

---

# CODE OF STUDENT CONDUCT

## Section I. Purpose

The Savannah College of Art and Design is committed to providing a positive living and learning environment for all students, a place where they may develop as both creative individuals and responsible citizens. Consistent with that purpose, efforts are made to foster the personal and social development of students as they are held accountable for violations of university regulations. As members of the SCAD community, students are expected to behave in ways that are respectful of the rights of all other community members to live, learn, work and teach in such an environment. This Code of Student Conduct is meant to address any student behavior that disturbs or detracts from this goal of the SCAD community.

## Section II. Definitions

1. The terms “institution,” “university,” or “SCAD” mean Savannah College of Art and Design.
2. The term “student” includes all persons enrolled in courses at the university, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, or taking courses for credit or not for credit on any enrollment basis and those who attend postsecondary educational institutions other than SCAD and who reside in SCAD residence halls. Persons who withdraw after allegedly violating the Code of Student Conduct, or who are not officially enrolled for a particular quarter but who have a continuing relationship with the university or who have been notified of their acceptance for admission are considered “students.” The Code of Student Conduct applies at all locations of the university, including the locations in Savannah, Atlanta, Hong Kong, and Lacoste, France, as well as those students who are enrolled in SCAD’s eLearning programs and off-campus programs.
3. The term “faculty member” means any person hired by SCAD to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.
4. The term “SCAD official” includes any person employed or engaged by the university who has assigned professional, administrative and/or safety responsibilities.
5. The term “member of the SCAD community” includes any person who is a student, faculty member, SCAD official, or any other person employed by SCAD. Any question concerning a person’s status in a particular situation shall be determined by the dean of students or vice president for student success.
6. The term “SCAD premises” includes all land, buildings, facilities and other property in the possession of or owned, leased, used or controlled by SCAD (including adjacent streets and sidewalks).
7. The “vice president for student success” is the person designated by the SCAD president to be responsible for the administration of the Code of Student Conduct, although the president may assign another person to discharge those duties if the president deems it appropriate to do so.
8. The term “hearing officer” refers to any person or persons authorized by the vice president for student success to determine whether a student has violated the Code of Student Conduct and to impose sanctions. The vice president for student success may authorize the same hearing officer to impose sanctions in all cases. Unless otherwise specified by the vice president for student success, the dean of students will assign the director of student conduct to serve as the hearing officer.
9. The term “organization” refers to any number of persons who have complied with the formal requirements for SCAD recognition.
10. The term “appeal officer” means any person authorized by the vice president for student success to consider an appeal of the hearing officer’s determination that a student has violated the Code of Student Conduct or to consider an appeal of sanctions imposed by the hearing officer. The dean of students will act as the appeal officer unless otherwise designated by the vice president for student success.
11. The term “may” is used in the permissive sense.
12. The term “shall” is used in the imperative sense.
13. The term “policy” means the written regulations of SCAD as found in, but not limited to, this Code of Student Conduct, other policies in the SCAD student handbook and the SCAD housing license agreement. These policies may be added to, modified or changed by SCAD at any time.
14. The term “business day” refers to days that SCAD is open for business (excluding holidays) even if no classes are scheduled.
15. The term “accused student” means any student or organization, as defined herein, accused and subsequently charged with violating this Code of Student Conduct.

---

## CODE OF STUDENT CONDUCT

16. The term “complainant” means any person negatively affected (whether intended or unintended) directly from another student’s actions that constitute a violation of the Code of Student Conduct.
17. The term “victim” means any SCAD student, staff, or faculty who submits a charge alleging that a student committed a violent crime against them. The student who believes he or she has been a victim will have the same rights under this Code of Student Conduct as are provided to the accused student even if another member of the university community submitted the charge itself.
18. The term “weapon” means any object or substance used, attempted to be used, or capable of inflicting a wound, causing injury, or incapacitating, including but not limited to, all firearms, pellet guns, switchblade knives, bowie knives, chemicals such as “Mace” or tear gas, or any explosive agents. Additionally, this definition applies to lifelike or replica weapons.
19. The term “sexual harassment” means unwelcome sexual advances, requests for sexual favors, stalking, or other verbal, nonverbal, written or physical conduct of a sexual nature when the employment or academic advancement of another is made contingent upon submission to such conduct, or when submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting such an individual, or when such conduct has purpose or effect of substantially interfering with an individual’s performance or creating an intimidating, hostile or offensive working and/or learning environment or is gender-based including acts of verbal, nonverbal, written or physical aggression, intimidation or hostility based on biological sex, but not involving conduct of a sexual nature, and is sufficiently severe, persistent or pervasive and is directed at the individual because of his or her gender.
20. The term “sexual misconduct” means engaging in a sexual act or exposing the private parts of one’s person in any public place or in the presence of other persons.
21. The term “sexual invasion” means engaging in a sexual act with another person without the other’s consent.
22. The term “sexual assault” means intentionally touching the sexual parts (breast, genitals or buttocks) of another without that person’s consent or intentionally touching another with one’s sexual parts, without the other person’s consent.
23. The term “without consent” means that an act was committed either by threat, force or intimidation, or through the use of the victim’s mental or physical inability such as when the victim is physically or mentally incapacitated by alcohol or other drugs. One who is incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary), or who is unconscious, unaware or otherwise physically helpless, is incapable of giving consent.
24. The term “hazing” means any act that endangers the mental or physical health or safety of a student, or that 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. Hazing includes acts that are intended to or actually cause physical discomfort, embarrassment, and/or ridicule of another person for the purpose mentioned above and are violations of the Code of Student Conduct. The express or implied consent of the victim is not a defense of these acts. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this regulation.

