

PAINE COLLEGE
SUPPLEMENT TO STUDENT HANDBOOK

2007-2009
PAINE COLLEGE
AUGUSTA, GEORGIA

FOREWORD

The Student Handbook is published by the Division of Student Affairs to provide information which will assist students in facilitating orientation to College life and understanding the rights and responsibilities associated with membership in the College community.

The Handbook serves as a guide and is to be used in conjunction with the College Catalog and other official publications of the institution. Each student is responsible for knowing the contents of these publications. Rules and regulations are correct as of the date of printing. Every attempt is made to inform students of changes in rules and regulations when they occur. Students, however, have the responsibility of checking with the appropriate office concerning the accuracy and current status of information contained in this publication and in the College Catalog.

Any questions about policies or procedures which appear in the Handbook should be addressed to the Dean of Student Affairs Office or to the area responsible for service in question.

Paine College reserves the right to add or drop programs and courses, to make changes in the academic calendar, Student Handbook, fees, hours of operation and personnel, and to institute new requirements when such changes are desirable, warranted, or demanded. Every effort will be made to minimize the inconveniences such changes will create for students.

This Handbook will remain in effect until revised.

Paine College supports the protections available to members of its community under all applicable federal laws, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 799A and 845 of the Public Health Service Act, the Equal Pay and Age Discrimination Acts, the Rehabilitation Act of 1973, and Executive Order 11246. Pursuant to these regulations, no person shall, on the basis of race, sex, color, religion, national origin, age, handicap, or veteran status, be subjected to discrimination under any educational program or activity administered by Paine College.

STUDENT DISCIPLINE

STUDENT RIGHTS, RESPONSIBILITIES AND DISCIPLINARY PROCEDURES

Students are expected to abide by all Paine College rules, regulations, and standards, and by laws of the City of Augusta, Richmond County, State of Georgia and the Federal Government. Under the authority of the Board of Trustees, the President is delegated the responsibility and authority for establishing and enforcing regulations governing student life. The President has further delegated this responsibility and authority to the Dean of Student Affairs.

The regulations contained in this section are designed to allow the College to protect itself and its members against the misconduct of those who, by their actions, infringe on the rights of others and/or interfere with the orderly operations of Paine College.

1. The College affirms the right of each student to be free from discrimination on the basis of race, color, national origin, political views, sex, age, or physical handicap.
2. Every student and registered student organization shall have the right to receive a statement of regulations published by the College.
3. The College affirms the right of each student to conduct and publish research and to discuss and exchange findings and recommendations, except that the College may promulgate rules and regulations related thereto.
4. Students shall have the rights to establish and elect a democratic student government.
5. Each student shall have the right to petition the College for redress of grievances, amendment of College regulations, and modification of College policies.
6. Students shall be secure in their persons, assigned living quarters, papers, and effects from unreasonable, illegal, or unauthorized searches and seizures.

7. The College affirms the right of students to participate in governing, especially in the policies and decisions which affect student life. Students will serve on all committees, except for those designed for executive functions.
8. The College recognizes each student's rights of freedom of speech, Assembly, and association as guaranteed by the Constitution, and all provisions of this code shall be consistent with these rights.
9. The College recognizes the right of each student to interview for employment with any organization, firm, corporation, or any other body.
10. All student publications shall be free of censorship.
11. These enumerated rights shall not be construed to deny or disparage other rights of students, both as members of the College Family and as citizens of the United States.

DISCIPLINARY SANCTIONS:

The following penalties shall be prescribed for students found guilty of the offenses listed below:

