

# STUDENT RIGHTS AND RESPONSIBILITIES

ST. JOHNS RIVER STATE COLLEGE

## ACADEMIC FREEDOM AND RESPONSIBILITY

Students are expected to prefer fact to opinion and to commit themselves to genuine enlightenment rather than to inflexible adherence to limited knowledge. They are expected to assume full responsibility for their individual and collective actions and to participate seriously and purposefully in campus life. Consequently, violence, the threat of violence, disruption and intimidation are unacceptable to the academic community. Students are expected to examine critically, analyze and otherwise evaluate the College, its programs, policies and procedures utilizing processes which appeal to reason, and not to compromise the academic climate, mission, or integrity of the institution.

Academic work submitted by a student to his instructor is assumed to be the result of his or her own thought, research, or self-expression. Further, when a student borrows ideas, workings, or organizations from another source, he is expected to acknowledge that fact in an appropriate manner. Any student who is believed to be guilty of cheating or plagiarism will be reported to the Vice President for Student Affairs/Assistant General Counsel for disciplinary action. Those actions which are considered cheating, plagiarism, or academic dishonesty are defined in the Student Handbook.

Students are free to take reasoned exception to data and views offered in the classroom and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course for which they are enrolled.

The College shall, in all cases, preserve the rights and freedoms of students by observing, in full, the professional code of ethics as established in the College Handbook.

The student is responsible for classroom behavior which is conducive to the educational process and for achieving standards of performance established by the instructor.

The instructor has final authority in all matters relating to course content, grading practices, and classroom procedure, consistent with the philosophy, purposes, and established policies of the College. A course grade is the final responsibility of the instructor. In the matter of grading it is therefore essential that each faculty member keep each student informed of his or her progress in a course.

## SJR STATE POLICY ON ACADEMIC INTEGRITY

The pursuit of scholarly activity, free from dishonesty, fraud, or deception, is essential to the mission of the College and to the full exercise of academic freedom. Cheating, plagiarism, fabrication of information or citations, and other forms of unethical conduct compromise the quality of education and will not be tolerated. Infractions may result in penalties or sanctions beyond those imposed by an individual faculty member.

## ATTENDANCE POLICY

Any class session missed, regardless of the cause, reduces the opportunity for learning and frequently adversely affects the student's performance in the course. Therefore, a student is expected to attend the classes in which he or she is registered. A record of attendance is kept and all absences are recorded except those excused by the Vice President for Academic Affairs, the Vice President for Student Affairs/Assistant General Counsel or the Vice President for Workforce Development. If a student should miss a class session, it is his/her responsibility to contact the instructor, in advance where possible, to determine what steps may be taken to make up work that has been missed. It is the decision of the instructor whether the student will be permitted to make up the work. Instructors will not penalize students for participating in officially approved school functions by marking such students absent; however, students must make up work missed.

If a student accumulates recorded absences totaling three or more instructional hours (one instructional hour equals 50 minutes) during the withdrawal period (see academic calendar), the instructor

may initiate an official warning to the student that he/she has reached the limit of allowed recorded absences. Further, the loss of instructional time through absences may result in the student being withdrawn from the course, unless the instructor, because of extenuating circumstances, permits the student to remain in the course. No student may be withdrawn from a course for loss in instructional hours without first being warned in regard to the limit of recorded absences. Students who are withdrawn from class due to attendance are not entitled to a refund of tuition and fees related to that class.

## DISTANCE LEARNING COURSES: ORIENTATION AND ATTENDANCE

After registering for a distance learning course with the College, distance learning students must access their distance learning course online at MySJRstate on the first day of the term to obtain orientation information. Distance learning students must begin their class by completing the orientation activity prior to the conclusion of the first week of the semester. If a student does not begin a distance learning course by the end of the first week of the semester by making contact with the instructor and completing the specified activity, he/she will be reported as a "no show" and administratively withdrawn from the course.