### **Section III: Code of Student Conduct Authority**

1. The vice president for student success is responsible for administration of the Code of Student Conduct. The dean of students shall be designated by the vice president for student success to provide oversight to the operation of the Code of Student Conduct, and may develop forms and policies related to its administration.
2. Decisions made by the hearing officer shall be final, pending the normal appeal process. Disciplinary action by SCAD shall be independent of any criminal or civil proceedings. For action to be taken and sanctions to be imposed at the university, the university’s interest as an academic and professional community must be distinct and clearly involved. When there is a relationship between the university’s interest and an off-campus incident, the incident may be adjudicated by the university.
3. In certain circumstances, the dean of students or vice president for student success may authorize or impose an interim suspension prior to a hearing before a hearing officer and until a final decision

---

## CODE OF STUDENT CONDUCT

including any appeal decision is issued. Specific information regarding interim suspension can be found in Section VI of this Code of Student Conduct. When deemed appropriate, the interim suspension may include the student's immediate removal from the classroom setting or the imposition of a disciplinary hold on the student's university account, which temporarily suspends the student's ability to register for classes or conduct business with the university.

### Section IV: Proscribed Conduct

1. Jurisdiction: The Code of Student Conduct shall apply to conduct that occurs on university premises, at university-sponsored or supervised activities and to off-campus conduct or online activity that adversely affects the SCAD community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Code of Student Conduct shall apply to a student's conduct even if the student is suspended for disciplinary measures or withdraws from SCAD while a disciplinary matter is pending.
2. Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Section V – NOTE: A student's presence during a violation of the Code of Student Conduct in such a way as to condone, support or encourage that act or behavior can also be considered a violation of the same act or behavior:
  - a. Possessing, consuming or distributing alcoholic beverages without university authorization, including but not limited to:
    - i. Possessing, consuming, displaying, or distributing alcoholic beverages on university premises, regardless of age; OR, if underage, possessing, consuming, displaying or distributing alcoholic beverages off university premises;
    - ii. Being publicly intoxicated or engaging in other irresponsible acts committed under the influence of alcohol;
    - iii. Operating a motor vehicle under the influence of alcohol or while impaired by the consumption of alcohol; or
    - iv. Furnishing or selling any alcoholic beverages to any person not of sufficient legal age to possess or consume such alcoholic beverage.
  - b. Creating a safety hazard, including but not limited to possession of fireworks, burning a candle or incense, starting a fire, or failing to exit a building when a fire alarm is sounded.
  - c. Engaging in acts of dishonesty or improper use of university offices, facilities or processes. Examples of such behavior may include but are not limited to:
    - i. Forgery, alteration or misuse of any document, record or instrument of identification;
    - ii. Furnishing false information to any SCAD official, faculty member or office;
    - iii. Displaying or using any ID that is not one's own or is fictitious, canceled, revoked, suspended or altered;
    - iv. Counterfeiting, loaning or selling any ID to another person not entitled thereto; or
    - v. Initiating or furthering a claim, complaint or appeal that interferes with the normal functioning of the university and:
      1. Is not based on facts and circumstances presented by the student for which the student has a good faith basis to believe are accurate, complete and not materially misleading ("Basis of Action"); or
      2. The Basis of Action, if found to be correct, would provide insufficient grounds for the action or remedy being sought by the claim, complaint or appeal.
  - d. Theft or attempted theft of property, money or services; knowingly purchasing or possessing stolen or embezzled property, money or services; the unauthorized use or access to private or confidential information in any medium.
  - e. Disrespectful behavior shown by any student to a member of the SCAD community or surrounding community, in or out of the academic setting.
  - f. Disruptive behavior, including, but not limited to:
    - i. Disruption or obstruction of teaching, research, administration or other SCAD activities;
    - ii. Participation in a demonstration, riot, or activity that disrupts the normal operations