A. EXPULSION

1. Discharging or pointing a firearm at another person on College-owned or controlled property or at College-sponsored or supervised activities. Possession or use of weapons – unauthorized possession or use of any type of firearm, ammunition, explosive, other weapons, or fireworks.
2. Possessing or carrying firearms (including, but not limited to pistols, rifles, shotguns, or ammunitions), having dangerous knives, explosives, fireworks, or other dangerous weapons) or instruments while on College-owned or controlled property or at College-sponsored or supervised activities, except by authorized law officers and other persons specifically authorized by Paine College.
3. Aggravated Assault*with intent to murder, to rape, or to rob, or assault with a deadly weapon or with any object, device, or instrument which, when used offensively against a person, is likely to, or actually does result in serious bodily injury.
4. Battery*which intentionally causes substantial physical harm or visible bodily harm to another. (Visible bodily harm is that which is capable of being perceived by a person other than the victim and may include, but is not limited to, substantially blackened eyes, substantially swollen lips or other facial or body parts, or substantial bruises to body parts. This includes a College employee or a student).
*Defensive actions (self-defense) are those which cause a person to protect his/her life or physical well-being after being physically assaulted or placed in imminent danger when no other options, College official or law enforcement officers are available and the person attempts to avoid harm.
5. Breaking and Entering with intent to relieve the College or College personnel of property.
6. Possessing, distributing, or using controlled substances, including narcotic drugs, amphetamines, barbiturates, hallucinogenic drugs or marijuana, on College-owned or controlled property or at College-sponsored or supervised events, on or off-campus. Possession, Use, Distribution, Sale, or Manufacture of Controlled Substances – knowingly possessing, using, distributing, selling, and/or manufacturing illegal drugs, including, but not limited to, narcotics, barbiturates, hallucinogens, marijuana, or amphetamines.
7. Arson or attempted arson – intentionally burning or attempting to burn College-owned or controlled property.
8. Misuse of computer equipment, which includes the unauthorized or inappropriate use of computer hardware, software, account numbers or passwords. Theft of, or unauthorized access to files, copying, altering or damaging records, storing game programs, or other inappropriate uses of computer equipment.
9. Unauthorized access to academic or computer systems – viewing, altering, or dispensing academic, administrative, or computer records; modifying academic, administrative, or computer records, computer programs, or systems, or interfering with the use or availability of academic, administrative, or computer records or computer systems.
10. Illegal use of telephone lines by use of a false telephone number or unauthorized use of another person's telephone number or credit card.
11. Conviction of any one offense or a combination of offenses for the third time, unless otherwise stated below under specific Disciplinary Sanctions.

B. INDEFINITE SUSPENSION

1. Forging, altering, destroying, or misusing College documents, records, identification cards, or papers with intent to fraud.
2. Furnishing false, misleading, or incomplete information to the College or to a College official, or on official records or documents or altering such documents. This includes: Credential misrepresentation (and similar forms of dishonesty in College regulated affairs), which involves, but is not limited to, the use of untrue written statements regarding matters of fact in order to gain admission to Paine College. It also includes misstatements of facts, distribution of false printed materials, and conduct manifestly intended to deceive or mislead.

Falsification of Information, – intentionally furnishing false or misleading information, altering documents, forging signatures, or impersonating a College official.

Fraud – furnishing false or misleading information or identification to a College official, failing to provide accurate information to a College official, any unauthorized reproducing, copying, possession, submission, misuse, or attempted misuse of College documents; forging, falsifying, tampering, altering, or attempting to alter College documents, misrepresentation of a College official.

3. Collusion, which includes cooperation of students, or students and staff personnel in securing confidential information/material, bribery by students or staff personnel to change College files information.
4. Bribery – offering money, service, or any item to a student, administrator, faculty, or staff member so as to influence the partiality of, so as to receive College property, grades, and/or services for one's self or another, or so as to gain an advantage or special treatment for one's self or for another.
5. Aiding and Abetting – knowingly providing information, material, protection, or other assistance to another person with knowledge that such aid or protection could be used to violate, escape, or abate prosecution of College, Local, State, or Federal laws, sanctions or penalties.