Although in distance learning classes students do not "attend" class in the traditional sense, these courses do have an attendance policy, and students may be withdrawn for non-attendance. During a traditional-length semester, three instructional hours of attendance equals one week's missed work. If a student misses a week's worth of work in a distance learning course, he/she may receive a warning for non-attendance, and if the student misses more than one week's work in a distance learning course, he/she may be dropped from the course due to non-attendance.

## WITHDRAWAL/GRADE FORGIVENESS POLICY/REPEAT POLICY

The last grade recorded for a course will be the grade used to calculate the student's cumulative grade point average. All courses attempted will appear on the transcript.

A student may attempt to complete a preparatory or a college credit course three times. Any course in which a student has earned a grade of "D" or "F," or received no grade due to withdrawal, may be repeated only twice. Upon the third attempt, additional fees will be charged.

In accordance with the state requirements, a student attempting a college credit course for a third time will pay the full instructional costs for the third attempt. First attempts for all students will be counted beginning with the Fall 1997 semester.

Students are cautioned that upon transfer to other public and private institutions, the manner in which "forgiven" grades are used in calculating a grade point average may differ. The repeated course grade may not be accepted at all, or all course attempts may be used in calculating the GPA. In addition, the repeat of courses may or may not be covered by some forms of financial aid.

## COMMUNICATION MEDIA

All College published and financed student communication media shall explicitly follow the canons of responsible journalism such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and techniques of harassment and innuendo. The College shall reserve the right to ensure free and responsible media through an educational process. All media are expected to observe the standards of their respective professions as well as those of established governmental bodies.

## MAINTENANCE OF AND ACCESS TO STUDENT RECORDS

Any person who is enrolled, or who has been enrolled, in any instructional program or activity conducted under the authority and



directions of SJR State has the right to access official records, files, and data directly related to that student.

Records may include, but are not necessarily limited to: identifying data; academic work completed; level of achievement records, including grades and test scores; attendance data; standardized intelligence, aptitude, and psychological test scores; interest inventory results; health data; family background information; teacher or counselor ratings and observations; verified reports of serious or recurrent behavior patterns; and any other knowledge or information recorded in any medium and maintained and used by or for the institution.

Records do not include:

(A) Records of instructional, supervisory, and administrative personnel which records are in the sole possession of the maker and are not accessible or revealed to any other person except a substitute for any of such persons, i.e., an instructor's grade book.

(B) Records of law enforcement units of the institution which are maintained solely for law enforcement purposes and which are not available to persons other than officials of the institution or law enforcement officials of the same jurisdiction.

(C) Records made and maintained by the institution in the normal course of business which relate exclusively to the student in his or her capacity as an employee and which are not accessible for use for any other purpose.

(D) Records made by professionals acting in their professional capacity which are made and used in connection with provision of treatment to the student and which are not available to anyone other than the person providing treatment. However, such records shall be open to a physician or appropriate professional of the student's choice.

(E) Directory information. In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) as amended, commonly known as the Buckley Amendment, St. Johns River State College defines public or "directory information" as the following: Name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (e.g., undergraduate or graduate, full-time or part-time), dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors, awards received and the most recent educational agency or institution attended.

Directory information, as defined by St. Johns River State College, may be released at the College's discretion, without the student's written consent (unless a request for nondisclosure has been received by the Registrar's Office within 15 days after the close of registration.) Nondisclosure shall remain in effect until the student gives written request to remove said nondisclosure to the Registrar's Office. Forms are available in the Registrar's Office and in this student handbook.

Students requesting nondisclosure must consider the ramifications of nondisclosure prior to requesting nondisclosure. A nondisclosure request will prevent the College from responding to inquiries received from potential or current employers, any agency requesting verifications of enrollment (except as required under FERPA), publications (i.e., student directory), nominations for scholarships or national dean's lists, and other requests for directory information.

(F) Information which does not permit the personal identification of the student. Students and parents of students who are not yet 18 years of age or those students who are deemed dependents of such parents as defined in 26 U.S.C. § 152 (s.152 of the Internal Revenue Code of 1954) have the following rights of access:

1. Students have the right, upon request directed to appropriate school officials, to a list of the types of records directly related to students maintained by the institution which the student attends or has attended.
2. Students have the right, upon request, to be shown any record related to such student maintained by the school and, upon

reasonable request, an explanation of the record.