---

## CODE OF STUDENT CONDUCT

- of SCAD and/or infringes on the rights of other members of the surrounding community; leading or inciting others to disrupt scheduled and/or normal activities within any university building or area or other SCAD premises; intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian or vehicular;
- iii. Conduct that is lewd, disorderly or indecent; committing a breach of peace; or aiding, abetting or procuring another person to breach the peace; or
  - iv. Any unauthorized use of electronic or other devices to make an audio or video record of any person without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress
  - g. Disruption of the student conduct process, including but not limited to:
    - i. Failing to obey the direction or summons of the hearing officer or other SCAD official attempting to investigate an incident;
    - ii. Falsification, distortion or misrepresentation of information before the hearing officer or other SCAD official attempting to investigate an incident;
    - iii. Disruption or interference with the orderly conduct of a student conduct proceeding;
    - iv. Institution of a matter under this Code of Student Conduct that is knowingly false or without cause;
    - v. Attempting to discourage an individual's proper participation in or use of the Code of Student Conduct system;
    - vi. Attempting to influence the impartiality of the hearing officer or appeal officer;
    - vii. Harassment (verbal or physical) and/or intimidation of a hearing officer or other party to a student conduct proceeding, regardless of whether the conduct occurs prior to, during, and/or after a student conduct proceeding;
    - viii. Failing to comply with the sanctions imposed under the Code of Student Conduct; or
    - ix. Influencing or attempting to influence another person to commit an abuse of the Code of Student Conduct system.
  - h. Possession, use, distribution or manufacture of controlled substances, including, but not limited to:
    - i. Possession or use of narcotics or other controlled substances;
    - ii. Misuse of any legal pharmaceutical drugs, except as expressly permitted by law and SCAD regulations;
    - iii. Possession of drug-related paraphernalia, including but not limited to pipes, bongs, hookahs and other water pipes;
    - iv. Selling, manufacturing, or delivering any controlled substance or possessing with intent to manufacture, sell or deliver any controlled substance; or
    - v. Huffing or sniffing any substance not intended for such use.
  - i. Failing to comply with the directions of SCAD officials, university security officials, residence life staff or local police acting in performance of their duties.
  - j. Tampering with or misusing fire and/or other life safety equipment or elevators.
  - k. Initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency.
  - l. Participating in acts of hazing.
  - m. Trespass upon, forcibly entering or otherwise proceeding into unauthorized areas; unauthorized possession, duplication, or use of keys.
  - n. Attempted or actual use of property of the university, property of a SCAD community member, or the personal or public property of any other person or entity without proper authorization, or in a manner for which the property was not intended.
  - o. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, crimes of hate and/or any other conduct that threatens the health or safety of any person, including but not limited to the following:
    - i. Inflicting physical injury upon another person or one's self;
    - ii. Placing a person in fear of or at risk of imminent physical injury or danger;
    - iii. Committing sexual harassment, sexual invasion, sexual assault or sexual misconduct, as those terms are defined herein; or
    - iv. Inflicting mental or emotional distress upon a person through verbal abuse, threats, intimidation, harassment or coercion.
  - p. Damaging or destroying the property of any person or entity or SCAD property.

---

## CODE OF STUDENT CONDUCT

- q. Theft or misuse of university computing resources, including but not limited to the following:
    - i. Unauthorized entry into a file to read or change the contents, or for any other purpose;
    - ii. Unauthorized transfer of a file;
    - iii. Use of another person's computing identification and/or password;
    - iv. Use of computing facilities or university network resources to interfere with the work of another student, faculty member or SCAD official;
    - v. Use of computing facilities or university network resources to send obscene or abusive messages;
    - vi. Use of computing facilities or university network resources to interfere with normal operations of the SCAD computing system; or
    - vii. Any other violation of the SCAD technology policies.
  - r. Illegal or unauthorized possession of firearms, tasers, Mace, explosives, other weapons or dangerous chemicals on SCAD premises or use of any such item, even if legally possessed, in a manner that harms or threatens others.
  - s. Violating any SCAD policy, rule or regulation published in hard copy or available electronically on the university website.
  - t. Violating federal, state or local law on SCAD premises, at SCAD-sponsored or SCAD-supervised functions, or which otherwise adversely affect the SCAD community or the pursuit of its objectives, whether on or off SCAD premises.
3. Student groups and organizations may be charged with violations of this code without regard to whether members of such groups or organizations are individually charged with violations arising from the same occurrences.
- a. A student group or organization and its officers, leaders or any identifiable spokespersons may be held collectively or individually responsible when violations of this code by those associated with the group or organization have received the expressed or implied consent or encouragement of the group or organization or of the group's or organization's leaders, officers or spokespersons.
  - b. Groups and organizations may be held accountable collectively if either of these situations apply:
    - i. An alleged violation was committed by one or more members of a group or organization; or
    - ii. An alleged violation occurred as a result of a group or organization sponsored function.
4. Violations of Law and University Conduct Proceedings: As members of the SCAD community, students are also expected to conduct themselves in accordance with federal law, state statutes and local ordinances. Violations of any of these standards may result in disciplinary action through the student conduct process outlined in Section V; prosecution in the criminal and civil courts may also result from the same violation.
- a. If a student is charged only with a violation of federal, state or local law off SCAD premises and with no other violation of SCAD rules, no sanction will 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 responsibility (e.g., "no contest").
  - b. The SCAD student conduct process may be instituted against a student charged with a violation of law, which is also a violation of this Code of Student Conduct (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 Code of Student Conduct may be carried out prior to, or simultaneously with, or following civil criminal proceedings off campus, as may be determined in the judgment of the dean of students or the vice president for student success.
  - c. When a student is: (1) charged by federal, state or local authorities with a violation of law, and (2) the alleged offense is also being processed under the Code of Student Conduct, then the university may advise off-campus authorities of the existence of the Code of Student Conduct and of how such matters are typically handled within the SCAD community. SCAD may cooperate 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 (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the university community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