C. SUSPENSION FOR ONE YEAR

1. Simple battery*by either intentionally making physical contact of an insulting or provoking nature with the person of another or intentionally causing harm to another.
2. Simple assault* by attempting to commit a violent injury to the person of another or by committing an act which places another person in reasonable apprehension of immediately receiving a violent injury. Violators will be required to participate in compulsory counseling sessions upon readmission to the College. (This includes threatening a College employee or a student).
*Defensive actions (self-defense) are those which cause a person to protect his/her life or physical well-being after being physically assaulted or placed in imminent danger when no other options, College official or law enforcement officers are available and the person attempts to avoid harm.
3. Illegal use of Alcoholic Beverages – possessing, purchasing, selling, or making available alcoholic beverages on College-owned or controlled property are in violation of College policies. Alcoholic beverages (beer, porter, liquor, brandy, whiskey, fruit juices or wines, rum, gin, specialty drinks, distilled beverages, etc. having alcoholic content).
4. Engaging in sexual activity, homosexual or heterosexual, on College-owned or controlled property. Complaints from a roommate forwarded to the College staff about sexual activities in a room will be used as additional evidence. No sexual activity is permitted on-campus. Immediate removal from the Residence Hall.
5. Committing theft by unlawfully taking or appropriating any property of another person, or of the College with the intention of depriving the person or College of said property taken or appropriated. Taking or attempted taking without consent. The violator(s) will also be required to make restitution.
6. Committing public indecency by performing a lewd exposure of sexual organs, a lewd appearance in a state of partial or complete nudity, or a lewd caress or indecent fondling of oneself or the body of another person while on College-owned or controlled property. Violator(s) will be required to attend compulsory counseling sessions and will be placed on probation for at least one semester after being readmitted to the College.
7. Sexual Harassment – Unwanted verbal, visual or physical sexual advances, requests for sexual favors or expressive behavior of a sexual nature, which intimidates, threatens, or creates a hostile or threatening environment. This includes unsolicited touching. The use of explicit or implicit threats concerning terms or conditions of the threatened person's education, employment, housing, or participation in a College activity as a way to gain sex and/or sexual favors. A second conviction for the same offense will result in two years suspension from the College.
8. Stalking/Harassment – any repeated behavior or activity that causes another person to experience emotional distress, threat of safety, or reasonable fear of bodily injury. Such behavior may include, but are not limited to: repeated following of another person on College-owned property, repeated monitoring or surveillance of another person on College-owned property, repeated, unwelcome communication, such as giving face-to-face messages, telephone calls, voice messages, e-mail, written letters or notes, unwanted gifts, etc.
9. Willful destruction, vandalism, misuse or damage to property owned or controlled property by Paine College, or to property of any of its faculty, administrators, staff, students, or visitors on the premises of the College, or the attempt to do the same. If the offense occurs in the Residence Halls, the violator(s) will be permanently removed from living in campus housing. On the second offense, violator(s) will be expelled from the institution.
10. Hazing – Engaging in an act which intimidates, annoys, alarms, embarrasses, ridicules, or produces psychological or physical discomfort. This includes making obscene or harassing telephone calls. Any conduct, act or method of coercion of another to do an act of initiation, or an act for admission into any organization, which willfully or recklessly causes, or creates a substantial risk of causing physical or mental harm to any student or person, occurring on or off-campus.

11. Inciting to riot by engaging in conduct which urges, counsels, or advises others to riot, at a time and place and under circumstances which produce clear and present danger of a riot. A second conviction of this offense will result in expulsion.
12. Fighting/Engaging in an affray by fighting*with one or more persons (when a clear case of self-defense cannot be established) while on College-owned or controlled property.
*Defensive actions (self-defense) are those which cause a person to protect his/her life or physical well-being after being physically assaulted or placed in imminent danger when no other options, College official or law enforcement officers are available and the person attempts to avoid harm.
13. Gambling – wagering, or assisting in the wager of money or any other item of value. Gambling of any nature on College-owned or controlled property is prohibited.
14. Verbally threatening or physically assaulting a College employee or a _____ member of the Residence Hall staff. If the offense occurs in the Residence Halls, the violator(s) will be permanently removed from living in campus housing. If the offense occurs any where on College-owned or controlled property, the violator(s) will be removed from the campus.
15. Unauthorized Entry/Use of Facilities – The unauthorized entry, occupation or use of College facilities and vehicles or the possession, duplication or use of keys and locking devices without authorization. Violator(s) will be required to attend compulsory counseling sessions for at least one semester and will be placed on probation after being readmitted to the College.
16. Failure to abide by fire safety regulations through the unauthorized use of incendiary devices or safety equipment or the possession of gasoline, inflammable liquids or material. The following acts are specifically forbidden: a) tampering with fire extinguishers, hoses, pull stations, alarm bells or sprinklers, b) turning in a false fire alarm by transmitting in any manner a false report of a fire, knowing at the time there is no reasonable ground for believing that such a fire exists, c) failure to participate in a fire drill, d) use or possession of fireworks, bottle rockets, or other explosive or potentially explosive devices, and e) failure to leave the site of a fire scene.

