

COLLEGE REGULATIONS

THE CITADEL

The Military College of South Carolina

(Revised Following 7 June 2024 Meeting of BOV)

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The Citadel COLLEGE REGULATIONS

SECTION I.

Organization and Administration

- 1. Statement of Vision, Core Values, and Mission.** The Citadel Board of Visitors approved this statement of Vision on 1 February 2003. The South Carolina Commission on Higher Education approved it on 5 June 2003. The Board of Visitors approved the statement of Mission on 11 June 2011, and reaffirmed it on 27 January 2018. The Commission on Higher Education approved the Mission Statement on 15 September 2011. The Board of Visitors approved the Core Values on 11 June 2011, and updated them on 11 June 2016.

Statement of Vision. Achieving excellence in the education of principled leaders.

Core Values.

Honor

Honor demands adherence to the Honor Code of The Citadel. A cadet “will not lie, cheat or steal, nor tolerate those who do.” The Honor Code is the foundation of the college. The commitment to honor extends beyond the gates of The Citadel and is a life-long obligation to moral and ethical behavior. Honor demands integrity; “doing the right thing when no one is watching.” Finally, honorable behavior includes exercising the moral courage to “do the right thing when everyone is watching.”

Duty

Duty is a call to serve others before self. To quote General Lee, “Duty is the sublimest word in the English language. You must do your duty in all things. You can never do more, you should never wish to do less.” Duty requires that cadets accept and accomplish the responsibilities assigned to them. At The Citadel, a cadet’s primary duty is to perform academically and then to perform as a member of the Corps of Cadets and the campus community. Duty demands that cadets accept the consequences of their actions and hold others accountable for their actions. Finally, duty means that others can depend on all cadets to complete their assignments and to assist others with their assignments.

Respect

Respect demands that cadets treat other people with dignity and worth – the way cadets would want others to treat them. Respect for others eliminates any form of prejudice, discrimination, or harassment. Respect demands that cadets are duly obedient to those in positions of authority. Finally, respect includes respect for God and country.

Mission. As a higher education institution, The Citadel’s mission is to educate and develop our students to become principled leaders in all walks of life by instilling the core values of The Citadel in a disciplined and intellectually challenging environment. A unique feature of this environment for the South Carolina Corps of Cadets is the sense of camaraderie produced through teamwork and service to others while following a military lifestyle.

The Citadel strives to produce graduates who have insight into issues, ideas, and values that are of importance to society. It is equally important that Citadel graduates are capable of both critical and creative thinking, have effective communication skills, can apply abstract concepts to concrete situations, and possess the methodological skills needed to gather and analyze information.

Throughout its history, The Citadel's primary purpose has been to educate undergraduates as members of the South Carolina Corps of Cadets and to prepare them for post-graduate positions of leadership through academic programs of recognized excellence supported by the best features of a military environment. The cadet lifestyle provides a structured environment that supports growth and development of each student's intellect, discipline, physical fitness, and moral and ethical values. The four pillars which define The Citadel experience for cadets consist of these four developmental dimensions.

A complementary purpose of The Citadel, realized through The Citadel Graduate College, is to provide the citizens of the Lowcountry and the State of South Carolina opportunities for professional development by offering a broad range of educational programs of recognized excellence at both the graduate and undergraduate levels. These programs are designed to accommodate the needs of non-traditional students seeking traditional and demanding academic challenges.

Institutional Characteristics. The Citadel is a coeducational, comprehensive, state-assisted, four-year institution whose primary undergraduate student body consists of approximately 2,300 members of the Corps of Cadets, all of whom reside on campus. The primary service area for these students is regional, with approximately half of each freshman class coming from South Carolina. The Citadel, however, does draw undergraduate students from all parts of the United States and many foreign countries. The College offers a wide range of baccalaureate degree programs in the humanities, social and natural sciences, business administration, engineering, and education. These academic programs prepare graduates of the Corps of Cadets for a variety of careers; about half of these graduates enter business and the professions, a third or more enter the military and government service, and the remainder go directly into graduate and professional study. Many graduates choose to pursue professional or graduate degrees later in their careers.