---

## CODE OF STUDENT CONDUCT

### Section V: The Student Conduct Process

1. Investigation: Upon receipt of a report or other information about an alleged violation of the Code of Student Conduct, the director of student conduct or designee of the dean of students or the vice president for student success may conduct an inquiry to determine whether the allegation(s) being reported appear(s) to have merit. The complainant, victim, accused student, and/or the person(s) who may have witnessed pertinent acts or who may have pertinent information about the incident may be summoned to provide information prior to being referred to the office of student conduct for disciplinary action. An accused student who fails to appear when summoned during an inquiry may be charged with a violation of the Code of Student Conduct.
2. Student Conduct Charges: A student will be charged and summoned to a student conduct hearing when there is reasonable basis to believe that the student may have committed a violation of the Code of Student Conduct. Charges shall be presented to the accused student in writing, and a time shall be set for the hearing, which shall be not less than two, or more than 10, calendar days after the accused student has been notified. Maximum time limits for scheduling hearings may be extended at the discretion of the hearing officer. Notification of charges shall be sufficient if by email or hand delivery or by telephone followed up by a letter confirming the telephone notice. All claims of failure to receive adequate notice are waived by the accused student if the accused student appears at the hearing and does not formally raise the issue of adequate notice at the first opportunity. Students may waive their right to at least two days notification through a written agreement with the hearing officer.
  - a. Any member of the SCAD community or surrounding community may report an incident regarding any student for misconduct to the office of student conduct. All reports shall be prepared in writing, except in unusual circumstances, and may include, without limitation, reports from university security officials or police reports, and should be directed to the director of student conduct. Any report should be submitted as soon as possible after the event takes place.
  - b. SCAD and its faculty and staff do not monitor online communities (such as Facebook or MySpace) on a routine basis. Further, the university does not forbid students from joining and participating in online communities as individuals not acting as agents of the university. However, if a SCAD official is made aware of any online activity that allegedly violates the Code of Student Conduct, it may be treated as any other violation and can be referred through channels outlined in this code.
3. Waiver of a Student Conduct Hearing: Students agreeing to a waiver of hearing must accept responsibility for the violation(s) and the sanction imposed by the director of student conduct or designee. The director of student conduct or a designee must determine that the acceptance of a waiver of hearing is voluntary and that the charge and sanction have factual support. The waiver and acceptance must be in writing and signed by the accused student and/or organization and the director of student conduct or designee. A waiver of hearing may not be appealed. At any time up to one day before a hearing, the director of student conduct or designee may offer or accept a waiver of hearing for any violation(s) under this code.
4. Student Conduct Hearings:
  - a. The following procedures will be applied when an initial hearing occurs with a designee of the director of student conduct, such as a resident director, serving as the hearing officer.
    - i. Hearings shall be conducted in private.
    - ii. The hearing officer shall provide an overview of the hearing process for the student and answer any questions the student may have about the process or the Code of Student Conduct.
    - iii. The hearing officer shall review all pertinent reports and exhibits for the student and relate the information contained therein with the charges outlined in the student's charge letter.
    - iv. Upon responding to the charges the student shall have an opportunity to provide information to the hearing officer about the alleged incident.
    - v. A student charged with alleged misconduct may offer written witness statements to the hearing officer, but must do so no less than one calendar day prior to the hearing.

