine whether the case will be sent to the Honor Council for a possible hearing or if the professor would prefer to hold an adjudication.

If the professor in question decides to address the case through an adjudication, the chair of the Academic Integrity Committee will call for an adjudication meeting, to be attended by the professor, the accused student, a member of the Academic Integrity Committee and an advocate for the accused. The advocate for the accused must be a current student at Wofford College. The chair of the Honor Council will nominate a member of the Honor Council to serve in this role, but the accused student may at their discretion choose a different person to act as their advocate.

At the adjudication meeting, the professor in question will present the evidence of an offense, and the accused student can offer a defense. The student is not obligated to offer a defense if they do not wish.

If the accused student admits that they did commit a violation, either knowingly or unknowingly, the meeting attendees will discuss an appropriate sanction. The ultimate decision on the sanction rests with the professor in question (in consultation with the attending member of the Academic Integrity Committee); however, the sanction can be no stronger than assigning a grade of F (non-replaceable) for the course.

If the accused student does not admit to a violation of the code or chooses not to accept the sanction selected by the professor, the case is remanded to the council for a hearing, and a recording of the adjudication meeting will be made available to the council. If all parties agree to the selected sanction, the member of the Academic Integrity Committee in attendance will file a report with the chair of the Academic Integrity Committee and the Provost's Office (and, in the case of a sanction of F, with the Office of the Registrar), briefly outlining the facts of the case and the agreed-upon sanction.

If the alleged infraction would not be a first offense or if the preliminary hearing did not result in an agreement:

The case is remanded to the Honor Council. The faculty adviser to the Honor Council, a member of the Academic Integrity Committee designated by the chair and the college advocate for the case will confer to decide whether there is probable cause for a charge. If two of the three agree that evidence is sufficient, the faculty adviser to the Honor Council will notify the chair of the Honor Council, who formally will charge the student and convene a hearing board to hear the case.

If the adviser, designated member of the committee and college advocate do not find sufficient evidence to make a charge, the chair of the Academic Integrity Committee will inform the accuser that the claim has been investigated and that no charge is being made. The matter is not recorded in the file of the accused student, and the faculty member must not consider the alleged violation in determining the student's grade in the course. Any written records pertaining to the case will be destroyed.

Unless one already was selected, the chair of the Honor Council will nominate a member of the council to serve as advocate for the accused student. The student may accept that nomination or select a different student to serve in that role.

During the academic year, the chair of the Honor Council will convene six members of the council to conduct a hearing. During vacation periods, including summer terms, the chair has the option to convene a board with as few as three members of the council to conduct a hearing. During such periods, if the accused student wishes to wait until a full hearing board can be convened, they may do so with the knowledge that the hearing may be delayed as necessary until the college is in session. The Honor Council members so appointed will constitute the hearing board for the case. That number shall include the council chair, but not include the college advocate or the student advocate. Any member who has kinship or a close personal relationship with the accused student or a conflict of interest will be expected to recuse themselves from the case. In a case in which the council chair is recused, the chair will not participate as a voting member of the hearing board nor participate in the deliberations regarding responsibility or sanctions for the accused. The council chair may also relinquish the duty of chairing the hearing board to the vice chair. If the vice chair is unavailable, the members of the hearing board will select one of their members to serve as chair. The student will be found responsible for a violation if at least four of the six members of the hearing board (or a 2/3 majority during vacation periods) find that a preponderance of evidence indicates the violation occurred. Otherwise, the accused student will be found not responsible.

If the process leads to the student being found responsible, the attending member of the Academic Integrity Committee will inform the hearing board of any previous conviction the offender may have for academic dishonesty, after which the hearing board will set the sanction. At least four of the six members of the hearing board (or a 2/3 majority during vacation periods) must concur with the sanction. If there is no agreement, the least severe punishment under consideration will be administered. The verdict and the sanction will be announced by the hearing board to the responsible student, the college advocate and the student advocate immediately after the hearing board completes deliberation and makes a decision, and the chair of the council will give the student a written notice of the hearing board's decision and sanction.

A student accused of academic dishonesty may elect to admit responsibility before or at the beginning of the hearing. In that case, the hearing board will meet only to determine a sanction. The student may attend the meeting to make a statement or may choose to be absent, but they must be present for the announcement of the sanction immediately after the hearing board completes deliberation and makes a decision.

If the accused student is found not responsible, the verdict will be announced to the accused student, the college advocate and the student advocate immediately after the decision is made. All materials relating to the case will be destroyed. The faculty member must not consider the alleged violation in determining the student's grade in the course.

Meetings of a hearing of academic dishonesty are closed, attended only by the members of the hearing board, other members of the council as observers, at least one member of the Academic Integrity Committee, the accused student and the student advocate and persons invited by the hearing board to give information or testimony. In addition, the provost may aid the prosecution, and the dean of students or an appointed representative may aid the defense. The reporting faculty member may attend the hearing at their discretion, but may be in the room only while they are giving testimony or

answering questions from the hearing board. The proceedings of the hearing board will be audio recorded for purposes of reference. The recordings of hearings will be maintained in the Office of the Provost for two years.