D. SUSPENSION FOR ONE SEMESTER

1. Failure to attend scheduled disciplinary meeting. Students who are scheduled for a disciplinary hearing must attend the meeting as scheduled. Students must provide official documentation to the Dean of Student Affairs for approval in order to re-schedule. Violators who fail to attend scheduled disciplinary meetings will receive an additional penalty of one semester.
2. Participating in activities or exhibiting behavior anti-ethical to the standards of conduct expected by Paine College, i.e., throwing eggs or other objects at individuals, buildings or other College-owned property, participating in water fights, raids, cross-dressing, carrying lewd objects, display of pornographic/sexually explicit materials or posters. Any damage incurred will result in an additional penalty of restitution. Violators will be required to perform community service.
3. Public drunkenness by appearance in an intoxicated condition in any public place, and which condition is made manifest by boisterousness, by indecent condition or act, or by vulgar, profane, loud, or unbecoming language while on College-owned or controlled property, or at College-sponsored or supervised activities. A second conviction for this offense will result in a penalty of two years suspension from the College. Compulsory counseling upon readmission and evidence of participation in an alcohol/drug treatment program are also required before readmission. A statement of participation must be submitted from an approved private or public agency.
4. Knowingly making false oral or written statements to College officials, or at a disciplinary hearing. One or more severe sanctions may be imposed based on the severity of the infraction.
5. Disrespect for person(s) in authority. Abuse, which includes a verbal or written exchange, including profane, insulting, provocative or offensive language, threats or behavior directed toward a College official/person in authority while on College-owned or controlled property.
6. Unescorted and unapproved visitation in the residence halls before or after designated visitation hours. Non-Paine College students will be subject to criminal trespassing charges. Suspended or Expelled students may also face additional charges if a breach of prior sanctions are involved.

E. REMOVAL FROM RESIDENCE HALL

1. Possessing or using electrical cooking appliances which are not authorized or sanctioned by the College (i.e. hot plates, toaster ovens, etc.) in the residence halls. Any such appliances will be confiscated. Any individual(s) who permits or aids in such illegal activity are also in violation of this regulation.
(Period of removal: 1 semester)
2. Evidence of smoking tobacco or any tobacco-related substance in the residence halls will result in immediate removal from the residence hall. (Period of removal: Immediate removal for 1 semester)
3. Having a member of the opposite sex in one's residence hall room or being in the room of a member of the opposite sex, unless otherwise authorized by the Residence Hall Director. Any individual(s) who permits or aids in such illegal entry or visitation are also in violation of this regulation. (Period of removal: Immediate removal for 1 semester)
4. Persistently engaging in behavior or activity in residence halls and campus facilities that violates quiet hours from 10:00 p.m. to 7:00 a.m., Sunday through Thursday. After two offenses, violators will be removed from the hall for the specified period. (Period of removal: Two warnings and community service; Third Offense: 1 semester; Fourth Offense: Permanent removal).
5. Aiding or facilitating entrance or presence of unauthorized persons or other students into the residence halls before or after hours. (Period of removal: Immediate removal for 1 semester)

Suspension and removal from the Residence Hall imply that the affected student is restricted from visiting any Residence Halls, unless permission is granted by the Dean of Student Affairs or the Director of Residence Life.