Through its undergraduate and graduate programs, The Citadel Graduate College serves a degree-seeking population of approximately 1,200. The primary service area is the South Carolina Lowcountry. The Citadel Graduate College also offers a wide range of baccalaureate degree programs and graduate degree programs. Meeting the needs of the South Carolina Lowcountry in terms of instruction, public service, and research, including such initiatives as cooperative programs with other educational institutions, is an important part of The Citadel's mission.

Together, the Corps of Cadets and The Citadel Graduate College enroll approximately 3,500 students, about three-fourths of whom come from South Carolina.

In its educational programs, The Citadel acknowledges and endorses the teacher-scholar ideal, recognizing that the excellence of all of its academic programs is dependent upon the quality of its faculty. This ideal is pursued through teaching and lecturing, researching, writing, publishing, and public service. The Citadel's faculty members also address audiences beyond the college by sharing their knowledge with other scholars and with the public.

- 2. The Board of Visitors.** The Board of Visitors is the governing body of The Citadel, The Military College of South Carolina. The Board defines the mission, role, and scope of The Citadel, establishes the general policies of the College, approves the budget for each fiscal year, and provides accountability to the public and the General Assembly. The Board establishes long-range

development plans of the College, currently embodied in the Our Mighty Citadel 2026 Plan, by providing oversight and guidance on the strategic planning process and plan duration, establishing lines of effort that facilitate the successful achievement of the plan, and monitoring progress of the plan implementation and resourcing at least twice annually. The Board annually reviews and approves these *College Regulations*, which guide the operation of the College.

The Board of Visitors provides oversight of The Citadel Trust Board. The Board appoints Trustees to The Citadel Trust, on recommendation of nominees by the Trustees, and approves all changes to the Trust Bylaws.

The Board searches for and appoints the President of the College, who has responsibility for implementing and achieving the plans, policies and goals established by the Board. On the recommendation of the President, the Board reviews the selection of Vice Presidents. The Board must approve all new or reinstated Provost- and Vice-Presidential level positions prior to the advertisement of these positions.

Pursuant to S.C. Code Ann Section 59-121-10, the Board of Visitors is composed of the Governor, the Adjutant General, the State Superintendent of Education, who are members *ex-officio*, and eleven others who are graduates of the College. Seven of these members are elected by joint vote of the General Assembly, three are elected by such means and methods as may be determined by The Citadel Alumni Association, and one is appointed by the Governor.

3. **The President.** The President has the governing authority and responsibility for the administration of the College and all of its activities. The President shall advise the Board on the selection of Vice Presidents and the terms of their employment. The President is responsible for providing leadership in all actions of the college, to all students, faculty, and staff. The President is responsible to the Board of Visitors for the proper conduct of the College in all departments. The President shall confer with the Board on proposed major changes in policy.

The President of the College may be removed at any time for cause, or upon any inability to perform duties assigned, upon the vote of **not less than two thirds of the total number of Board members who are eligible to vote**. However, there must be **at least ten (10) days'** notification in advance of the proposed action required, and there must be an opportunity for the President to be heard before the vote is taken.

In the event of the death of the President, the leadership of the College will devolve upon the Provost/Dean of the College. Whenever the Provost and a majority of the Vice Presidents transmit to the Chair of the Board that the President is unable to discharge the powers and duties of his office, the Provost shall immediately assume the powers and duties of the office as Acting President. Thereafter, when the President transmits to the Chair his written declaration that no inability exists, he shall resume the powers and duties of his office, unless the Provost and a majority of the Vice Presidents transmit within two days to the Chair their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon the Board shall decide the issue, assembling within forty-eight hours for that purpose.

Before resigning or retiring, except under extraordinary circumstances, the President shall give the Board of Visitors a minimum of twelve months' notice.

