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Social Regulations Council Constitution

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SOCIAL REGULATIONS COUNCIL CONSTITUTION

ARTICLE I—PURPOSE AND DEFINITIONS

SECTION 1. Purpose

Rhodes strives to be a college community where students can develop to their fullest potential, not only as scholars, but also as responsible and caring members of the community. Thus, they must have freedom of choice in as many areas as possible so that through experience they may acquire a mature and responsible attitude toward freedom and their membership in the community.

The official name of this body is the Social Regulations Council of Rhodes College (hereinafter called “SRC” or “the Council”). The purpose of the Social Regulations Council is fivefold: (1) Decisional: to address alleged infractions of the Social Regulations Code; (2) Communicative: to serve as a liaison concerning social matters between the students and the faculty/administration, and to mediate disputes regarding social regulations between various members of the Rhodes Community; (3) Advisory: to make recommendations to the Dean of Students regarding social regulations and students’ social life; (4) Interpretive: to promote responsible, sensitive and mature conduct among students; and (5) Educational: to educate those who are a part of the Rhodes Community about its standards and to explain what constitutes a violation of those standards.

SECTION 2. Definitions

- A. The term “student” includes all persons taking courses at Rhodes College, both full-time and part-time, pursuing undergraduate or graduate studies. Persons who are not officially enrolled for a particular term but have a continuing relationship with Rhodes College are considered “students.”
- B. The term “faculty member” means any person hired by Rhodes College to conduct classroom activities.
- C. The term “Rhodes College official” includes any person employed by Rhodes College, performing assigned administrative or professional responsibilities. Rhodes College officials include, without limitation, administrators, faculty, and campus safety officers; and resident assistants, Honor Council members and Social Regulations Council members when acting in an official capacity.
- D. The term “member of the Rhodes College community” includes any person who is a student, faculty member, Rhodes College official, or any other person employed by Rhodes College. A person’s status in a particular situation shall be determined by the Dean of Students or his/her designee.

- E. The term “Rhodes College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).
- F. The term “organization” means any group of persons who have complied with the formal requirements for Rhodes College recognition.
- G. The term “Social Regulations Council” or “SRC” means the governing body of students elected by the student body of Rhodes College to implement and interpret the Social Regulations Code, including, without limitation, determining whether or not a student has violated the Code and to impose sanctions.
- H. The term “Social Regulations Council Appeals Committee” means the group of persons authorized by the Dean of Students, or his/her designee, to consider an appeal from the Social Regulations Council’s determination that a student has violated the Code or from the sanctions imposed on a student by the Social Regulations Council.
- I. The Dean of Students is that person designated by the College President to be responsible for the administration of the Social Regulations Code.
- J. The term “policy” is defined as the written regulations of the College as found in, but not limited to, the student code, residence hall policies and contract, and College catalogue.
- K. The term “pledge” refers to the statement: “As a member of the Rhodes College community, I pledge to respect my fellow students, faculty, staff and their property. I will treat others as I would be treated and their property as I would my own.”
- L. The term “shall” is used in the imperative sense.
- M. The term “may” is used in the permissive sense.

ARTICLE II—JUDICIAL AUTHORITY

SECTION 1. Membership

The Social Regulations Council shall consist of nineteen members: two males and two females from the senior, junior, sophomore, and first-year classes; the President; and two Secretaries. The Vice President shall be counted as a class representative, the only officer counted as such.

SECTION 2. Elections

The President and Vice President shall be elected in the spring semester, prior to the election of class representatives. To be eligible for the office of President or Vice President, a candidate must have at least one year of experience as a member of the Social Regulations Council. The rising senior, junior, and sophomore representatives of the Social Regulations Council shall be elected by the members of their class in the spring semester of each year. First-year student representatives shall be elected by their class as soon as possible after the opening of the fall semester of each year. They shall be installed immediately and serve until the installation of a new Council in the spring. Representative positions of the Social Regulations Council are open to any member of the student body in good academic and social standing.

SECTION 3. Officers

The officers of the Social Regulations Council are the President, the Vice-President, and two Secretaries.