SANCTIONS

Students found responsible by the Honor Council for a violation of the code that occurs in the context of a course will be subject to the following sanction or sanctions

1. Grading Sanction

Mandatory withdrawal of a student from the course, resulting in the professor's assignment of a grade of F. The council may assign one of two grading sanctions:

- + Replaceable F – The student may retake the course to replace the F in their Wofford GPA. Both the F and the retake grade will be noted on the transcript.
- + Non-Replaceable F – The student may retake the course; however, both the F and the retake grade will be used to determine Wofford GPA. Both the F and the retake grade will be noted on the transcript.

2. Suspension

Separation of a student from Wofford College for a fixed period of time determined by the hearing board, usually from the time remaining in the academic term to an academic year in length. Wofford will not accept for credit any work undertaken at other institutions by a student during their suspension from Wofford College.

3. Expulsion

Permanent termination of student status. The hearing board may allow the student to complete the current term.

4. Workshop

The hearing board may recommend that the student complete one or both workshops listed below within 30 academic days (exclusive of exams) following delivery of sanction. The recommendation will be recorded with the sanction, and the student's completion of the workshop within the given time frame will be noted in Honor Council records.

- + **A research workshop.** Options for completing this workshop will be presented to the student at time of sanctioning.
- + **A time management workshop.** Options for completing this workshop will be presented to the student at time of sanctioning.

Students found responsible for a violation of the Honor Code outside of the context of a course will be subject to the sanctions defined in Student Conduct System section of the Code of Student Rights and Responsibilities.

First Offense

For a first offense that occurs within the context of a course, the hearing board has the discretion to impose one of two sanctions:

- (1) a grading sanction or
- (2) both the grading sanction and suspension from Wofford College.

On the motion of the provost, a student may be expelled from Wofford College for a first offense that is flagrant or egregious. In cases where the hearing board believes a workshop may provide the student with important skills to aid in avoiding further infractions, the hearing board also may require the completion of one or both workshops. For an offense outside the context of a course, the hearing board may impose any of the sanctions outlined in Article III of the Code of Student Rights and Responsibilities except expulsion, which may only be considered upon the motion of the provost.

Subsequent Offense

For any subsequent offense, the sanctions will include either suspension or expulsion. If the subsequent offense occurs within the context of course, the sanction is (1) both the grading sanction and suspension as outlined above or (2) both a grading sanction and expulsion from Wofford College. The council also may require the completion of one or both workshops to demonstrate readiness for re-entry. For a subsequent offense outside the context of a course, the sanction is (1) suspension and the hearing board may impose any of the sanctions defined in the Code of Student Rights and Responsibilities or (2) expulsion from the college.

All sanctions take effect at the expiration of the 48-hour appeal period or as soon as the ruling on an appeal is made, except that if the infraction occurs late in a semester, the hearing board may delay the beginning of a suspension or expulsion until the next term or semester. In the case of a suspension or expulsion with immediate effect, grades for the other courses in which the student is enrolled will be F or Was assigned by the professor, depending on whether the student is passing or failing at the time.

Students who have been suspended must apply to the registrar for re-admission at least 30 days before the date they seek to return. Wofford will not accept for credit any work undertaken at other institutions by a student during their suspension from Wofford under this code.

COMMUNICATIONS

Prior to the resolution of a charge, all parties shall hold the names of students suspected of acts of academic dishonesty in confidence. Once each semester, the secretary of the council, with input from the chair of the Academic Integrity Committee, will provide the student body, faculty and administration with a report on the number of cases resolved and the sanctions imposed. The names of persons involved will be withheld.

When a student is found responsible for an act of academic dishonesty, all records of the adjudication meeting and/or the hearing board, including copies of all correspondence, will be maintained in the Office of the Provost.

Formal charges of academic dishonesty will be communicated by the hearing board to the accused student, the provost, the dean of students and the faculty or staff member teaching the course or sponsoring the academic activity. In addition to the announcement immediately after the hearing board's decision, the results of the hearing, including the verdict and the sanctions, will be communicated in writing by the hearing board to the accused student, the provost, the dean of students, the adviser to the Honor Council, the chair of the Academic Integrity Committee and the faculty or staff member teaching the course or sponsoring the academic activity. The attending representative of the Academic Integrity Committee will notify the registrar of sanctions.

Formal charges of academic dishonesty, verdicts and sanctions are retained in Maxient software for seven years after students as required by law.

APPEALS

The student has the right of appeal as outlined in the Honor Code. Any person found responsible for a violation of the Honor Code may appeal the verdict or sanction. The appeal must be submitted to the chair of the Academic Integrity Committee within 48 hours (excluding holidays and weekends) after the student has been notified orally by the hearing board at the end of the hearing of the verdict or sanction. Appeals must be submitted in writing and must rest on appropriate grounds (which are exclusively those listed in Appeals in the Student Conduct System section of the Student Code of Rights and Responsibilities). The Academic Integrity Committee, whose decision is final, will consider the appeal, giving the decision in writing within one week to the appellant and to the chair of the Honor Council. The actions of the Academic Integrity Committee are limited to: upholding or reversing the verdict, imposing a lesser sanction from those listed in the Honor Code, or, in the case of new evidence, remanding the case back to the council for further discussion. In the case of a sanction of suspension for more than one term, the Academic Integrity Committee may refer the appeal to the provost, who may uphold or reverse the verdict, impose a lesser sanction from those listed in the Honor Code, or, in the case of new evidence, remand the case back to the council for further discussion.