3. Copies of the student's records shall be furnished upon request; the actual costs of copies may be charged.
4. The students, or in an appropriate circumstance, parents or guardians, have the right to waive access to confidential letters or statements of recommendation or evaluation only if:
  - a. The students (parents) are, upon request, notified of the names of persons submitting confidential letters.
  - b. Such letters and evaluations are used solely for their intended purpose.

#### **ANNUAL NOTIFICATION OF RIGHTS UNDER FERPA**

Students have certain rights regarding access to their own educational records and the disclosure of information from those records to others. The rights of SJR State College students are specified and protected in the District Board of Trustees Rule 6.28.

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution. These rights include:

The right to inspect and review the student's education records within 45 days of the day the St. Johns River State College receives a request for access. A student should submit to the director, registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The St. Johns River State College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the St. Johns River State College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask the College to amend a record should write the St. Johns River State College official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If the College decides not to amend the record as requested, the College will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

The right to provide written consent before St. Johns River State College discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. The College discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by St. Johns River State College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A College official also may include a volunteer or contractor outside of SJR State College who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII for education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for St. Johns River State College. Upon request, St. Johns River State College also discloses education records without consent, to officials of another school in which a student seeks or intends to enroll.

Students have the right to file a complaint with the U.S.



Department of Education concerning alleged failures by St. Johns River State College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

The following data is considered to be directory information and may be given to an inquirer either in person, by mail, or by telephone, and may be otherwise made public without obtaining prior written consent of the student:

- Name of student
- Address
- Telephone number
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- Enrollment status (e.g., undergraduate or graduate, full-time or part-time)
- Most recent educational agency or institution attended

An individual student currently enrolled may request that such directory information not be disclosed by completing the nondisclosure form available online and in the Registrar's Office and giving the form to the registrar no later than (15) days after the close of registration to prevent inclusion in this term's directory. The election to be excluded from the directory shall remain in effect until the Registrar's Office is notified in writing.

#### **RIGHTS TO CHALLENGE AND HEARING**

Students (parents) have the right to challenge the content of any record to which they are granted access under paragraph one in order to ensure accuracy, privacy, and other rights. Any challenge may be settled through informal meetings between the parents, guardian, or students and the appropriate college official. If an agreement cannot be reached informally, a hearing shall be held in accordance with the Rules of the State Board of Education.

#### **RIGHT OF PRIVACY**

Every student has the right to privacy for educational records kept on him or her. Personally identifiable records of students are confidential and are exempt from the provisions of section 119.07(1) Florida Statutes (which permits access to public records). The College shall not permit the release of records without the written consent of the student (or parent/guardian if appropriate).

Personally identifiable information may be released without the student's or parent's/guardian's consent to the following persons or organizations:

1. Officials of schools where student intends to enroll.
2. Other school officials who have legitimate educational interests in the information sought.
3. Local, state, and federal educational authorities who are authorized to receive the information pursuant to law.
4. In connection with financial aid for which the student has applied or which the student has received.
5. Entities conducting studies for, or on behalf of, an institution for the purpose of developing, validating, or administering predictive tests, and student aid programs if such studies are conducted so as not to permit the personal identification of students.
6. Accrediting organizations in order to carry out accrediting functions.

7. Appropriate parties in connection with an emergency, if necessary, to protect the health or safety of the students or other individuals.
8. The Auditor General in connection with his/her official functions.
9. A court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a law fully issued subpoena upon the condition that the student and, if appropriate, his or her parent/guardian are notified of the order or subpoena in advance of compliance by the educational institution.
10. Credit bureaus in connection with an agreement for financial aid which the student has executed to the extent necessary to enforce the terms of the agreement.
11. A contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official under this paragraph, provided that the outside party:
  - a. Performs an institutional service or function for which the agency or institution would otherwise use employees.
  - b. Is under the direct control of the agency or institution with respect to the use and maintenance of education records.

Consents for disclosure must be signed, dated, and shall specify the records to be disclosed and to whom the disclosure should be made.