SECTION 4. President

The President shall decide questions of procedure and interpretation arising under the Constitution. The President's role in the hearing and in deliberations shall be one of impartial participation, and the President shall not vote. In addition, the President shall preside over meetings, appoint committees, be responsible for the execution of all of the Council's decisions, and represent the Council to the Dean of Students or his/her designee.

SECTION 5. Vice-President

The Vice-President shall act in the capacity of President in the absence of the President. Unless acting as President, the Vice President shall be a voting member of the Council.

SECTION 6. Secretaries

The two Secretaries shall be appointed by the President from the general student body and approved by the majority of the Council. The Secretaries shall serve on the pre-hearing committee in order to determine the disposition of an alleged violation. The two Secretaries shall not participate in questioning or deliberation and shall not vote during the hearing. In addition, the Secretaries are responsible for keeping records and minutes of all meetings, as well as posting year-end Council decisions.

SECTION 7. Transition

The outgoing members of the Council shall continue to exercise the full responsibilities of membership until the incoming Council is installed. In the case that a member of the

senior class is brought before the Council after installation, outgoing senior members shall remain as voting members on the Council for that hearing only. Installation includes educational training and a transition hearing, both of which are mandatory. During the transition hearing, new members may participate in questioning and deliberations but shall not vote.

SECTION 8. Vacancies

Vacancies in the Social Regulations Council shall be filled immediately in an election by the student body, and the new member(s) shall serve until the end of the scheduled term. In the case that a position cannot be filled through an election by the student body, the Social Regulations Council has the authority to fill that vacancy. The procedure for filling a vacancy is as follows:

1. The Council shall announce the vacancy and accept applications from those interested students who are eligible for the position.
2. The Council shall review all applications.
3. The Council shall choose a student to fill the vacancy by a majority vote of eligible voting members in a business meeting.

SECTION 9. Removal from the Council

A member of the Council may be removed from his/her position by three-fourths vote of eligible members. Conditions warranting removal from the Council may include, but are not limited to: exceeding three absences in the course of one elected term, or two in one semester, from any committee meeting, Council meeting, hearings, or other functions of the Council; any violation of the Honor Code or Social Regulations Code; Oath of Privacy; or an expressed lack of respect for the Standards of the Rhodes Community.

SECTION 10. Hearing Schedule

Ordinarily hearings will be conducted during the semester in which the alleged violation occurs. In the event that convening a hearing prior to the end of the semester is difficult or impossible, the President, after consulting the Dean of Students, or his/her designee, may exercise one of the following options:

1. At the end of the fall semester, a hearing may be postponed until the beginning of the spring semester. At the end of the spring semester, a special Social Regulations Council may be convened by the President, comprising no less than one-third of the regular voting members of the Council.

2. In the event of an alleged Social Regulations Code violation during a time other than the fall or spring semester, a special Social Regulations Council may be convened by the President, comprising no less than one-third of the regular voting members of the Council, unless the Accused student(s) wishes to wait until the regular Council reconvenes for hearing.
3. In the event it is difficult or impossible to convene a special Social Regulations Council comprised of no less than one-third of the regular voting members of the Council, or upon the occurrence of other extenuating circumstances, a case may be transferred to the Dean of Students, or his/her designee, for adjudication, upon consultation of the Social Regulations Council President and at the request of the Accused student(s).

ARTICLE III—PROSCRIBED CONDUCT

SECTION 1. Jurisdiction of Rhodes College

Students may be sanctioned for conduct which constitutes a hazard to the health, safety, or well being of members of the College community or which is detrimental to the College's interest whether such conduct occurs on campus, off campus, or at College-sponsored events. The Dean of Students, or his/her designee, upon consultation with the Social Regulations Council President, shall determine whether cases are within the jurisdiction of the Rhodes College Social Regulations Council.

SECTION 2. Violations

The Social Regulations Council recognizes three major responsibilities of every student:

- Each student is responsible for his or her behavior at all times and under all circumstances. Intoxication or the influence of drugs will not be considered a mitigating circumstance in judgment by the SRC of disruptive behavior.
- Each student is responsible for the actions of his or her guest and may be held socially and financially responsible for any social offenses committed by that guest.
- Since social regulations are necessary to maintain an atmosphere of respect among individuals in the community, it is the responsibility of every member of the community to report to the SRC any violation of social regulations.