F. STRICT SOCIAL PROBATION

1. Abuse, which includes a verbal or written exchange, including profanity, insulting, provocative or offensive language, threats, or behavior directed toward another person; using loud, abusive, or unbecoming language while on College-owned or controlled property. Additional penalties: Compulsory counseling for at least four weeks (20 hours), Restriction, Community Service.
2. Disruptive behavior, which intentionally and unreasonably interrupts or interferes with classroom instruction, infringement upon the rights of others (engaging in activities or exhibiting behavior anti-ethical to the standards of conduct expected by the College), research, College committees or boards, or other College or student activities (i.e. assembly, other public programs, plays, concerts, etc.) Violators will be required to leave the site and will be given the following additional sanctions: Restriction, Community Service and Compulsory Counseling. An Educational Sanction may also be imposed.
3. Failure to comply with direction of, or to present identification to College officials, law enforcement officials and/or emergency or fire safety personnel acting in the performance of their duties or refusal to respond to a request to report to an administrative office. First Offense: Strict Social Probation, Community Service and Compulsory Counseling. Second Offense: Suspension for one semester, Social Probation and Restriction upon readmission. Third Offense: Indefinite Suspension.

G. COMMUNITY SERVICE

1. Loitering outside and inside College-owned or controlled property, which includes depositing trash or other waste products in non-designated areas, throwing paper or other materials on the property. In addition to Community Service, violators will be fined as follows:
First Offense: \$5, Second Offense: \$10, Third Offense: \$15,
Subsequent Offenses: \$20. Fines must be paid to the Campus Safety Office within 24 hours after notification is received. Failure to comply with College officials may be levied if the fine is not paid as required. In cases where guilt cannot be established and the offense occurs in or around a residence hall facility, group responsibility will be assigned and the hall residents will be charged as a group for the infraction(s). Failure to pay the fine within the designated time period will result in the fine being taken out of the hall's activity fees budget. Collected monies will be placed in a special fund to support and sponsor activities for students. A record of such expenditures will be on file at the Office of the Director of Residence Life and Business Office.
2. Community Service will be assigned as deemed necessary by the Disciplinary Committee.
3. Any other infraction which lists Community Service as a sanction or as assigned by the College.

H. REPRIMAND

1. Disruptive behavior, including, but not limited to the following:
 - a. Abuse or unauthorized use of sound equipment indoors or outdoors during classroom hours, quiet hours, or during major College events, including those to which the public is invited. Also, excessive loud playing of radios, stereos, televisions, tape-players on-campus at any time. Both a verbal (on the scene) and a written reprimand will be given to violators who will be placed on Conduct Probation. A second conviction for this offense will result in Suspension for one semester and the imposition of the Conduct Probation penalty upon readmission to the College.
 - b. Unauthorized assembly, including that which interferes with the normal operation of the College. Violators will be dispersed, given verbal (on the scene) and written reprimands. A second conviction will result in Strict Social Probation, Restriction and Conduct Probation.
2. Loitering on campus property after residence halls close. Both verbal (on the scene) and written reprimands will be given. A second offense will result in Strict Social Probation and Restriction. A third offense may result in suspension for at least one semester. Non-Paine College students will be charged with criminal trespassing and will be subject to arrest.
3. Having pets in residence halls. Second conviction: Removal for one semester from the hall. Third offense: Permanent removal from the hall.
4. Failure to abide by the College's Dress Code. Second Offense: Community Service, Compulsory Counseling, Educational Sanction. Third Offense: Strict Social Probation, Restriction, Compulsory Counseling.

I. OTHER INFRACTIONS AND DISCIPLINARY MEASURES

1. Academic dishonesty, including, but not limited to, plagiarism, cheating on examinations, forgery, collusion, procuring copies of examinations, or other materials, which should not be in student's possession, credential misrepresentation, and failure to report an act of academic dishonesty. (Please refer to the College Catalog for procedures and penalties) designated for acts of academic dishonesty which are within the academic area and which have not been addressed here.
2. Aiding and abetting or failing to report any of the above offenses, or any other offense which may not be listed, but which is considered to be against College rules and regulations. Minimum penalty: Same as for the pertinent offense or sanction, which is in keeping with the gravity of the offense if no sanction is listed.