Requests for access to student records should be in writing and retained as part of the record. (Authority section 1002.22 Florida Statutes)

#### **STUDENT DISCIPLINARY CODE**

##### Article I: Definitions

(A) The term "College" means St. Johns River State College, SJR State.

(B) The term "student" includes all persons taking courses at the College, both full-time and part-time, pursuing an undergraduate degree. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the College are considered "students."

(C) The term "faculty member" means any person hired by the College to conduct classroom activities.

(D) The term "College official" includes any person employed by the College, performing assigned administrative or professional responsibilities.

(E) The term "member of the College community" includes any person who is a student, faculty member, College official, or any other person employed by the College. A person's status in a particular situation shall be determined by the Vice President for Student Affairs.

(F) The term "College premises" includes all land, buildings, facilities, and other property in the possession of or owned, used or controlled by the College (including adjacent streets and sidewalks).

(G) The term "organization" means any number of persons who have complied with the formal requirements for College (recognition/registration).

(H) The term "judicial body" means any person or persons authorized by the Vice President for Student Affairs/Assistant General Counsel to determine whether a student has violated the Student Code and to recommend imposition of sanctions.

(I) The term "Judicial Advisor" means a College official authorized on a case-by-case basis by the Vice President for Student Affairs/Assistant General Counsel to impose sanctions upon students found to have violated the Student Code. The Vice President for Student Affairs/Assistant General Counsel may authorize a judicial advisor to serve simultaneously as a judicial advisor and the sole member or one of the members of a judicial body. Nothing shall prevent the Vice President for Student Affairs/Assistant General Counsel from authorizing the same judicial advisor to impose sanctions in all cases.

(J) The term "Appellate Board" means any person or persons

authorized by the Vice President for Student Affairs/Assistant General Counsel to consider an appeal from a judicial body's determination that a student has violated the Student Code or from the sanctions imposed by the Judicial Advisor.

(K) The term "shall" is used in the imperative sense.

(L) The term "may" is used in the permissive sense.

(M) The Vice President for Student Affairs/Assistant General Counsel is the person designated by the College President to be responsible for the administration of the Student Code.

(N) The term "policy" is defined as the written regulations of the College as found in, but not limited to, the Student Code, Student Hand Book, catalogs, and College handbook.

(O) The term "cheating" includes, but is not limited to:

1. use of any unauthorized assistance in taking quizzes, tests, or examinations;
2. dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or
3. the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff.

(P) The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

#### Article II: Judicial Authority

(A) The Vice President for Student Affairs/Assistant General Counsel shall determine the composition of judicial bodies and appellate boards and determine which judicial body, judicial advisor, and appellate board shall be authorized to hear each case.

(B) The Vice President for Student Affairs/Assistant General Counsel shall develop policies for the administration of the judicial program and procedural rules for the conduct of hearings which are not inconsistent with provisions of the Student Code.

(C) Decisions made by a judicial body and/or judicial advisor shall be final, pending the normal appeal process.

(D) A judicial body may be designated as arbiter of disputes within the student community in cases which do not involve a violation of the Student Code. All parties must agree to arbitration, and are to be bound by the decision with no right of appeal.

#### Article III: Proscribed Conduct

##### (A) Jurisdiction of the College

Generally, College jurisdiction and discipline shall be limited to conduct which occurs on College premises or which adversely affects the College community and/or the pursuit of its objectives. The Vice President for Student Affairs/Assistant General Counsel shall determine on a case-by-case basis whether jurisdiction over off-campus activity should be asserted.

##### (B) Conduct--Rules and Regulations

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in

##### Article IV:

1. Acts of dishonesty, including, but not limited to, the following:
  - a. Cheating, plagiarism, or other forms of academic dishonesty.
  - b. Furnishing false information to any College official, faculty member, or office.
  - c. Forgery, alteration or misuse of any College document, record or instrument of identification.
  - d. Tampering with the election of any College recognized student organization.