Violations of the Social Regulations Code include, but are not limited to, the following:

- A. Endangering, threatening, or causing physical harm to any person, or causing reasonable apprehension of such harm.
- B. Possession of a weapon.
- C. Interfering with College or College sponsored activities, including but not limited to, studying, teaching, research, college administration, or fire, police or emergency services.
- D. Violation of College policies on possession or use of illegal drugs.
- E. Violation of College policies on possession or use of alcoholic beverages.
- F. Interfering with the freedom of expression of others.
- G. Destroying or damaging college property, or the property of others.
- H. Failing to comply with the directions of college officials, including campus safety officers, acting in performance of their duties.
- I. Violations of other published college regulations or policies.
- J. Violating the terms of any disciplinary sanction imposed in accordance with this Code.

Ignorance is not an excuse for these violations.

ARTICLE IV—JUDICIAL PROCEDURES

SECTION 1. Investigation and Pre-hearing

- A. Any member of the Rhodes community having knowledge of a possible Social Code violation should report it to the Dean of Students or to the President of the Social Regulations Council in a timely manner.
- B. Upon receiving a report of an alleged violation, the President of the SRC shall appoint a member of the Council to thoroughly investigate the suspected violation to determine whether the alleged violation can be disposed of by the parties involved on a basis acceptable to the Dean of Students, or his/her designee, or will result in a disciplinary conference with the Dean of Students, or hearing before the SRC or other appropriate student judicial board.
- C. An SRC member involved in the investigation as an investigator or as a witness shall not be allowed to vote or deliberate in the hearing.

- D. A pre-hearing committee shall be composed of the SRC President, the two Secretaries, and the Investigator.
- E. The SRC President shall call a pre-hearing meeting at which the Investigator shall present all information concerning the alleged violation, with names omitted, to the pre-hearing committee. After all the facts have been considered and the committee feels fully acquainted with the situation, the committee, excluding the Investigator, shall decide by majority vote whether or not a hearing, further investigation, disciplinary conference, or a case dismissal is recommended.
- F. If the pre-hearing committee decides that the evidence is sufficient to warrant a hearing, the President shall set a time for the hearing, and notify the Accused (Outlined in Article IV, Section 2).

SECTION 2. Hearing Procedures Relating to the Accused

- A. The Accused shall be notified in writing that a complaint is to be taken to a formal hearing at least forty-eight hours prior to the hearing. This time period may be waived by the Accused upon concurrence by the President of the Social Regulations Council. In the case of extenuating circumstances, the President may grant an extension.
- B. When notice of the hearing is served, the Accused shall receive a charge letter, including the nature of the alleged violation(s), the name(s) of the individual(s) reporting the alleged violation(s) to the Council, and the time and place of its alleged occurrence. The Accused shall also receive a written list of hearing procedures as outlined in this article.
- C. The Accused shall choose an Advisor from the members of the Social Regulations Council, excluding the President, the Vice President when serving as President, the two Secretaries, and the Investigator. Should the Vice-President be selected, the President shall assume the Vice-President's duties. If the Accused does not choose an Advisor, then the President of the Council will appoint an Advisor for the Accused. The Advisor's role is limited to informing the Accused concerning Social Regulations Council procedures and answering any questions about those procedures. The Advisor is foremost a member of the Social Regulations Council and does not represent the Accused. The Advisor shall not be present in Council deliberations.
- D. The Accused shall be required to meet with the Dean of Students, or his/her designee, prior to the hearing.
- E. The Accused shall be allowed to hear all evidence presented in the hearing, but the Accused shall not be present during Council deliberations. The Accused may offer such proof as is relevant and material to any issue coming before the Social

Regulations Council for decision in his or her hearing, including, without limitation, the calling of witnesses with relevant knowledge and the questioning of Council witnesses.

F. All participants in the hearing process should keep the matter under consideration confidential. The Accused may make such investigation as he or she requires to state his or her case and may also consult with a chosen faculty member, family members, counselors or his or her attorney.