THE ABOVE NUMERATED OFFENSES SHALL NOT BE CONSTRUED AS EXCLUDING ANY OTHER BLATANT OFFENSES OF MISCONDUCT, BOTH ON AND OFF-CAMPUS, WHICH INFRINGE ON THE RIGHTS OF OTHERS, OR INTERFERES WITH THE ORDERLY OPERATION OF PAINE COLLEGE.

Violation of local, State, or Federal law on or off College-owned or controlled property when such violation of the law has an adverse effect upon the public image of Paine College or upon individual members of the Paine College family may constitute misconduct and result in the imposition of one or more of the prescribed penalties. The College does not assume the regulatory and police function of public government. Students are expected to abide by all College rules, regulations and standards, and by laws of the agencies cited above. A student offender of a City, County, State, or Federal law which also is a violation of College regulations, may be tried by the outside judicial agency for the offense and may be disciplined by the College.

City, State, County, or Federal law enforcement officials may come on campus if authorized or requested to do so by the Campus Safety Office or authorized

College officials. Any law enforcement official may present warrants for arrest and make arrests on campus.

THE PAINE COLLEGE STUDENT DISCIPLINARY SYSTEM

The Student Disciplinary System of Paine College shall consist of the President of the College, the Dean of Student Affairs, the Disciplinary Committee and the Appeals Board.

THE AUTHORITY OF THE PRESIDENT OF THE COLLEGE

The Board of Trustees of Paine College has directed that the President shall have final authority, subject to the mandates and rules of the Board, to establish policies concerning the Paine College Student Disciplinary System.

THE AUTHORITY OF THE DEAN OF STUDENT AFFAIRS

The President, in his/her capacity as Chief Executive Officer of the College, has delegated his/her responsibility and authority for establishing, monitoring, and enforcing regulations governing student life to the Dean of Student Affairs. The Dean of Student Affairs reserves the right to contact the family of a student who has violated the rules and policies outlined in the Paine College Student Handbook. The decision will be based on a case-by-case assessment. In addition, the Dean must uphold the requirements under the institutional policies and the Family Education Rights and Privacy Act of 1974. However, the President retains the right to be solely responsible for imposing the sanction of expulsion.

PAINE COLLEGE DISCIPLINARY COMMITTEE

1. Jurisdiction. The Disciplinary Committee will hear all cases brought to it by the Dean of Student Affairs or his/her representative. The Committee will make the necessary recommendations to the Dean of Student Affairs within 48 hours (2 business days) after the hearing. The student will be notified in writing by the Dean of Student Affairs or his/her representative of the Committee's decision.
2. Composition. The Paine College Disciplinary Committee shall be composed of the Dean of Student Affairs (or his/her representative), four student representatives and three faculty members (appointed by the President). The list of members must be submitted to the President for approval. The Dean of Student Affairs (or his/her representative) will be present in all the deliberations.
3. Terms. All the appointments to the Board shall be made, no later than the first week of September. The term for all members, except the Dean of Student Affairs and the Director of Student Activities/Residence Life, shall be for one year. Any member of the Disciplinary Committee may be re-appointed for an additional term (for a maximum of three consecutive terms before re-appointment).
4. Procedures for Disciplinary and Appeals Committees Selection. Any officially registered Paine College student is eligible to serve as a member of the Disciplinary Committee or the Appeals Committee.
 - a) Membership: The voting membership of the Disciplinary Committee consists of: Four students, three faculty members and the Dean of Student Affairs. Non-voting observers can be, but are not limited to: The Director of Student Activities/Residence Life, Student Government Association Officers and Campus Safety Officers.
 - b) Selection of Students: A list of all registered students will be obtained from the Office of the Registrar by September 1st of each academic year. The pool of students to be interviewed for the Disciplinary and Appeals Committees will be randomly selected from all registered students. The list of selected students will be reviewed for disciplinary actions that would disqualify the student from participation on the Disciplinary or

Appeals Committee. The students serving on either Committee must also have at least a 2.5 GPA. The students remaining on the final selection list will be contacted for an interview.