4. The Vice Presidential Level Administrators¹.

- a. **Provost/Dean of the College.** The Provost/Dean of the College is responsible directly to the President for all matters pertaining to the academic functions of the College, and for student activities for non-cadet students. The Provost/Dean of the College is the second ranking official of The Citadel and will act in the absence of the President as described in Section I, paragraph 3.
- b. **Senior Vice President for Operations and Administration.** The Senior Vice President for Operations and Administration is the third ranking official of The Citadel and will act in the absence of the President and the Provost / Dean of the College. The SVPOA reports to the President and is responsible for the oversight and direction of the day-to-day operations of the college.
- c. **Commandant of Cadets.** The Commandant reports directly to the President and is responsible for the administration, training, housing, good order and discipline of the Corps of Cadets.
- d. **Chief Financial Officer.** The Chief Financial Officer is responsible directly to the President for providing a full range of financial management support services for the College, including strategic financial planning, accounting and reporting, preparation and administration of the budget.
- e. **Vice President for Facilities and Engineering.** The Vice President for Facilities and Engineering is responsible directly to the President for the management of all campus construction, the operation and maintenance of the Physical Plant, and the maintenance of the barracks and faculty and staff quarters.
- f. **Vice President for Communications and Marketing.** The Vice President for Communications and Marketing is responsible directly to the President for the College's marketing, internal and external communications, media, and public relations functions.
- g. **Director of Intercollegiate Athletics.** The Director of Intercollegiate Athletics is responsible directly to the President for the operation of all intercollegiate athletics programs at the College, to include the direct supervision of all athletics coaches and athletics camps.
- h. **Vice President for Institutional Advancement.** The Vice President for Institutional Advancement (VPIA) provides senior leadership and management for all fundraising activities at The Citadel, working directly for the President of The Citadel.

5. The Faculty.

- a. The faculty consists of the President; the Provost/Dean of the College; Associate Provosts; Academic Deans; individuals who are tenured or on tenure-track in the academic ranks of professor, associate professor, assistant professor or instructor and adjunct faculty; and officers detailed for duty at the College by the Departments of the Army, Air Force, or Navy.
- b. The President, upon the recommendation of the Provost/Dean of the College, is authorized to make such assignments in academic ranks as to maintain a well-balanced faculty.

¹ The Provost and Vice Presidential Level Administrators are listed in order of succession.

- c. The President will designate tenured and tenure-track members of the faculty to be commissioned officers in the Unorganized Militia of South Carolina and will recommend that commissions be issued in the appropriate rank.

6. The Administrative Staff.

- a. Selected members of the staff may be required to have such academic or professional degrees as may be deemed necessary or appropriate by the President.
- b. Based on functions and responsibilities, the President will designate certain members of the staff to be commissioned officers in the Unorganized Militia of South Carolina and will recommend that these commissions be issued in the appropriate rank.
- c. Under normal circumstances before resigning or retiring, exempt (salaried) staff members should provide their Vice President with a minimum of four weeks' notice, and non-exempt (hourly) employees should give their respective supervisor a minimum of two weeks' notice. This will allow recruitment actions to begin in a timely manner.

7. Background Checks and Screening. All Board members, college officers, faculty, administrative staff and other employees of The Citadel, as well as all volunteers who have regular and substantial contact with students, must complete background investigations and screening processes prior to qualification as a member. Background investigations and screening for members of the Board appointed by the General Assembly shall be as determined by the General Assembly. Background investigations for members of the Board elected by The Citadel Alumni Association shall include those reviews required by the General Assembly for members it appoints, and such screening processes as The Citadel Alumni Association shall determine. Background investigations and screening for the Board member appointed by the Governor shall be as determined by the Governor. Background investigations and screening for all college officers, faculty, administrative staff and other employees of The Citadel shall be as required by the Office of Human Resources.

8. Uniforms and Insignia. The uniform and its wearing, personal grooming and appearance, and wearing of adornments and other supplementary dress will be as prescribed by the President and generally as outlined in appropriate service regulations.

- a. **Faculty and Staff** Officers of the faculty and staff who are commissioned in the Unorganized Militia of South Carolina will wear the uniform² prescribed for officers of the South Carolina National Guard, except that a "SC" and The Citadel device shall be worn. Members of the faculty and staff who are commissioned in the Unorganized Militia of South Carolina and have earned a higher military rank in any branch of the armed services than that to which they would otherwise be entitled at The Citadel may wear the uniform and use the title of such rank. However, they must be members of the Reserve components of the armed services or retired officers therefrom or retired officers from the regular armed services. Such retired members may wear the "SC" emblem on their duty uniforms.