G. The Council may find the Accused in violation of the Social Code only upon clear and convincing evidence. "Clear and convincing evidence" is an intermediate standard of proof, greater than "by a preponderance of the evidence," but less than "beyond a reasonable doubt."

H. The Accused may be found in violation of the Social Code only for the violation(s) which is the subject of the hearing.

I. If the Accused fails to participate in the hearing process, the Council may continue with the hearing procedure. In such a case, the Council shall assume a plea of "Not In Violation" on the part of the Accused and shall assume that the Accused presents no defense.

J. In cases in which two or more students are accused of a joint violation, the Council may conduct one hearing for the joint violation but shall arrive at an independent decision for each accused student.

K. If found in violation of the Social Regulations Code, the Accused may call for an appeal of the Council's decision and/or sanctioning by the members of the Appeals Committee. The Accused must request the appeal in writing within two business days of the decision, and the Accused must indicate or list the specific ground(s) upon which he or she is basing his or her request for an appeal (see Article IV, Section 5 for the grounds upon which an appeal may be requested).

SECTION 3. Hearing Procedures

A. The procedures for conducting a Social Regulations Council Hearing shall be as follows:

1. The President of the Social Regulations Council shall preside. In the absence of the President, the Vice-President shall preside.
2. The Council must act with complete impartiality. Any Council member who believes that his or her participation in any aspect of the investigation or hearing process constitutes a conflict of interest must report the potential conflict of interest to the Social Regulations Council President, who shall decide whether that member should recuse himself or herself.

3. The hearing shall be taped, and the Secretary shall keep minutes of the proceedings. Deliberations of the Council shall be absolutely private, and no record of the deliberations shall be made.
4. The Accused, and Advisor may be present during the hearing, with the exception of the Council deliberations. Witnesses other than the Accuser and Accused may be present only during their own testimony. The Investigator may be present during both the hearing and deliberations, but the Investigator's participation in deliberations shall be limited to the clarification of facts. The Accused may observe all evidence presented during the hearing. Disruptive behavior on the part of anyone present shall result in immediate and permanent removal from the hearing. No other persons may be present during the hearing.
5. The hearing shall be conducted under the Oath of Privacy and the Accuser, witnesses, and Council members involved in the hearing shall take the following Oath of Privacy: "On my honor, I agree to respect the sensitive nature of these proceedings by keeping them confidential."
6. Every person who testifies at the hearing shall take the following Oath of Truth: "On my honor, I do solemnly swear to tell the truth, the whole truth, and nothing but the truth, [so help me God]."
7. The Council may call witnesses relevant to the case. The Accused may request additional witnesses with relevant knowledge and present any other relevant evidence. The President shall decide questions concerning the relevance and/or admissibility of the witnesses/evidence. The Accused shall not be required to make a statement or answer questions unless he or she wishes to do so.
8. Legal counsel retained by an Accused student or any other person participating in the hearing shall not attend any hearing of the Social Regulations Council. Any advice or assistance requested of legal counsel by a student must be obtained prior to the hearing.
9. The Accused shall be considered "Not in Violation" throughout the course of the hearing unless and until he or she has been found "In Violation" of the Code by clear and convincing evidence.
10. If after all available evidence has been heard and a motion to vote on "In Violation" or "Not in Violation" of the Code has been properly moved and seconded, two-thirds of the members of the Council present at the hearing and entitled to vote may find the Accused "In Violation." Otherwise, the

Accused shall be found “Not in Violation,” and the case shall be dismissed.

B. A quorum for a Social Regulations Council hearing shall be determined as follows:

1. Three-fourths of the eligible voting members shall constitute a quorum for hearing of alleged violations. The Social Regulations Council shall render no decision without the presence of a quorum, except as provided under Paragraph (2)(b).
2. If, for any reason, quorum cannot be achieved, the Accused may agree to one of the following options:
 - a. To have quorum reestablished by the President appointing other students to sit on the Council. The President shall consult the Dean of Students, or his/her designee, before appointment.
 - b. To postpone the hearing for a reasonable period of time (to be determined at the discretion of the President of the Social Regulations Council and the Dean of Students, or his/her designee) until quorum of regular Social Regulations Council members can be established.

