

STUDENT CONDUCT: FAQs

Administrative Conduct Process Language	Criminal Court Process Language
Hearing: meeting to determine if a student violated code of conduct	⇒ Trial, Court
Hearing Officer, Conduct Officer: staff member who will meet with the student and decide the outcome	⇒ Judge
Charge Letter: notice of possible policy violations and hearing information	⇒ Subpoena, Warrant
Preponderance of evidence: standard to which hearing officer decides if the student violated policy (more likely than not)	⇒ Beyond a reasonable doubt, clear and convincing, etc.
Responsible, Not Responsible: findings of policy violations	⇒ Guilty, Innocent
Accused: student who is charged with a policy violation	⇒ Defendant

What actions can my student take if they are the victim of another student's behavior?

There are several options available, depending upon the type and severity of the incident. If the matter is on-going and places your student in harm's way, please encourage them to report the behavior to LUPD immediately (864-388-8222). Many of the complaint options are highlighted on [THIS SECTION](#) of the University's website.

Impacted students may also report the matter directly to student conduct staff. We will ensure they understand the proper reporting protocols and the options of recourse available to them.

What is a no contact order and why do I have one?

A no contact order is an official university notice from the Office of Student Conduct or the Title IX Coordinator prohibiting students from initiating contact with each other. A no contact order typically is used to de-escalate a situation and can be initiated by either the person seeking to sever contact or by the office of Student Conduct or by one of the Title IX Coordinators. A no contact order from the Office of Student Conduct restricts student-to-student contact. Any student can request a no contact order; however, both involved parties must be Lander University students.

A student, faculty or staff member who is fearful for their safety and the potential for danger if the alleged is within geographic proximity should always apply for a restraining order. Requests for no contact orders generally come from students. This is important both because it is a service for our students and because both students must abide by it. Behaviors including verbal harassment and threats are violations of a no contact order, and potentially, the law. As such, violation(s) of a no contact order is likely to result in administrative action. *NOTE: A no contact order in no way limits one's right to file a Title IX complaint, or other applicable administrative charges.*

I have not done anything wrong. Why am I required to meet with a student conduct officer?

The Office of Student Conduct may require any student to meet with a staff member informally to discuss behavioral related concerns. Examples of concerning behaviors include: substance use, civility related issues, or any other problematic behaviors. The purpose of an educational meeting is to discuss any concerns, as well as the basis of the concerns, and provide educational guidance about how to make better decisions in the future. Such meetings should be considered an official request from university personnel. In other words, we would much rather meet with a student prior to any administrative action. We strive to be proactive any time there is an opportunity to do so.

Will my parents or guardian be informed of what happened?

If you are under the age of 21 and are found responsible for violating policy, we will ask you to have your parent or guardian call us to discuss the outcome of your hearing, particularly when you are removed from housing, suspended, or expelled. If you have violated the Alcohol and Other Drugs Policy, the Family Educational Rights and Privacy Act (FERPA) does allow us to disclose certain information to legal guardians. For students of any age, we will ask to speak with your parent or guardian in situations when there is a concern for your health and safety. In order for us to share all relevant information with your parents/guardians, you will be required to sign a FERPA release form. (The consent to release information form can be accessed via the MyLander portal under the *Student Highlights* section.)

What will happen if I am found responsible for violating policy?

If a student is found in violation of the Code of Conduct, the hearing officer will then determine appropriate consequences, which can include warning, probation, on-campus restrictions, suspension, or expulsion. The outcome will often include conditions that a student must complete. Such educational sanctions include, but are not limited to, an intake meeting with a counselor, alcohol or other drugs assessment, community restitution hours, fines, loss of visitation, educational seminars, or other activities.

The situation happened off campus, why have I been charged?

Lander's philosophy is that a student represents the university both on and off campus. We expect students to be ambassadors of Lander at all times.

Can I bring witnesses?

If a student elects to go through a formal process, they are permitted to present witnesses during a student conduct hearing. You may ask your witnesses to either make a statement on your behalf or to present a statement before the hearing body. The hearing body may then ask your witnesses questions, based on the information they provide.

Can I have someone with me during my student conduct conference?

The charged student, and in some instances, a complainant, shall have the right to be accompanied to the hearing by an advisor. The advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution

process. The parties may choose advisors from inside or outside of the Lander University community. Additional information about the role(s) of an advisor can be found in the Student Code of Conduct Section of the [Lander University Student Handbook](#).

If I've had previous discipline, is this going to make it worse for me?