REVISION

The Academic Integrity Committee is charged to review the code and its workings annually and to make revisions as needed. Revisions that only correct errors of spelling, grammar or punctuation may be made by the Academic Integrity Committee. All other revisions must be approved by the faculty and by the student body at large (as determined by a campus-wide referendum distributed electronically; if voter turnout is under 40 percent, any changes approved by the faculty will be enforced without student approval.)

Article III

Community Standards

Wofford College's mission is to prepare its students for extraordinary and positive contributions to society. The focus of this mission is upon fostering commitment to excellence in character, performance, leadership, service to others, and life-long learning. Toward this end, it is the responsibility of students to be people of integrity.

AUTHORITY & JURISDICTION

1. Jurisdiction

- a. **Application:** The Code applies to individual students and student organizations, on College premises or in connection with any College-sponsored/-affiliated program or activity regardless of the location of the program or activity. In addition, the College may assume jurisdiction when it is determined that an individual's or an organization's conduct adversely affects a College interest, or has continuing adverse effects for the College community. The expectations in the Code also extend to guests and visitors. The College reserves the right to remove from campus any person who violates college policies or is otherwise disruptive. Students and/or organizations may be held responsible for the conduct of their guests while on campus.
- b. **Student Organizations:** A student organization and/or each member of an organization may be charged with violations of this Code and may be held responsible for any such violations. A student organization may be held accountable for the actions of any of its members if the alleged violation of this Code is in any way related to the student group.
- c. **Administrative Authority:** Disciplinary authority has been delegated by the College to administrators, faculty members, committees, and student organizations, as outlined in this Code or in the other policies adopted by the College.

2. Relationship with Other Authorities

- a. **The Law:** Although Wofford is concerned with activities of all students, both on and off campus, which constitute a part of their educational experience, it will not assume jurisdiction over activities off campus except as outlined above. If a violation of the law occurs on campus, Wofford may institute its own proceedings against the offender as determined by the Dean of Students or their designee. When the College has jurisdiction in a matter subject to this Code, it also has the right to report the matter, whenever appropriate, to law enforcement or other civil authorities. The College may decide, considering the circumstances of the case, to delay on-campus disciplinary action pending the resolution of criminal charges.
- b. **College Policies:** Students will be subject to Wofford's policies and procedures. If any issue is not clearly addressed by the Code, the judicial body and student body may consider these policies as a supplement to the Code. In situations covered by special policies of Wofford College, such as those exemplified by appended statements on alcohol and drugs, those policies control resolution and the president, deans or an administrative committee may assume jurisdiction, hear cases and impose sanctions according to procedures set forth in such policy statements.
- c. **Other Institutions/Campuses:** It is foreseeable that students might violate regulations on other college campuses or as a part of programs of other institutions. The Dean of Students or their designee is given discretion to determine jurisdiction over such violations that are officially reported to the College.

3. Interim Measures & Emergency Authority

The College has a duty to maintain order and the well-being of the community. Some circumstances may, therefore, require interim measures to ensure the safety, health, or welfare of an individual and/or the community.

- a. **Summary Action** may be imposed by the Dean of Students or their designee when there is reason to believe, based on available information, that a student or organization represents an immediate threat to the safety, health, or well-being of self, other persons, property, or the College. Interim measures may be implemented when the nature and/or immediacy of a threat or violation makes normal conduct processes impractical. Interim measures may include:

- + Temporary suspension of a student's enrollment or attendance, and/or denial of the student's access to College facilities or property. A student may be summarily suspended for a specified period of time or the suspension may be scheduled contingent upon certain events or conditions.
- + Temporary disciplinary probation or limitation of a student's eligibility to enjoy certain privileges, or participate in or attend certain events (or certain kinds of events) without the suspension of enrollment status. This summary action may prohibit a student's presence on College property or certain facilities, or impose conditions which must be met in order 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 College facilities or property, or College recognition.

Following the imposition of summary action, the standard conduct process shall be conducted as expeditiously as possible. Unless the circumstances render the implementation of standard disciplinary procedures impractical or unreasonably difficult, these procedures shall be initiated within 10 College business days from the effective date of the summary action.

Any student who is summarily suspended and returns to the campus or College 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 disciplinary procedures) must be requested and obtained in writing or by telephone prior to any conduct contrary to the suspension or conditions, and may be granted by the Dean of Students or designee.

- b. **Appealing Summary Action.** When a student is subject to summary action, they shall be provided with a copy of this policy and notice explaining the reason for, and duration of the action, along with any conditions that may apply. A student notified of such action shall, upon request, be given an opportunity to meet with the Dean of Students or designee within five business days from the date of the request. This meeting shall be held to consider only the following issues related to the summary action:

- + The reliability of information alleging the student's misconduct
- + Whether the conduct or surrounding circumstances reasonably 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.