---

## CODE OF STUDENT CONDUCT

- vi. The hearing officer may continue the initial hearing on a future date if needed and if deemed appropriate by the hearing officer.
  - vii. A student shall be found to have violated the Code of Student Conduct when, based on information at the hearing and otherwise available to the university, the university determines that the accused student, more likely than not, was responsible for the charged violation of the Code of Student Conduct.
  - viii. When a student denies responsibility for a violation of the rules governing student behavior, the hearing officer shall determine the student's responsibility on the basis of preponderance of evidence; that is, if it is more likely than not that the evidence supports the charged student violated the rule. If it is so determined, the student will be found responsible.
  - ix. The hearing officer will inform the charged student in writing of the results of the hearing.
  - x. When a student is charged with a violation of the rules governing student behavior and fails to attend the pertinent hearing, the hearing officer may proceed with the hearing despite the student's absence and shall base any determination upon the evidence received.
  - xi. A student who is charged with failing to obey the summons of the hearing officer may be found to have violated the Code of Student Conduct solely because the student failed to appear at the student conduct hearing.
  - xii. A student who fails to obey the direction of the hearing officer may be found to have violated the Code of Student Conduct solely because of that failure.
  - xiii. A student who fails to complete a sanction may be found to have committed an additional violation of the Code of Student Conduct, which may result in additional sanctions, and/or or having a hold placed on his or her records as a result of that failure. The director of student conduct, or his/her designee, reserves the right to impose such additional sanctions without conducting an additional hearing.
  - xiv. All procedural questions are subject to the final decision of the hearing officer.
  - xv. The university shall have no obligation to maintain confiscated items. SCAD may at any time, in its sole discretion and without liability, turn over any confiscated item to local law enforcement. Any student who desires to regain possession of confiscated item(s) held by the University should submit a written request to the Director of Student Conduct within 30 days of the confiscation. If a written request is received within this period and SCAD maintains possession of the confiscated item, the director of student conduct or designee will determine, in light of both the relevant facts and circumstances surrounding the confiscation and the nature of the confiscated item(s), whether and to whom to return the item(s), as well as any conditions applicable to the return of the item(s). SCAD may, in its sole discretion and without liability, destroy any confiscated items held 30 days or longer. The foregoing shall not limit the university's right to make or retain records with respect to confiscated items, including copies, photographs, and/or descriptions of such items.
- b. The following standards apply to all student conduct hearings when a hearing occurs with the director of student conduct, coordinator of student conduct, or other designee:
    - i. Hearings shall be conducted in private.
    - ii. Hearings shall be recorded and those records will be maintained in accordance to the same record retention schedule as any written or electronic records.
    - iii. In situations where more than one student is charged with an alleged violation, the hearing officer will determine, at his or her discretion, whether to hold one hearing for all charged students or a separate hearing for each student.
    - iv. A student charged with alleged misconduct may offer documentary evidence for consideration prior to and during the hearing. Evidence may include pertinent records, exhibits and other written statements.
    - v. A student charged with alleged misconduct may offer written witness statements to the hearing officer, but must do so no less than

---

## CODE OF STUDENT CONDUCT

- one calendar day prior to the hearing
- vi. At the discretion of the hearing officer, any student who claims to be a victim or other witnesses may attend and/or participate in the hearing. In the instances when this occurs, the accused student may ask questions of each person who does participate, after questioning by the hearing officer, as the hearing officer sees fit.
  - vii. Parents, guardians, attorneys, or other adviser or representatives are not permitted to attend or participate in the hearing. Admission of any other person to the hearing would be unusual and only at the discretion and with the permission of the hearing officer.
  - viii. The hearing officer may continue the student conduct hearing on a future date if needed, and if deemed appropriate by the hearing officer.
  - ix. A student shall be found to have violated the Code of Student Conduct when, based on information presented at the hearing and otherwise available to the university, the university determines that the accused student and/or organization more likely than not was responsible for the charged violation of the Code of Student Conduct.
  - x. When a student and/or organization denies responsibility for a violation of the rules governing student behavior, the hearing officer shall determine the student's responsibility on the basis of preponderance of the evidence; that is, if it is more likely than not that the evidence supports that the charged student violated the rule. If it is so determined, the student will be found responsible.
  - xi. The hearing officer will inform the accused student and/or organization in writing of the results of the hearing. In cases where the violation involved an allegation of violence and a student is determined to be a victim of that act, the hearing officer will also inform the victim in writing of the results of the accused student and/or organization's hearing and sanctions imposed, if any.
  - xii. When a student is charged with a violation of the rules governing student behavior and fails to attend the pertinent hearing, the hearing officer may proceed with the hearing despite the student's absence and shall base any determination upon the evidence received.
  - xiii. A student who is charged with failing to obey the summons of the hearing officer may be found to have violated the Code of Student Conduct solely because the student failed to appear at the student conduct hearing.
  - xiv. A student who fails to obey the direction of the hearing officer may be found to have violated the Code of Student Conduct solely because of that failure.
  - xv. A student who fails to complete a sanction may be found to have committed an additional violation of the Code of Student Conduct, which may result in additional sanctions, and/or having a hold placed on his or her records as a result of that failure. The director of student conduct, or his/her designee, reserves the right to impose such additional sanctions without conducting an additional hearing.
  - xvi. All procedural questions are subject to the final decision of the hearing officer.
  - xvii. The university shall have no obligation to maintain confiscated items. SCAD may at any time, at its sole discretion and without liability, turn over any confiscated item to local law enforcement. Any student who desires to regain possession of confiscated item(s) held by the university should submit a written request to the director of student conduct within 30 days of the confiscation. If a written request is received within this period and SCAD maintains possession of the confiscated item, the director of student conduct or designee will determine, in light of both the relevant facts and circumstances surrounding the confiscation and the nature of the confiscated item(s), whether and to whom to return the item(s), as well as any conditions applicable to the return of the item(s). SCAD may, at its sole discretion and without liability, destroy any confiscated items held 30 days or longer. The foregoing shall not limit the university's right to make or retain records with respect to confiscated items, including copies, photographs, and/or descriptions of such items.