Your previous disciplinary record is not considered in determining whether or not you have violated a policy. Previous conduct code violations are only considered once you have been found responsible or accepted responsibility. You are likely to receive more stringent sanctions if you have had previous disciplinary case.

Does the University keep permanent record of my discipline history?

Any disciplinary correspondence and/or actions taken will be housed in the office of Student Affairs. Other than university expulsion or revocation or 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. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, university suspension, university expulsion, or revocation or withholding of a degree, upon application to the student conduct administrator. Cases involving the imposition of sanctions other than residence hall expulsion, university suspension, university expulsion or revocation or withholding of a degree shall be expunged from the student's confidential record seven years after final disposition of the case.

I know my student could not have done this - so why do they have to go through the disciplinary process?

Developmentally, this is a period of exploration, experimentation, and testing for students. Being away from home for the first time is challenging. As students are testing the beliefs and values they learned at home, they sometimes make choices that are inconsistent with these values. Such testing is part of the development process and is normal; however, students must also learn that the choices they make have consequences.

Will a disciplinary record keep my student from getting into law school, graduate school, etc.?

A disciplinary record does not automatically exclude a student from further study, jobs, etc. That usually depends on the type and severity of misconduct. A disciplinary record may lead an admissions office to more closely scrutinize the student's application. We will only release information about a student's disciplinary record to another school or potential employer as allowed by FERPA and/or with the student's consent. Please note that most schools ask questions regarding administrative conduct history on their admissions application. Students should always be truthful.

Can my student appeal a disciplinary decision?

Decisions of the presiding conduct authority may be appealed based upon designated criteria. Other than any interim measures-imposed pre-hearing (as a general safety precaution), sanctions will remain on hold pending the appeal outcome. Appeals are limited to the following:

1. Procedural Error(s): A procedural irregularity affected the outcome of the matter.
2. New Evidence: New evidence has been discovered that was not reasonably available at the time on the determination of responsibility or dismissal.
3. Conflict of Interest: A conflict of interest on the part of a Title IX Coordinator, an investigator that compiled the evidence, or a decision maker, and the conflict of interest affected the outcome.

An appeal must be made in writing to the vice president for Student Affairs within three business days upon written notice of the hearing outcome. An extension may be granted by the vice president for Student Affairs based on circumstances beyond the control of the student wishing to appeal. The appeal must state the specific reasoning, based on the three designated criteria. The vice president for Student Affairs will review the information submitted. Provided that the appeal request is consistent with one of the above-mentioned categories, the information will then be forwarded to a committee for further review. The vice president for Student Affairs has the authority to forgo an appellate board review and request that a new hearing be granted, when warranted.

After review, the appellate board may either:

1. Affirm the finding(s) of the original hearing authority, in which case the decision is final; or
2. Remand the case to the original hearing authority for further proceedings with directives to attend to procedural errors or new evidence.
3. In extraordinary circumstances, the faculty/senate or designee may direct a new hearing before a conduct officer/board.

The online appeal form, which will be forwarded directly to the vice president for Student Affairs may be accessed [HERE](#).

Please note that appeal related to sexual misconduct may be handled in accordance with the [Title IX Resolution Procedures](#).

How are sanctions decided?

For certain violations there are sanctioning guidelines, but we also consider the needs of each individual student. This allows for consistency, but also ensures flexibility to ensure individualized needs are addressed. Sanctions may be imposed independently or in combination with other sanctions. Sanctions can be assigned to an individual student, group of students, and student organizations.

My student was charged criminally. Why are they being charged administratively (through the school) as well?

Members of the Lander University community are subject to all university rules and regulations, including those contained in the Code of Student Conduct. Additionally, they are also simultaneously subject to all local, state, or federal laws. The administrative process and the criminal process are two separate courses of action – one is not contingent upon the other.

What is my role as a parent in the university discipline process? How can I help my student?

You can help to guide your student through the process by being supportive while also holding the student accountable to your expectations and the expectations of the university. Expect your student to set appointments, attend meetings, and fulfill sanctions. Encourage them to be independent and know that our staff will treat them with respect and fairly in accordance with the policies.

My student is notified of a disciplinary violation. Do they have the opportunity to defend themselves?

Every student subject to the disciplinary process is afforded the opportunity to explain what happened during the incident and to present additional relevant information. Please reference the due process section of the Student Code of Conduct (located within *the [Lander University Student Handbook](#)*) for additional clarification.

Why is a particular rule or policy in place?

Policies are designed to support the university's educational mission and to ensure a safe environment where people can work, study, and live without undue interference. Policies are also designed to build and support the academic and social community by teaching students the value of good citizenship through accountability and self-awareness.