- c) Interview Process: The Selection Committee for the Disciplinary Committee and Appeals Committee will consist of: Student Government Association, President and Vice-President, Dean of Student Affairs, Director of Residence Life/Student Activities, Chief of Campus Safety and one faculty member. Each student on the final selection list will be asked a series of questions by the Selection Committee to determine the student's understanding of College policies and disciplinary procedures, the student's level of maturity, and availability to serve.

The members and alternates of each committee will be determined by the Selection Committee and forwarded to the President's Office for approval. The students selected will then be contacted in writing by the Dean of Student Affairs Office.

- d) Meeting Dates: The Disciplinary Committee will meet on the second and fourth Tuesday or Thursday of each month at a designated time and location. The Appeals Committee will meet on the first and third Tuesday or Thursday of each month at a designated time and location. However, the committees reserve the right to have called hearings as agreed on by most members. The students affected will be duly notified.
- e) The Disciplinary Committee is appointed for the academic year (nine months) and does not function in the Summer. However, the Dean of Student Affairs, upon approval from the President, may assign a Committee to review cases of students brought to the Dean of Student Affairs during the Summer session.

CONDUCT DURING A DISCIPLINARY HEARING:

- 1. Every person attending or participating in a disciplinary hearing must:
 - a) Refrain from disruptive conduct
 - b) Obey any directive or instruction from the presiding chairperson

HEARING PROCEDURES:

Paine College Disciplinary System hearings proceeds as follows:

- 1. The Committee Chairperson convenes and presides over the hearing only if the appropriate quorum is present. The chairperson is charged with maintaining orderly discussions throughout the hearing and limiting testimony, giving equal time to both the complainant and the referred student.
- 2. The chairperson confirms that the referred student understands his/her rights.
- 3. The chairperson reads into the record the College's opening statement and all statements of alleged violation(s).
- 4. The referred student makes an opening statement, including admission or denial of charges.
- 5. Witnesses and/or evidence are presented. Witnesses are represented one at a time.
- 6. A witness can only be present at a hearing during his/her own testimony. Written testimony from witnesses unable to be at a hearing may be acceptable, but the validity of the testimony will be ruled by the chairperson or the Dean of Student Affairs.
- 7. Members of the Disciplinary Committee may cross-examine any witnesses and/or the person being charged.
- 8. After all witnesses, evidence, and testimony have been presented, the chairperson will ask each side if there is additional information that has not been heard pertaining to the case.
- 9. Closing statements no longer than five minutes may be made the referred student and complainant.
- 10. All are dismissed, except for the chairperson and the Disciplinary Committee members. The Disciplinary Committee members determine if the student(s) is/are to be found in violation and, if so, what sanction(s) should be imposed. A simple majority vote by the committee members will determine the outcome of the case.
- 11. Within five (5) days, written confirmation of the Disciplinary Committee's decision will be sent to the student. If the student(s) is/are found in violation, all appropriate hearing materials will be placed in the student(s) disciplinary file in the Dean of Student Affairs office.

If a student fails to attend a scheduled disciplinary hearing, the Disciplinary Committee or chairperson may elect to proceed with the hearing without the accused and render a decision based on the evidence and information available at the scheduled hearing. Any sanction imposed is effective immediately.

Disciplinary hearings may be audio-taped only by the College for disciplinary and appeals purposes only. All tapes are filed and remain on file as sole property of the College for future review. If an appeal is granted, the Appeals Board or Committee will hear only new evidence, which was not heard during the student's initial hearing.

Waiver of Right to a Hearing/Failure to Appear for a Hearing

Students who want to waive their rights to a hearing or want to voluntarily acknowledge that they have violated the rules and regulations set forth in the charges shall notify the Dean of Student Affairs in writing, not later than twenty-four (24) hours prior to the date set for the hearing. Although students waive their rights to a hearing or voluntarily acknowledge that they have violated the rules and regulations which constitute offenses as set forth in the charges, the Dean of Student Affairs shall refer the matter to the Paine College Disciplinary Committee for recommendations on the imposition of penalties.