² On campus, all commissioned officers will be in uniform at all times that they are on duty except when the Corps of Cadets is on furlough. The faculty is considered to be on duty between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, and at any other time the faculty member is meeting with cadets in an official capacity. Officers of the faculty serve as role models for members of the Corps of Cadets and should be in proper military uniform when contact with cadets is likely.

- b. **Active Duty** personnel of the United States armed forces assigned to duty at The Citadel will wear the uniform prescribed for them by their respective service.
 - c. **Cadets.** The uniforms of the cadets shall be such as are prescribed by the President and furnished by the College. Cadets will be in uniform at all times except when the Corps of Cadets has been furloughed. The President may authorize the wearing of civilian clothes by cadets granted leaves.
 - d. **Active Duty Enlisted Personnel.** Active duty enlisted personnel who have been admitted into The Citadel's Day Program will be in appropriate duty uniform at all times while in class or participating in other activities where contact with the Corps of Cadets is likely.
 - e. **Other Students.** While the Corps of Cadets is in session during the Fall and Spring semesters, the dress of non-cadet students will conform to the general atmosphere of a military college campus. During Summer School, students must dress in a manner which is conducive to an atmosphere of study and learning. The President approves specific dress code restrictions which are published annually and made available to each non-cadet student.
9. **Housing.** The President, or his Designee, is authorized to assign quarters to faculty and staff members. Policies and procedures are approved by the President and published by the Office of the Vice President for Facilities and Engineering.
10. **The Student Body.** The student body consists of: the South Carolina Corps of Cadets; Active Duty Students who have been accepted into the formal commissioning program of their respective Service, have been assigned to an ROTC Detachment at The Citadel, and have been admitted to full-time undergraduate degree study in The Citadel's Day Program; veteran students; former cadets who have applied for and been officially approved for Day Student status; and undergraduate and graduate students in The Citadel Graduate College. Only Active Duty Students, Day Students and veteran students are permitted to attend class with the Corps of Cadets.
11. **Ombudsperson.** The purpose of The Citadel's ombudsperson is to foster values, decent behavior, fairness, equity, justice, equality of opportunity, and respect. The Citadel's ombudsperson shall serve as a trained and confidential source of informal resolution to receive complaints, answer inquiries, and informally address a wide range of inappropriate behaviors. Reporting issues, misfeasance, malfeasance or violations of policy or law to the Ombudsperson does not constitute reporting to an "official of the college." All communications with the ombudsperson are to be absolutely confidential except violations of federal or state criminal law, or in situations where a person's health or safety may be seriously at risk. The scope of The Citadel's ombudsperson's concerns include workplace concerns and mistreatment, learning environment mistreatment, sexual harassment, sexual assault (including rape/sexual assault, date/acquaintance rape), peer harassment, hazing, Fourth Class System violations, and discrimination. The ombudsperson will listen and act to facilitate fair and equitable resolutions to concerns/disputes on behalf of those with problems.
12. **Supremacy of Regulations.** These *Regulations* constitute the governing rules of The Citadel. To the extent that any rules or regulations published in the Catalog, the *Faculty Manual*, the *Blue Book*, *White Book*, *Red Book*, or any other document, in any form, conflict with these *Regulations*, these *Regulations* shall control. Ignorance of these *Regulations*, or any other order, rule, or regulation shall not be an excuse for neglect or misconduct.
13. **Campus.** For purposes of these *Regulations*, the campus is defined as all property and buildings owned or leased by The Citadel or the Board of Visitors including, but not limited to, 171 Moultrie

Street, Johnson Hagood Stadium, The Citadel Beach House, the Lockwood Property, College/Riley Parks, and The Holliday Alumni Center.

14. College Name, Insignia, Seal and Logos. The title and name of the governed institution is The Citadel, The Military College of South Carolina. A change in the name of the governed institution will require an affirmative vote of all voting members of the Board of Visitors. The name, insignia, seal, logo or other College or departmental indicia may only be used by College and non-university groups or organizations with prior approval of the appropriate College authority.