NOTE: It is not the purpose of the meeting to hear information concerning responsibility of pending or possible charges against the student.

- c. **Emergency Authority.** In any case of an extreme, disruptive emergency, the president of the college, or the president's designee, has full authority to preserve or restore order and protect Wofford College – including expulsion of students when necessary. Students who are affected by such emergency actions may appeal the action to the Dean of Students, who will refer the matter to the appropriate body once order has been restored.
- d. **No Contact Order.** College administrators are empowered to issue a No Contact Order (NCO), prohibiting contact between parties when there exists reasonable concern that harm may result from such contact. Contact includes direct and indirect contact, through a third-party, and/or through technology or social media. It may be imposed for a specified period of time, or permanently. NCOs will not be issued for general interpersonal conflicts that do not raise concerns for the individual health and safety of at least one of the parties.

NCOs may be issued by the following administrators or their designees:

- + Dean of Students
- + Director for Civil Rights, Title IX Compliance and Student Risk Assessment
- + Assistant Dean of Students for Residence Life & Community Standards

- + For emergency situations: The Director of Campus Safety or the on-call CLSD administrator may issue temporary NCOs, which shall be confirmed, modified, or rescinded by one of the designated administrators once all relevant information is reviewed.

When an NCO is issued, both parties will receive written notice of the order and a summary of prohibited conduct. Violation of an NCO may result in immediate sanctions, which may include suspension and/or other summary actions, and referral to the student conduct system.

Each NCO will remain in effect until the graduation or withdrawal of at least one of the parties, unless the NCO expressly provides otherwise or is modified or rescinded by the College. A student pursuing the modification or rescission of an NCO must make a request of the issuing administrator. NCOs may be modified or rescinded so long as proper notice is provided to both parties.

EXPECTATIONS & CONDUCT

Students shall not lie, cheat or steal. It is the responsibility of the students to respect the persons, property and rights of others. Therefore, students will not engage in any form of activity that results in or that might naturally result in harm to another person or the community. Students are expected to be contributing members of a community of mutual respect and responsibility. Therefore, students are expected to demonstrate maturity, responsibility, integrity, and respect for the sake of their development and that of their peers. The list below outlines the general expectations for students, and is a representative - but not exhaustive - list of possible violations.

1. Respect and Care for Others

Students are expected to engage with others in ways that exemplify respect, social responsibility, and care. Prohibited conduct includes:

- a. **Physical injury to a person/assault**
- b. **Interference with the rights of others:** Intentionally, knowingly, and/or recklessly violating the rights of others as outlined in Article I.
- c. **Threats to Safety:** Any conduct which threatens the health or safety of another.
- d. **Hazing:** Any action taken or situation created by any organization or person(s) that would produce or result in mental or physical discomfort, embarrassment, harassment or ridicule.
- e. **Weapons:** The possession and/or use of firearms (except where specifically allowed by state law for members of the Department of Military Science training with U.S. military weapons, rifle team members or members of the Department of Campus Safety), weapons and other propelling devices as well as explosives, such as fireworks, ammunition or chemicals that are explosive in nature, is prohibited on campus by college policy and/or S.C. law. A weapon is defined as any object or substance designed or used to cause reasonable apprehension of physical harm to any person, inflict a wound, cause injury, incapacitate or damage personal property. *Note: The College reserves the right to confiscate anything it deems hazardous or dangerous.*
- f. **Harassment:** Harassing behavior is not in line with the expectations of the community and is not tolerated. Harassment is defined as any conduct that causes or could reasonably result in undue worry and/or torment or that is committed with the intent to harm, harass, or alarm another person. Some instances of harassment may also be a violation of the Wofford College Nondiscrimination and Anti-harassment Policy.
- g. **Discrimination and Sexual/Gender-Based Misconduct:** Wofford is committed to embracing diversity among its vibrant campus community and it does not tolerate conduct that is inconsistent with respect for all differences. All students have the right to work and study in an environment free from all forms of adverse discrimination. This includes any form of sexual harassment or sexual misconduct. These terms are specifically defined in the Non-Discrimination and Anti-Harassment Policy. Wofford does not tolerate any conduct (verbal or physical) that constitutes harassment by any administrator, faculty member, staff member, vendor or student. Incidents of discrimination, or sexual/gender-based misconduct will be handled by the Wofford College Non-Discrimination and Anti-Harassment Policy.

2. Respect and Care for Property

Students are expected to treat the property of others, including College property, with care and respect. Prohibited conduct includes:

- a. **Damage to property:** Intentionally or recklessly interfering with the property of another, including destroying, defacing, or damaging the property of another and/or the College.
- b. **Theft:** Intentionally or recklessly taking property or services of others without permission; knowingly possessing stolen property.
- c. **Trespassing:** Trespassing and/or occupying College property or the property of another without permission.
- d. **Misuse of College property:** Intentionally or recklessly misusing any property including lab equipment, athletic equipment, vehicles, furniture, facilities, etc.