2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public-service functions on or off campus, or other authorized non-College activities, when the act occurs on College premises.
3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the health or safety of any person.
4. Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property.
5. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization operating under the sanction of a postsecondary institution. Such term includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or other forced physical activity which could adversely affect the physical health or safety of the student and also includes any activity which would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or other forced activity which could adversely affect the mental health or dignity of the student.
6. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
7. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College premises.
8. Violation of published College policies, rules or regulations.
9. Violation of federal, state or local law on College premises or at College sponsored or supervised activities.
10. Use, possession or distribution of narcotic or other controlled substances except as expressly permitted by law.
11. Use, possession or distribution of alcoholic beverages except as expressly permitted by the law and College regulations, or public intoxication.
12. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises.
13. Participation in a campus demonstration which disrupts the normal operations of the College and infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
14. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
15. Conduct which is disorderly, lewd, or indecent; breach of peace; aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by, the College.
16. Theft or other abuse of computer time, including but not limited to:
  - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
  - b. Unauthorized transfer of a file.
  - c. Unauthorized use of another individual's identification



- and password.
  - d. Use of computing facilities to interfere with the work of another student, faculty member or College Official.
  - e. Use of computing facilities to send, receive, or access obscene or abusive messages, websites, or materials.
  - f. Use of computing facilities to interfere with normal operation of the College computing system.
17. Abuse of the judicial system, including but not limited to:
- a. Failure to obey the summons of a judicial body or College official.
  - b. Falsification, distortion, or misrepresentation of information before a judicial body.
  - c. Disruption or interference with the orderly conduct of a judicial proceeding.
  - d. Institution of a judicial proceeding knowingly without cause.
  - e. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
  - f. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding.
  - g. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to and/or after a judicial proceeding.
  - h. Failure to comply with the sanction(s) imposed under the Student Code.
  - i. Influencing or attempting to influence another person to commit an abuse of the judicial system.

(C) Violation of Law and College Discipline

1. If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of this Code, disciplinary action may be taken and sanctions imposed for grave misconduct which demonstrates flagrant disregard for the College community. In such cases, no sanction may be imposed unless the student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt (e.g., "no contest" or "nolo contendere").
2. College disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of this Student Code, for example, if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
3. When a student is charged by federal, state or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a judicial body under the Student Code, however, the College may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the College community. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

Article IV: Judicial Policies

(A) Charges and Hearings

1. Any member of the College community may file charges

- against any student for misconduct. Charges shall be prepared in writing and directed to the Vice President for Student Affairs/Assistant General Counsel responsible for the administration of the College judicial system. Any charge should be submitted as soon as possible after the event takes place, preferably within five (5) class days.
2. The Vice President for Student Affairs/Assistant General Counsel may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Vice President for Student Affairs/Assistant General Counsel, or the Vice President for Student Affairs may refer the matter to a judicial advisor who will conduct the investigation of the charges to determine if they have merit and can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Vice President for Student Affairs/Assistant General Counsel. Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the judicial advisor may later serve in the same matter as the judicial body or a member thereof.
  3. All charges shall be presented to the accused student in written form. A time shall be set for a hearing, not less than five (5) nor more than fifteen (15) class days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the judicial advisor.
  4. Hearings shall be conducted by a judicial body according to the following guidelines:
    - a. Hearings normally shall be conducted in private. At the request of the accused student, and subject to the discretion of the chairperson, a representative of the student press may be admitted, but shall not have the privilege of participating in the hearing.
    - b. Admission of any person to the hearing shall be at the discretion of the judicial body and/or its judicial advisor or Vice President for Student Affairs/Assistant General Counsel.
    - c. In hearings involving more than one accused student, the chairperson of the judicial body, in his or her discretion, may permit the hearings concerning each student to be conducted separately.
    - d. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused is responsible for presenting his or her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before a judicial body.
    - e. The complainant, the accused, and the judicial body shall have the privilege of presenting witnesses, subject to the right of cross examination by the judicial body.
    - f. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a judicial body at the discretion of the chairperson.
    - g. All procedural questions are subject to the final decision of the judicial body chairperson.
    - h. After the hearing, the judicial body shall determine [by majority vote if the judicial body consists of more than one (1) person] whether the student has violated each section of the Student Code which the student is charged with violating.
    - i. The judicial body's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
  5. There shall be a single verbatim record, such as a tape



recording, of all hearings before a judicial body. The record shall be the property of the College.