15. Indemnification.

The Citadel shall furnish its current and former members and officers of its Board of Visitors, the senior administrative staff officers, and such other officials as the President shall designate with legal defense in connection with any threatened or pending action, suit, or proceeding, whether civil, criminal, administrative, or investigative, to which they are made parties by reason of being or having been a representative of the College, provided the President or Senior Vice President for Operations and Administration is promptly notified of the need for such defense and provided such defense complies with Subarticle E of Article 8 in Chapter 31 of Title 33 in the South Carolina Code of Laws. Furthermore, the College shall indemnify to the extent permitted by South Carolina law any current or former member or officer of its Board of Visitors or senior administrative staff officer for judgments, damages, settlements and costs reasonably incurred in such proceedings, so long as such matters are not as a result of gross negligence or willful misconduct of such member or officer. In addition to the indemnification herein provided, the College shall secure and maintain a policy of Directors and Officers or similar liability insurance covering all members of the Board and officers of the College with limits as established by the Board.

No department, agency, division, other entity or individual in or of the College may employ outside legal counsel in connection with this paragraph or on behalf of the College or any of its directors, officers or employees without prior review and written approval by the Attorney General of South Carolina. All requests to hire outside counsel, and all requests for payment of legal fees, shall be coordinated through the Office of General Counsel.

SECTION II

Faculty Policies and Procedures

1. Terms of Employment and Retirement.

- a. As a general policy, new members of the faculty are employed at the lowest academic rank commensurate with the duties they are to assume. Faculty members given probationary (tenure-track) appointments will receive commissions in the Unorganized Militia of South Carolina, shall have military rank, and will be required to wear the military uniform as required by Section I, paragraph 8 of these *Regulations* and by appropriate College memoranda.
- b. Except under extraordinary circumstances, members of the faculty shall give a minimum of three months' notice to the Provost before resigning or retiring.

2. **Faculty Manual.** The Citadel *Faculty Manual* provides information pertaining to the faculty member's participation in the business of the College and the College Community. Policies and procedures regarding the principal contractual relationships between faculty and the College, college governance in academic matters, professional development of the faculty, and military rank and promotion are presented in the *Faculty Manual*, which will be reviewed no less than bi-annually, by the Provost.

3. **Provost/Dean of the College.** The Provost/Dean of the College is appointed by the President. All other Academic Deans, and all academic department heads, as well as the Director of Library Services and the Associate Provosts, are appointed by the Provost/Dean of the College.

The Provost/Dean of the College is selected as follows:

The Provost/Dean of the College is appointed by President from a list of candidates selected and ranked by the designated search and screening committee. The search and screening committee shall consist of two members appointed from the faculty by the Provost/Dean of the College; two members appointed from the Faculty Senate by the Faculty Senate; three members appointed by the President; and the chair of the Education and Leadership Development Committee of the Board of Visitors. One of the President's three appointees may be from outside The Citadel. If the President does not appoint an individual from outside The Citadel, all presidential appointments will be made from the faculty, department heads, deans, or senior staff. The President prepares the charge for the committee and approves all position announcements. The committee will select its own chair and will present to the President for approval the procedures for conducting the search and screening.

4. **Academic Freedom.** The Citadel is committed to the principle of Academic Freedom. The Board of Visitors first adopted a statement on academic freedom and tenure on 4 October 1958, based on the American Association of University Professor's statement in 1940. This original statement has undergone periodic revision. Relevant excerpts of the current version are as follows:

Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

a. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

b. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

c. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

5. **Freedom of Expression.** The Citadel is also committed to the principle of Freedom of Expression. The Board of Visitors first adopted a statement on freedom of expression on 11 June 2016, based on the report of the University of Chicago's Committee on Freedom of Expression.

Because The Citadel is committed to free and open inquiry in all matters, it guarantees all members of the College community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the College, The Citadel fully respects and supports the freedom of all members of the College community "to discuss any problem that presents itself."

Of course, the ideas of different members of the College community will often and quite naturally conflict. But it is not the proper role of the College to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the College greatly values civility, and although all members of the College community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The College may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the College. The College may also restrict expression in accordance with its core characteristics as a military college. In addition, the College may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the College. And, when faculty, staff, and students speak and write, they must make clear that they do so as individuals, and not as representatives of the College. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the College's commitment to a completely free and open discussion of ideas.