3. Respect and Care for the Community

Students are expected to behave in a way that fosters a secure and vibrant community. Prohibited conduct includes:

- a. **Violation of College policies:** Some expected conduct may not be outlined in this document. Violation of other College policies, including the College's Policy on Beverage Alcohol and Other Drugs is prohibited and may be addressed through the processes outlined in the Code and related documents.
- b. **Interference with the normal activities of the College:** any behavior that disrupts the peace or interferes with the normal operation of the College or College-sponsored activities.
- c. **Disorderly conduct:** any unreasonable or reckless conduct which may be inherently or potentially unsafe, tends to impede institutional activities, and/or disrupt the community.
- d. **Violation of laws:** Students are expected to abide by all local ordinances and all state/federal laws.
- e. **Commercial Solicitation:** No soliciting, canvassing or peddling is permitted by anyone on campus without specific written permission from the Dean of Students or their designee.
- f. **Dishonesty/Failure to Comply:** Providing false information to any college official, including Campus Safety, temporary event staff, Residence Life staff, and athletic staff; providing false information/testimony in a conduct proceeding; failing to comply with reasonable requests of a College official, including requests to present a student identification card.

THE STUDENT CONDUCT SYSTEM

The student conduct system is established as the forum whereby students and chartered organizations charged with violations of the Code have alleged charges adjudicated. Members of the student conduct system must be held above reproach, bestowing the utmost respect to the system they serve and the code they uphold. Students' rights shall be ensured by the integrity of the process and the safeguards set forth in the Code. The system shall seek to ascertain truth and rectify harms, so that Wofford can provide a safe and free environment for students to pursue a liberal arts education.

1. The Judicial Commission

- a. **Purposes and duties:** The Judicial Commission administers student judicial processes and in collaboration with the Dean of Students decides on matters relating to alleged violations of the Code. In the pursuit of this purpose, the Commission and its members will:
 - + Serve as members, upon appointment, of the various hearing boards.
 - + Read statements of intent to appeal and to determine whether grounds are sufficient to warrant an appeal to the Appeals Hearing Board and to notify students via email of their decisions within 48 hours of the next Judicial Commission meeting, excluding student holidays or weekends.
 - + Meet every other week to dispose of all matters pending and for commissioners to receive hearing appointments. These meetings, as well as all non-administrative hearing boards, should fall on a set day of the week. The chair or adviser may call additional meetings as needed.

- b. **Composition:** There shall be 11 student members. Six members shall be elected as follows: three at large from the student body and one member each from the rising senior, junior and sophomore classes. Five members are appointed by the senior or the graduating members of the Judicial Commission and the outgoing officers of the Campus Union during the month of February, following an application and interview as follows: two at large from the student body and one member from each of the rising senior, junior and sophomore classes.
- c. **Eligibility:** All candidates for the Judicial Commission must not have been found responsible for any violation of the Code other than a first violation of the Beverage Alcohol and Other Drug Policy (Category A first offense alcohol) or parking citations. The members of the Judicial Commission shall not be elected members of the Campus Union, nor shall they be appointed members of the Honor Council. In the event someone becomes a dual office holder, they have one week to make a choice and resign from one of the offices.
- d. **Officers:** The Judicial Commission, upon its first meeting following elections and appointments, shall choose a chairperson and a vice chairperson from among its members.
 - 1. **Chair:** The chair will work with the Dean of Students or their designee to confirm the appointment of commissioners to each hearing board. They will chair Judicial Hearing Boards and Appeals Hearing Boards and will be responsible for leading the meetings of the Judicial Commission. The chair shall be the non-voting director of the judicial system, except in the case of a tie in which they will cast a vote.
 - 2. **Vice Chair:** The vice chair shall serve as chair in the absence of the chair.
- e. **Removal of Commissioners**
 - 1. Grounds of removal of a commissioner shall be negligence of duties or malfeasance in office.
 - 2. Upon petition signed by three members of the Judicial Commission, the Appeals Hearing Board must consider the merit of such a petition of impeachment and rule thereon. The three petitioners and the impeached commissioner shall not sit on the Appeals Hearing Board during the hearing for removal. If the chair of the Judicial Commission is a petitioner of the impeached, the Appeals Hearing Board shall choose an acting chair. In these hearings and in any case in which more than four members of the commission are involved, the seats of the petitioners will be taken by the president of the Campus Union and the chair of the Honor Council. The burden of proof shall rest on the petitioners. At least a two-thirds vote of the Appeals Hearing Board shall be required to remove the impeached commissioner.
 - 3. Upon removal of a commissioner, the Campus Union Assembly shall provide for an election in the case of an elected commissioner, or for an electoral board appointment in the case of an appointed commissioner, to fill the vacancy as set forth in its constitution and bylaws unless the vacancy occurs after fall semester midterm grades are posted.