Failure to attend scheduled disciplinary meeting. Students who are scheduled for a disciplinary hearing must attend the meeting as scheduled. Students must provide official documentation to the Dean of Student Affairs for approval in order to re-schedule. Violators who fail to attend scheduled disciplinary meetings will receive an additional penalty of one semester.

PAINE COLLEGE APPEALS BOARD

1. Jurisdiction. The Paine College Appeals Board shall hear all appeals by students appealing imposition of penalties by the Dean of Student Affairs.
2. Composition. The Paine College Appeals Board shall be composed of three faculty members, appointed by the President, and four students approved by the Selection Committee. The Chairperson shall be appointed by the President.
3. Term. All appointments to the Appeals Board shall be made, no later than the first week in the month of September. The term for all members shall be for one year. Any member of the Appeals Board may be re-appointed for an additional term.
4. Appeals. Adjudications and recommendations by the Paine College Appeals Board shall be forwarded to the President.

GROUNDS FOR APEALS

The Appeals Board shall be responsible for insuring that the student charged with violations which constitute an offense have been accorded both substantive rights and due process with the College's established Code of Conduct and Disciplinary Procedures. Any one or more of the following may constitute reasonable grounds for referring a matter to the Appeals Board:

- a) Failure to conduct an investigation in such a manner that the student had an adequate opportunity to present his/her defense to the charge(s) of misconduct
- b) Failure to present facts or evidence "substantial" enough to justify a finding against the student
- c) The penalty imposed was not in keeping with the nature or gravity of the misconduct

If an appeal is denied, the student shall be provided written notification, including a reinstatement of the sanction imposed and such other information as shall be necessary to inform the student of his/her status.

The proceedings of all appeal hearings shall be either a verbatim written record or electronically recorded, which shall: 1) adequately identify all persons giving oral testimony at an appeal, and 2) identify all documents or other items reviewed or considered at an appeal. After an appeal hearing has been concluded, the proceedings, documents and any other items pertaining to the matter shall be forwarded to the Dean of Student Affairs who shall be responsible for maintaining their security and confidentiality.

The Appeals Board is appointed for the academic year (nine months) and does not function in the Summer. However, the President may appoint an Ad Hoc Board to review cases of students who appeal during the Summer.

Family Education Rights and Privacy Act of 1974

Buckley Amendment

The Federal Family Educational Rights and Privacy Act of 1974 (20 USC 1232g) and regulations adopted thereunder (34 CFR 99) set out requirements designed to protect the privacy of students concerning their records maintained by the campus. Specifically, the statute and regulations govern access to student records maintained by the College, and the release of such records. In brief, the law provides that the College must provide students access to records directly related to the student and an opportunity for a hearing to challenge such records on the grounds that they are inaccurate, misleading, or otherwise inappropriate. The right to a hearing under the law does not include any right to challenge the appropriateness of a grade as determined by the instructor. The law generally requires that written consent of the student be received before releasing personally identifiable data about the student from records to other than a specified list of exceptions. An office and review board has been established by the Department to investigate and adjudicate violations and complaints. The office designated for this purpose is: The Family Educational Rights and Privacy Act Office (FERPA), US Department of Education, 330 C Street, Room 4511, Washington, DC 20202.

The College is authorized under the act to release “directory information” concerning students. “Directory information” includes the student’s name, address, telephone numbers, e-mail address, enrollment status, class level, course-load, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, date(s) of degree(s), and previous educational institutions attended by the student. The above-designated information is subject to release by the College at any time unless the College has received prior written notification from the student specifying information which he/she does not agree to be released. Written notification should be sent to the Offices of the Registrar and Student Affairs.

The College is authorized to provide access to student records to campus officials and employees who have legitimate educational interests in such access. These persons are those who have responsibilities in connection with the College’s academic, administrative, or service functions and who have reason for using student records connected with their campus or other related academic responsibilities. Disclosure may also be made to other persons or organizations under certain conditions (e.g., as part of accreditation or program evaluation, in response to a court order or subpoena, in connection with financial aid, to other institutions to which the student is transferring.

~NOTES~