SECTION 4. Sanctions

Sanctioning of a SRC violation shall be determined by a two-thirds majority of Council members present at the hearing who are entitled to vote. Deliberations shall begin with a motion for the sanction of expulsion. If there is no second, or the motion fails to secure a two-thirds majority, deliberations shall continue until an appropriate lesser sanction is approved by a two-thirds majority vote.

- A. The following sanctions may be imposed upon any student found to have violated the Social Regulations Code:
1. Probation: A written notification for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period. Students can be placed on disciplinary or housing probation.
 2. Loss of Privileges: Denial of specified privileges for a designated period of time.
 3. Fines: Previously established and published fines may be imposed.

4. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 5. Discretionary Sanctions: Work assignments, service to the college, education, referral to counseling, or other related discretionary assignments (such assignments must have the approval of the Dean of Students or his/her designee).
 6. Residence Hall Suspension: Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 7. Residence Hall Expulsion: Permanent separation of the student from the residence halls.
 8. College Suspension: Separation of the student from Rhodes College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 9. College Expulsion: Permanent separation of the student from Rhodes College.
- B. More than one of the sanctions listed above may be imposed for any single violation.
- C. Other than College expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential record.
- D. Each year, the Secretaries shall post a list of charges and Council decisions with names omitted.

SECTION 5. Appeals

- A. A decision reached by the Social Regulations Council or a sanction imposed by the Council may be appealed by the Accused or two or more Council members, to the Social Regulations Council Appeals Committee within two business days of the decision. Such appeals shall be in writing delivered to the Dean of Students, or his/her designee, and shall specify the basis for the appeal.
- B. Except for the limited purpose of hearing new evidence pursuant to (4) below, an appeal shall be limited to a review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:

1. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures.
2. To determine whether the decision reached regarding the Accused student was based on clear and convincing evidence; that is, whether the facts were sufficient to establish that a violation occurred.
3. To determine whether the sanction(s) imposed was/were appropriate for the violation in which the Accused was found to have committed.
4. To consider new and relevant evidence or facts, sufficient to alter a decision, but only where such evidence and/or facts were not known or available to the appellant at the time of the original hearing.

C. In the event of an appeal, the President of SRC, the Accused, and the Advisor for the Accused shall meet with the SRC Appeals Committee to review the case.

D. The SRC Appeals Committee shall consist of the Dean of Students, or the Dean's designee, one student (usually the President of the Honor Council), and one staff member in Academic Affairs (usually the Judicial Officer for the Honor Council). The Dean of Students, or his/her designee, shall preside and decide all questions relating to the conduct of the proceedings including, without limitation, the admissibility of evidence. The Appeals Committee shall deliberate in closed session and either sustain the decision of the Council or recommend that the Council reconsider its decision or sanction(s).

SECTION 6. Reconsideration of Council's Decision

If a case is returned to the Social Regulations Council by the Social Regulations Council Appeals Committee, the Social Regulations Council shall reconsider the case as soon as practical after the notification of its return. A quorum for reconsideration shall consist of at least three-fourths of the voting members present at the original hearing. During a reconsideration, the Social Regulations Council shall consider the remarks and suggestions of the Appeals Committee, recall any witnesses or the Accused if deemed necessary for the clarification of facts, and either sustain the original decision and/or sanction or render a new decision and/or sanction based on the procedures outlined in Article IV. A reconsideration of the sanction(s) imposed shall not result in a more severe sanction for the Accused student. The second decision of the Social Regulations Council shall be final.

ARTICLE V—INTERPRETATION AND REVISIONS

This Constitution may be amended by the following procedure:

1. Proposed amendments must be approved by two-thirds vote of the entire membership of the Social Regulations Council and by the President of Rhodes College.
2. Proposed amendments shall be publicly announced at least seven days prior to the referendum.
3. To be adopted, amendments must be approved by the affirmative vote of a majority of the student body voting a referendum called for that purpose.
4. Amendments shall become effective at the opening of the first academic year following the referendum.