2. Resolution Processes

- a. **Notice of Violation:** When the College receives notice of a potential violation of the Code and other college policies, the incident will be referred to a Conduct Administrator. Conduct Administrators are staff members in the Division of Campus Life & Student Development, by virtue of their positions and/or upon the designation of the Vice President to administer the student conduct process. The Conduct Administrator will review the initial report and determine if a case should be opened. For violations that would generally fall under the jurisdiction of a Judicial Hearing Board, the Conduct Administrator may consult with other available Conduct Administrators before determining to open a case.
- b. **Initial Conduct Conference:** If the Conduct Administrator determines to open a case, the Administrator will notify the student(s) in question that a case has been opened and will arrange with the student to resolve the case in accordance with the relevant college policy and/or procedure. In some cases, the Administrator may arrange to meet with the student(s) before determining to proceed with a case. For alleged violations of the College's policy on alcohol and drugs, the student may accept responsibility and agree to predetermined sanctions at this initial conference, pursuant to that policy. In other situations, these conferences will be held to notify the student of the charge(s) and the resolution processes.

- c. **Judicial Hearing Boards** exist to adjudicate all alleged violations of the Code over which it has jurisdiction – this includes any violations of the Code that are not delegated to other hearing bodies or processes. Judicial Hearing Boards are composed of three voting commissioners, one voting faculty member, one voting administrator, and the chair of the Judicial Commission who will conduct the hearing and vote only in the event of a tie. Judicial Hearing Boards will adhere to the Colleges hearing procedures outlined in the Community Standards Handbook.

Judicial Hearing Boards have the authority to compel any student to appear for the purpose of gaining information in the exercise of its duty and have the authority to sanction students who do not comply with requests to appear.

The Judicial Hearing Board has the responsibility to report all decisions to all members of the Judicial Commission, and other relevant parties unless covered by federal regulations.

- d. **Administrative Hearing Boards** exist to adjudicate all alleged violations of the Code over which it has jurisdiction – this includes original jurisdiction for alleged violations of the College’s policies on drugs and alcohol (Appendix 2). The Administrative Hearing Board may also serve in place of a Judicial Hearing Board during summer sessions, between terms, during final examination periods, and any other time that it is not feasible to wait for the convening of a Judicial Hearing Board at the discretion of the Dean of Students or their designee, in consultation with members of the Judicial Commission and relevant administrators. Administrative Hearing Boards are composed of two voting commissioners, and one administrator. Administrative Hearing Boards will adhere to the Colleges hearing procedures outlined in Appendix 1.
- e. **Facilitated Resolution Conference:** The purpose of the Facilitated Resolution Conference is to determine appropriate sanctions for students charged with violations of the Code. A student charged with an infraction of the Code may appear at a Facilitated Resolution Conference in lieu of participation in an administrative or judicial hearing when they agree to accept responsibility for the infraction. The Facilitated Resolution Conference is composed of a Conduct Administrator and an additional administrator or a member of the Judicial Commission. Students may appeal the sanctions established in the Facilitated Resolution Conference following the procedure for appeals outlined in the Code. The Conduct Administrator will report all sanctions of Facilitated Resolution Conferences to the student.
- f. **Failure to appear:** Students are expected to be present at conduct proceedings, given that proper notice is provided. In most cases, proper notice will be considered 24 hours for initial conferences and 72 hours for hearings. Conduct Administrators may proceed with a determination if the student fails to appear or provide advance notice of their absence. Administrators are not obligated to reschedule meetings, except to accommodate a student’s regular class schedule.

Any student or student group who fails to appear before a Hearing Board or Facilitated Resolution Conference after proper notice will be deemed to have pled “not responsible” to the charges. The Hearing Board/conference may, at its discretion, proceed in the student’s absence.

3. Advisors

- a. Students appearing at a hearing or Facilitated Resolution Conference for an alleged violation of college policy may designate an advisor. The Advisor must be a currently active full-time student, faculty, or staff member of the College. The College will provide students with a list of trained/approved advisors to assist in their selection, though students may designate any willing individual who meets the criteria to serve in this capacity. Before serving as an Advisor, the individual must execute a Confidentiality Agreement prepared by the College.
- b. The following individuals may not serve as an Advisor:
- + Members of the President’s Cabinet
 - + Members of the Hearing Boards
 - + Individuals participating in the proceedings as a witness or who otherwise may have a personal conflict/interest in the proceedings Judicial Hearing Board
- c. **Professional Advisors/Attorneys:** Because Advisors must be currently active, full-time students, faculty, or staff members, professional advisors and/or attorneys are not permitted to participate in the processes outlined in the Code.