---

## CODE OF STUDENT CONDUCT

- c. Sexual Misconduct Hearings (not to include initial hearings): The following standards apply to all student conduct hearings involving sexual harassment, sexual misconduct, sexual invasion, or sexual assault:
  - i. In situations where more than one student is charged with an alleged violation, the hearing officer will determine, at his or her discretion, whether to hold a separate hearing for each student or whether to hold one or more hearings involving one or more students, up to and including all charged students.
  - ii. Parents, guardians, attorneys or other advisors or representatives are not permitted to attend or participate in a hearing except to the extent applicable law specifically grants the victim or accused student a right to the presence of a witness or support person. Admission of any other person to the hearing would be unusual and only at the discretion and with permission of the hearing officer.
  - iii. The accused student and/or the victim may offer written witness statements to the hearing officer, but must do so no less than one calendar day prior to the hearing.
  - iv. The accused student and/or the victim may offer documentary evidence for consideration prior to or during the hearing.
  - v. When a student is charged with a violation of the rules governing student behavior and fails to attend the pertinent hearing, the hearing officer may proceed with the hearing despite the student's absence and shall base any determination upon the evidence received.
  - vi. Hearings shall be conducted in private.
  - vii. Hearings shall be recorded and those records will be maintained in accordance to the same record retention schedule as any written or electronic records.
  - viii. At the discretion of the hearing officer and subject to applicable privacy laws, any student who claims to be impacted by the alleged conduct or other witnesses may attend and/or participate in the hearing.
  - ix. Victims who choose to attend and/or participate in the hearing may do so in the following manners, including but not limited to:
    - 1. attendance at the hearing, with no participation in the hearing;
    - 2. attendance at the hearing and full participation in the hearing; or
    - 3. full participation in the hearing, via telephone, while in a separate location, to be determined by the hearing officer.
  - x. The hearing officer shall provide an overview of the hearing process for the student(s) and answer any questions the student(s) may have about the process or the Code of Student Conduct.
  - xi. The hearing officer shall review all pertinent reports and exhibits for the accused student and relate the information contained therein together with the charges outlined in the accused student's summons letter.
  - xii. The victim shall have the opportunity to provide a statement related to the alleged incident. The victim may choose to read the statement themselves or have the hearing officer read the statement. If the victim chooses to have the hearing officer read the statement, they shall provide the statement to the hearing officer no later than one business day prior to the hearing.
  - xiii. The accused student shall have an opportunity to provide information to the hearing officer about the alleged incident in response to the charges.
  - xiv. The accused student may ask questions of the victim, directly pertaining to the alleged incident, after questioning by the hearing officer, as the hearing officer sees fit.
  - xv. The victim may ask questions of the accused student, directly pertaining to the alleged incident, as the hearing officer sees fit.
  - xvi. The hearing officer may continue the student conduct hearing on a future date if needed and/or deemed appropriate by the hearing officer.
  - xvii. The hearing officer may excuse the victim prior to the accused student filling out the Acknowledgement of Understanding. After the victim is excused, the hearing officer shall only explain the Acknowledgment of Understanding and answer any questions pertaining to the Code of Student Conduct and the hearing process.
  - xviii. A student shall be found to have violated

---

## CODE OF STUDENT CONDUCT

the Code of Student Conduct when, based on information presented at the hearing and otherwise available to the university hearing officer, the hearing officer determines that the accused party more likely than not was responsible for the charged violation(s) of the Code of Student Conduct.

- xix. When a student denies responsibility for a violation of the rules governing student behavior, the hearing officer shall determine the student's responsibility on the basis of preponderance of the evidence; that is, if, the hearing officer determines it is more likely than not that the evidence presented to the hearing officer or otherwise available to the hearing officer at the time of the decision supports that the accused student violated the rule. If it is so determined, the student will be found responsible.
  - xx. The hearing officer will inform the accused student and the victim, in writing, of the results of the student conduct hearing unless such disclosure is prohibited by applicable privacy laws.
  - xxi. All procedural questions are subject to the final decision of the hearing officer.
5. Appeals Process:
- a. A decision reached during a student conduct hearing or a sanction imposed through that process may be appealed by the accused student or victim to the appeal officer within three business days of the decision. Such appeals shall be in writing and shall be delivered to the appeal officer.
  - b. A student's notice of appeal suspends the imposition of sanctions until the appeal is finally decided, except in cases of interim suspension which will remain in effect during the appeals process. The student may be called to attend a meeting with the appeal officer to discuss the student's notice of appeal.
  - c. Except as required to explain the basis of new information, an appeal shall be limited to a review of the record of the hearing and supporting documentation for one or more of the following purposes:
    - i. To determine whether the hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Code of Student Conduct was violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
    - ii. To determine whether the decision reached regarding the accused student was based on substantial information; that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Code of Student Conduct occurred.
    - iii. To determine whether the sanction(s) imposed were appropriate for the violation of the Code of Student Conduct that the student is found to have committed.
    - iv. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing or the hearing officer at the time of the original hearing.
  - d. If either the sanctioned student or the victim appeals, the appeal officer may respond in one of the following ways:
    - i. Affirm the finding of responsibility and the sanction(s).
    - ii. Affirm the finding of responsibility and reduce, but not eliminate the sanction(s).
    - iii. Overturn the finding of the hearing officer and remove/impose sanction(s).
    - iv. Remand the matter back to the hearing officer for a reopening of the hearing to allow reconsideration of the original determination in accordance with the ruling on the appeal.
  - e. The appeal officer shall notify, in writing, within five business days, the charged student and student(s) determined to be a victim as to the results of an appeal.
  - f. If no appeal is made or if the appeal officer concludes the appeal without remanding it back to the hearing officer, the matter will then become final and will not be subject to further appeal or review.