6. Except in the case of a student charged with failing to obey the summons of a judicial body or College official, no student may be found to have violated the Student Code solely because the student failed to appear before a judicial body. In all cases the evidence in support of the charges shall be presented and considered.

(B) Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:
  - a. Warning--A notice in writing to the student that the student is violating or has violated institutional regulations.
  - b. Probation--A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
  - c. Loss of Privileges--Denial of specified privileges for a designated period of time.
  - d. Fines--Previously established and published fines may be imposed.
  - e. Restitution--Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - f. Discretionary Sanctions--Work assignments, service to the College or other related discretionary assignments (such assignments must have the prior approval of the Judicial Advisor).
  - g. College Suspension--Separation of the student from the College for a definite period of time after which the student is eligible to return. Conditions for readmission may be specified.
  - h. College Expulsion--Permanent separation of the student from the College.
2. More than one of the sanctions listed above may be imposed for any single violation.
3. Other than College expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential record. Upon graduation, the student's confidential record may be expunged of disciplinary actions upon application to the judicial advisor.
4. The following sanctions may be imposed upon groups or organizations:
  - a. Those sanctions listed above in Section B1, a through e.
  - b. Deactivation--Loss of all privileges, including College recognition, for a specified period of time.
5. In each case in which a judicial body determines that a student has violated the Student Code, the sanction(s) shall be determined and imposed by the Judicial Advisor. In cases in which persons other than or in addition to the Judicial Advisor have been authorized to serve as the judicial body, the recommendation of all members of the judicial body shall be considered by the Judicial Advisor in determining and imposing sanctions. The Judicial Advisor is not limited to sanctions recommended by members of the judicial body. Following the hearing, the judicial body and the Judicial Advisor shall advise the accused in writing of its determination and of the sanction(s) imposed, if any.

(C) Interim Suspension

In certain circumstances, the Vice President for Student Affairs/Assistant General Counsel, or a designee, may impose a College suspension prior to the hearing before a judicial body.

1. Interim suspension may be imposed only:
  - a. to ensure the safety and well-being of members of the College community or preservation of College

property;

- b. to ensure the student's own physical or emotional safety and well-being; or
  - c. if the student poses a definite threat of disruption of or interference with the normal operations of the College.
2. During the interim suspension, students shall be denied access to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Vice-President for Student Affairs/Assistant General Counsel or the judicial advisor may determine to be appropriate.

(D) Appeals

1. A decision reached by the judicial body or a sanction imposed by the judicial advisor may be appealed by accused students or complainants to an appellate board within five (5) school days of the decision. Such appeals shall be in writing and shall be delivered to the Vice-President for Student Affairs/Assistant General Counsel or his/her designee.
2. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:
  - a. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Student Code was violated, and giving the accused student a reasonable opportunity to prepare and present a rebuttal of those allegations.
  - b. To determine whether the decision reached regarding the accused student was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Student Code occurred.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
  - d. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.
3. If an appeal is upheld by the appellate board, the matter shall be remanded to the original judicial body and judicial advisor for re-opening of the hearing to allow reconsideration of the original determination and/or sanction(s).
4. In cases involving appeals by students accused of violating the Student Code, review of the sanction imposed by the appellate board may result in concurrence of the existing sanction, reduction of the existing sanction, elimination of the existing sanction, or revision of the existing sanction.

Article V: Interpretation and Revision

(A) Any question of interpretation regarding the Student Code shall be referred to the Vice President for Student Affairs/Assistant General Counsel for final determination.

(B) The Student Code shall be reviewed every two (2) years under the direction of the judicial advisor.

Students are expected to take reasonable care of the classrooms, student centers, and other facilities of the three SJR State centers. Students who abuse property or facilities will be reported to the Vice President for Student Affairs/Assistant General Counsel for disciplinary action.