4. Appeals

- a. **Appeals process:** Any student found responsible may appeal the verdict or sanction by submitting a statement of such intent to the chair of the Judicial Commission via the Dean of Students within 24 hours after they have been notified of the verdict or sanction. When an appeal request has been received:
 1. The Judicial Commission will meet to determine if an appeal hearing is granted, based on one or more of the grounds listed in this section. The Commission must notify the student of its decision to accept or deny the request for an appeal hearing within 48 hours of the Judicial Commission's meeting via email or campus, excluding student holidays and/or weekends.
 2. If an appeal hearing is granted, the Dean of Students or their designee will work with the student to schedule a hearing before the Appeals Hearing Board.
 3. The final appeal rests with the Vice President in the Division of Campus Life and Student Development, or their designee. Following an appeal hearing or a determination by the Commission not to grant an appeal, the appealing student must notify the Vice President of their decision to appeal within 24 hours in writing. The Vice President may consult with other conduct administrators to determine the outcome of the appeal.
- b. **Grounds for an appeal**
 1. Procedural errors that prevented the student from receiving a fair hearing.
 2. Discrimination in the hearing on the basis of race/ethnicity, gender/gender identity, age, religion, sexual orientation, physical ability or national origin, which caused an unjust hearing.
 3. New material evidence of which the student was not aware at the time of the hearing and which is essential to the case.
 4. Inappropriate sanction, including an excessively severe sanction.
- c. **Appeals Hearing Board:** Appeals Hearing Boards will adhere to the hearing procedure outlined in Appendix 1. The Appeals Hearing Board will only address the granted grounds for appeal, they will not retry the entire case.
- d. **Other guidelines for appeals:**
 1. The statement of intent to appeal must include stated grounds for making an appeal. If the commission (excluding those members who heard the original case) finds the grounds insufficient, it may refuse the appeal and must inform the appellant in writing.
 2. Any member of the campus community has the right to appeal a sanction.
 3. Only the student found responsible has the right to appeal a finding of responsibility.

SANCTIONS

The community standards system is focused on community safety, is educational in nature, corrective, and designed to foster the holistic development of students. Therefore, students found responsible for a violation of the Code are subject to one or more of the sanctions listed in this section. Sanctions should be proportional to the violation and should be levied in order to achieve the goals of safety, education, correction, and development. All sanctions are expected to be completed within 30 days unless otherwise noted by the sanctioning official (administrator or hearing board).

1. List of Sanctions

The imposition of any sanctions should be subject to mitigating factors such as the nature of the offense, severity of resulting harm, present demeanor and past record of the student(s). Failure to comply with the sanctions imposed upon a student will result in account holds and more severe sanctions, which may include suspension.

- a. **Formal Warning:** A written notice that states that the continuation of conduct in violation of the Code will result in more severe disciplinary sanctions.

- b. **Education and reflection:** A student may be required to participate in educational programs/workshops, complete educational tasks (research papers, presentations, etc.), and/or personal reflections related to the violation.
- c. **Referral:** A student may be referred to counseling, risk reduction programs, or to other appropriate resources in the community.
- d. **Community Restitution:** Hours of unpaid work to a department of Wofford or an approved non-profit agency. The specified number of hours of community restitution sanctioned must be completed by the deadline set by the conduct administrator or hearing board.
- e. **Financial Restitution:** Reimbursement in the form of money and/or labor for damage to or misappropriation of property.
- f. **Disciplinary Probation:** Exclusion from participation in activities in which one represents Wofford or any college-recognized organization as set forth in the notice of probation for a specified period of time. Disciplinary probation could also include the loss of privileges typically afforded to members of the College community for a specific period of time, these privileges could include internet access, parking access, specific building access, and participation/attendance at College events/activities.
- g. **Apology:** A written or oral apology to an individual(s) or an organization.
- h. **Fines:** The maximum fine levied in the conduct process may not exceed \$1,000. Fines must be paid within 30 days of sanctioning or before the end of the academic term, whichever comes first. The amount of the fine will be determined by the hearing board in consideration of the nature of the infraction.
- i. **Housing sanctions:** Sanctions regarding housing may be referred to the director of residence life or their designee for final determination and implementation. Housing sanctions may include residential reassignment, loss of housing privileges, removal from housing, and loss of priority in future housing assignment processes.
- j. **Suspension:** Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a defined period of time. A person appealing the suspension sanction must submit a statement of such intent to the chair of the Judicial Commission within 24 hours after the verdict of suspension has been imposed. When a student has been given the sanction of suspension and has appealed this decision, the student may participate only in academic activities. They cannot take part in clubs, musical groups, athletics teams and other student organizations during this time period. When a student is suspended, they should leave the campus within 24 hours after the final determination of the judicial process. A suspended student is not allowed to return to campus without the written permission of the Dean of Students or their designee.
- k. **Expulsion:** Termination of student status for an indefinite period of time. The conditions of readmission, if any are permitted, shall be stated in the order of expulsion. A person wishing to appeal the sanction of expulsion must make it known within 24 hours after the verdict of expulsion is reached by submitting a statement of such desire to the chair of the Judicial Commission. They will be permitted to remain enrolled in Wofford until a response to an appeal is reached, the student may participate only in academic activities. They cannot take part in clubs, musical groups, athletics teams or other student organizations. When a student is expelled, they should leave the campus within 24 hours after the final verdict of the judicial system has been determined. An expelled student is not allowed to return to campus without the written permission of the Dean of Students or their designee.
- l. **Other sanctions deemed appropriate**

FUNDAMENTAL FAIRNESS

1. Procedural Safeguards

A student who is charged with violating the Code is guaranteed these procedural safeguards:

- a. The student will be informed in writing of any charge or charges at least 72 hours before a hearing is held. This formal statement of charges will state the nature, time and place of the violation charges. The date, time and place of the hearing will be disclosed.
- b. The student will be informed orally or in writing of the procedural rights set forth in this Code.