---

## CODE OF STUDENT CONDUCT

### Section VI: Sanctions

Any student or student organization found responsible for any violation of the Code of Student Conduct can expect to receive sanctions. The following sanctions may be applied singularly or in combination, and may affect financial aid, scholarships or loans. Students should refer to the financial aid office for information about how these may be affected.

1. Notice of violation: A notice of violation is written notification informing the student that a violation of the Code of Student Conduct has occurred, and may include requirements and restrictions as circumstances warrant. The student or student organization to whom a notice of violation is issued is expected to review the appropriate policies thoroughly and to make necessary changes to better regulate future behavior.
2. Disciplinary warning: A warning is written notification that a violation of the Code of Student Conduct has occurred and may include requirements and restrictions as circumstances warrant. A warning indicates that the student or organization's good standing with SCAD is in jeopardy, should necessary changes to future behavior fail to occur.
3. Definite disciplinary probation: Definite disciplinary probation is a status in which a student is deemed not to be in good disciplinary standing with the university for a definite period of duration not less than the remainder of the quarter. This sanction is imposed for serious misconduct and/or a history of multiple violations of the Code of Student Conduct. Future violations will likely result in the student's suspension or expulsion from university. Probation may include other requirements and restrictions as circumstances warrant. A student or student organization on disciplinary probation may not be eligible to represent SCAD in any official capacity and may lose eligibility to participate in SCAD events such as athletics, university productions, clubs, off-campus programs or other events. The probationary status becomes part of the student's disciplinary record.
4. Indefinite disciplinary probation: Indefinite disciplinary probation is the highest sanction imposed on a student other than suspension and/or expulsion from university. Indefinite disciplinary probation is a status in which a student is deemed not to be in good disciplinary standing with the university for an indefinite period of duration. Indefinite disciplinary probation usually remains in effect for a period of no less than one calendar year and until the student successfully petitions, in writing, the director of student conduct or designee for reinstatement to good standing. This sanction is imposed for serious misconduct and/or a history of multiple violations of the Code of Student Conduct. Future violations will likely result in the student's suspension or expulsion from university. Probation may include other requirements and restrictions as circumstances warrant. A student or student organization on disciplinary probation may not be eligible to represent SCAD in any official capacity and may lose eligibility to participate in SCAD events such as athletics, university productions, clubs, off-campus programs or other events. The probationary status becomes part of the student's disciplinary record.
5. Definite suspension: A student who is suspended is separated from the university for a designated time period after which the student is eligible to return. The student is required to forfeit his or her SCAD identification card to the office of the dean of students, and is prohibited from SCAD premises and from attending SCAD-sponsored or supervised events. While reapplication to the university is not generally necessary following the suspension period, conditions for readmission may be specified. A student who is suspended may not be entitled to any refund or reimbursement by the university. A disciplinary hold will be placed on a student's record for the duration of the suspension.
6. Indefinite suspension: A student who is suspended indefinitely is separated from the university for a period of at least one calendar year and until the student successfully petitions, in writing, the director of student conduct or designee, for a reinstatement to good standing and is eligible to return. The student is required to forfeit his or her SCAD identification card to the office of the dean of students, and is prohibited from SCAD premises and from attending SCAD-sponsored or supervised events. While reapplication to the university is not generally necessary following the suspension period, conditions for readmission may be specified. A student who is indefinitely suspended may not be entitled to any refund or reimbursement by the university. A disciplinary hold will be placed on a student's record for the duration of the suspension.
7. Expulsion: This sanction permanently separates a