- c. The student has the option to be accompanied by an Advisor; the role of Advisor is defined in the Code.
- d. The student has the ability in a hearing to call witnesses and has the ability to request the hearing board compel the attendance of a student to serve as a witness.
- e. The student has the ability to challenge any facts stated in a Residence Life report or a Campus Safety incident report and to ask questions of any witness.
- f. The student has the right to remain silent, and such silence does not constitute evidence of guilt.
- g. The hearing board shall exclude the evidence obtained by coercion or deceit and objects/documents obtained through illegal searches.
- h. The hearing board shall not consider records of prior criminal, social or academic infractions before a finding of responsibility has been reached. These items may be considered when appropriate sanctions are being determined.
- i. The student is required to submit to the Conduct Administrator a list of witnesses and evidence they plan to bring to the hearing at least 24 hours prior to the hearing.
- j. The standard of proof shall be the preponderance of the evidence.

2. Legitimate Searches

Searches of student rooms/apartments or organizational houses by civil authorities are governed by local, state or federal law. Searches by campus authorities may be conducted only under the following circumstances:

- a. **Hot Pursuit.** Campus safety officers, perceiving what they reasonably believe to be a violation of this Code or the law, may pursue suspected offenders. Residence hall rooms and/or apartments (or similar areas), facilities leased by student organizations, may be entered by campus safety officers in fresh pursuit and subjected to reasonable searches for implements or fruits of the suspected offense.
- b. **Warrant.** In any case where there are reasonable grounds to believe that the search of a residence hall room, vehicle or other campus facility will disclose the actual violation of this Code or the law or the implements or fruits of such a violation, said room or facility may be searched by warrant. A search warrant may be issued by the president of the college, the provost, the vice president for campus life and student development or the designee of any of these officials. It must identify specifically the area to be searched, the nature of the material for which the search is being conducted and the nature of the suspected violation. Such warrants shall be served by a campus safety officer or by a college official who did not issue the warrant, and it shall be served, if possible, in the presence of one or more occupants of the room or vehicle being searched. If the occupants are not present, the room may be searched by means of a pass key, by a member of the Department of Campus Safety and/or residence life staff and/or other college official.
- c. **Custodial Inspection.** At reasonable intervals and on advance notice, residence hall rooms, apartments or Greek Village houses may be inspected for maintenance, repair, health or safety purposes.
- d. **Emergency Situations.** When a college official has reason to suspect that there is an emergency, the official may enter the premises after proper identification.
- e. **Plain Sight.** When a college official enters a room pursuant to any legitimate purpose as provided under this section (including custodial inspections, emergency situations, maintenance visits, or other legitimate purposes) if the official observes any Code violation in plain sight, the student may be referred to the student conduct system.

Article IV

Records & Reporting

1. Confidentiality

Wofford College will respect and will make every reasonable effort to avoid the inappropriate disclosure of information in student conduct cases so that access to information is given only to those whose duties require it. In addition, disclosure

of information pertaining to students is subject to the requirements of the Family Educational Rights and Privacy Act, a federal law.

2. Notices to Students

All official notices to students under this Code shall be sent via a secure electronic system to the student's official Wofford College email address, via campus mail or U.S. mail (to the last known address of the student maintained by the College) or personally delivered to student.

3. Retention & Release of Records

Conduct records are retained by the Dean of Students' office and are considered part of the educational record. Disciplinary information will be provided within the College to 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 (as amended). A student's disciplinary file is maintained separately from any other academic or official file at the College. In cases where the accused is found not responsible, no official disciplinary file will be retained. When charges are dropped due to insufficient information, an official disciplinary file will be maintained until graduation or seven years from the date of the hearing.

A student's disciplinary file is retained for a specified length of time. The maximum sanction imposed determines how long a file is retained before being destroyed. A student's disciplinary file is not released outside the College except pursuant to FERPA.

- a. **Permanently maintained:** Expulsion, revocation of organizational charter
- b. **Maintained seven years from the date of separation:** Suspension, disciplinary probation, removal from college-provided housing
- c. **Maintained until graduation:** Formal warning and other student disciplinary matters

4. Parental Notification

Understanding that parents/guardians are partners in the pursuit of student success, a student's parent or legal guardian may be notified of that student's alcohol or drug policy violations if the student is under 21 years old at the time of the notification. Any parental notification will be consistent with college policies, and existing laws and regulations including the Family Educational Rights and Privacy Act (FERPA).

5. Publication of Data

The Division of Campus Life & Student Development will publish an annual statistical report of conduct cases and outcomes.

Article V

Amending Procedures

Any member of the Wofford College community may propose amendments to this code, however, the power to make amendments rests with the President's Cabinet. Before submission for final approval, all proposed amendments must be considered by the Campus Union assembly and notice must be provided to the student body. Any amendment specifically concerning the judicial system must be brought to the attention of the Judicial Commission before submission for final approval.

The authority to specifically amend the Honor Code rests with the Academic Integrity Committee.

Additional Resources

1. Community Standards Processes & Procedures
2. Policy Statement on Alcohol & Other Drugs
3. Nondiscrimination & Anti-Harassment Policy

Board Ratification Pending – August 2022