---

## CODE OF STUDENT CONDUCT

- student from SCAD, and represents the most severe response by the university to violations of the Code of Student Conduct. The student is required to forfeit his or her SCAD identification card to the office of the dean of students, is prohibited from SCAD premises and from attending SCAD-sponsored or supervised events, and may not be entitled to any refund or reimbursement by the university. A disciplinary hold will be placed on a student's record for the duration of the expulsion. A student may request the removal of the hold through written request to the director of student conduct or designee.
8. Residence hall suspension: This is the separation of the student from the privilege of living in SCAD residences for a specified amount of time, after which the student is eligible to return. Condition(s) for readmission may be specified. While suspended from the residence halls, a student may not enter any university residence hall except to conduct business in any official SCAD office that may be housed in a residence hall.
  9. Residence hall expulsion: This is the permanent separation of the student from the privilege of living in campus residences. When expelled from the residence halls, a student may not enter any university residence hall except to conduct business in any official SCAD office that may be housed in a residence hall.
  10. Revocation of admission and/or degree: Admission to or a degree awarded from the university may be revoked for fraud, misrepresentation or other violation of SCAD standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  11. Withholding degree: The university may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code of Student Conduct, including the completion of all sanctions imposed, if any.
  12. Educational sanctions: The following sanctions may be imposed in addition to those listed in lines 1-10 above:
    - a. Residence hall relocation: A student may be relocated to a new residence hall room. Final determination of room assignments will be the responsibility of the associate dean of students/director of residence life.
    - b. Loss of privileges: Denial of specified privileges, including, but not limited to, participation in intercollegiate/intramural athletics, student organizations, student government, dining services, entrance into specific buildings, and temporary blocks from current classes or the ability to register for future classes.
- c. No-trespass order: SCAD may prohibit a student or organization from entering particular buildings, residence halls or other areas. In addition, SCAD may prohibit a student or organization from engaging in personal contact with an individual when such contact may potentially lead to harassment, threats, etc.
  - d. Restitution: Compensation for loss, damage or injury may be required. Payment for expenses incurred by individuals or the university as a result of providing educational programs or other educational experiences related to the violation(s) may be required. This may take the form of appropriate service and/or monetary or material replacement.
  - e. Discretionary sanctions: When deemed appropriate, the hearing officer may require completion of a variety of educational sanctions. These may include, but are not limited to, assessment with a personal counselor, educational seminars, alcohol or other drug education, reflection papers, letters of apology, behavioral agreements, work service hours or completion of other special community projects.
  - f. Notification of parents/guardians regarding alcohol and drug violations: The dean of students and the vice president for student success have the authority to notify a student's parents/guardians when that student is under the age of 21 and is found to have committed violations of SCAD's rules and policies related to the possession, use or distribution of alcohol and/or drugs. Notification of parents/guardians shall occur when:
    - i. The violation involved harm or threat of harm to persons or property;
    - ii. The violation involved an arrest in which the student was taken into custody;
    - iii. The student who committed the violation became physically ill and/or required medical intervention as a result of consumption and/or drugs;
    - iv. The violation resulted in, or could result in, the student being suspended from the university and/or dismissed from the residence halls;
    - v. The student has shown a pattern of violations, even if they are minor (two or more

---

## CODE OF STUDENT CONDUCT

- violations associated with alcohol use shall be reasonable cause for notification); or
- vi. The student committed any violation of the university's rules regarding drugs or drug paraphernalia.
13. The following sanctions may be imposed upon student organizations:
    - a. Any of those sanctions listed in Section VI (1-6) or (11).
    - b. Loss of selected rights and privileges for a specified period of time.
    - c. Deactivation: Loss of all privileges, including SCAD recognition, for a specified period of time.
  14. Other than suspension, expulsion or revocation/withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Cases involving the imposition of sanctions other than suspension, expulsion or revocation/withholding of a degree shall be expunged from the student's confidential record seven years after the final disposition of the most recent incident.
  15. In situations involving both an accused student (or organization) and a victim, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the accused student(s) and the student(s) claiming to be a victim because the educational career and chance of success in the academic community of each may be impacted.
- from the university until such time as the incident is resolved before a hearing officer and until a final decision including any appeal is issued. A student under interim suspension from the university is strictly prohibited from university premises (including participation in classes), and may not attend any SCAD-sponsored or supervised event, until otherwise directed by the dean of students or the vice president for student success. A residence hall student under interim suspension from the university is required to temporarily vacate his or her residence hall room and the residence hall setting until otherwise directed by the dean of students or vice president for student success.
- b. Interim loss of privileges: When imposed, the student may be denied or have limited access to the residence halls or other university premises (including participation in classes), and all other SCAD activities or privileges for which the student otherwise might be eligible, as determined to be appropriate by the dean of students or the vice president for student success.
3. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a conduct hearing and appeals process, if necessary.
  4. The accused student shall be notified in writing of this action and the reasons for the suspension. The notice shall include the time, date and place of a subsequent hearing at which the student may show cause why his or her continued presence on campus does not constitute a threat (and at which they may also contest whether a university regulation was violated).

### **Section VII: Interim Suspension**

In certain circumstances, the dean of students or the vice president for student success may impose an interim suspension prior to a student conduct hearing before a hearing officer, until a final decision including any appeal is issued.

1. Interim suspension may be imposed if there is any reason to believe that it is necessary:
  - a. To ensure the safety and well-being of members of the SCAD community;
  - b. To ensure the student's own physical or emotional safety and well-being; or
  - c. If the student poses an ongoing threat to, disruption of, or interference with the normal operations of the university.
2. Interim suspension may take either of the following forms:
  - a. Interim suspension from the university: When imposed, the student is temporarily separated

### **Section VIII: Interpretation and Revision**

1. Any question of interpretation regarding this Code of Student Conduct shall be referred to the dean of students or the vice president for student success for final determination, which shall not be subject to appeal.
2. Under the direction of the dean of students or the vice president for student success, the Code of Student Conduct shall be reviewed and revised when, and to the extent, deemed necessary or appropriate.