In a word, the College's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the College community to be offensive, unwise, immoral, or wrong-headed. It is for the individual

members of the College community, not for the College as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the College community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the College's educational mission.

As a corollary to the College's commitment to protect and promote free expression, members of the College community must also act in conformity with the principle of free expression. Although members of the College community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the College has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

As Robert M. Hutchins observed, without a vibrant commitment to free and open inquiry, a university ceases to be a university. The Citadel's longstanding commitment to this principle lies at the very core of our College's greatness. That is our inheritance, and it is our promise to the future.

- 6. Academic Tenure.** At The Citadel there are four kinds of full-time appointments with rank:
- a. **Temporary Appointment.** A full-time temporary appointment will be for a limited period of time. An individual may be reappointed for multiple full-time temporary appointments.
 - b. **Probationary Appointment.** A probationary appointment is given in connection with a tenure-track faculty position, will be for one academic year, and is subject to renewal. Persons receiving probationary appointments who previously held full-time temporary appointments at The Citadel may request credit for this prior service through the school/department. The final decision on such a request is the responsibility of the Provost/Dean of the College or the Designee of the Provost.
 - i. The time of completion of the review process for probationary reappointments is governed by the length of notice required for non-renewal of appointments. For members of the faculty who are hired effective with a Fall semester, notice for non-renewal at the end of the first year of service must be given not later than **1 March**; at the end of the second year, not later than **15 December**; at the end of the third or subsequent years, not later than twelve months prior to termination. The term of a terminal appointment need not be linked to the academic year.
 - ii. For members of the faculty who are hired effective with a Spring semester, notice that employment will not be extended through the next academic year must be given not later than **15 May**. Thereafter, the periods of notification for probationary reappointments shall be as described above. The lengths of the periods of probation for tenure decisions will not be affected for faculty members who are hired effective with a Spring semester. That is, the periods of probation for these faculty members will begin officially in the August following their initial employment.
 - iii. It should be noted that for purposes of notification each probationary period extends from **16 August-15 August**. This means that an individual who is notified by **15 December** of reappointment for a third year must be notified prior to the following **15 August** if a fourth year is not to be recommended. Because many members of the faculty are not available

during the summer months, decisions on reappointment after the second year should generally be made during the Spring semester of the current appointment.

- c. Terminal Appointment. A terminal appointment is one given in view of terminating the employment of a faculty member; it shall be for a specified term, not to exceed twelve months.
- d. Appointment with Continuous Tenure. It is the policy of The Citadel to grant certain members of the faculty tenure status, assuring them continuous appointment until resignation or retirement, except under conditions explained in this statement. Those eligible for tenure are assistant professors, associate professors, and professors. Tenure is not automatic but is granted on the basis of appropriate recommendations made at a time after eligibility has been established. A faculty member shall be notified in writing of the decision to grant or deny tenure.
 - i. Active duty military personnel assigned to instruct in ROTC and members of the staff are not eligible for tenure.
 - ii. Once acquired, tenure shall be continuous until retirement or resignation except that it may be terminated for just cause. The following shall be considered just cause for the termination of a faculty member with tenured appointment, a faculty member on probationary appointment before the end of the specified term of appointment or without the specified period of notice, or a faculty member on contract before the end of the contract period:
 - 1. conduct seriously prejudicial to the College through infraction of law or gross immorality;
 - 2. failure to perform satisfactorily, for reasons including but not limited to physical or mental incapability or incompetence, the duties of the position to which the faculty member is assigned;
 - 3. repeated, flagrant and willful violation of published College regulations and policies, insofar as they do not contravene academic freedom or the rights of any citizen;
 - 4. institutional contingencies such as curtailment or discontinuance of programs or schools/departments or other conditions requiring reduction of faculty.
 - iii. Action for termination for cause may be initiated by the President upon recommendation of the Provost/Dean of the College. The faculty member concerned shall be provided with a written statement of reasons for the action and have an opportunity to be heard by the Standing Appeals Committee. This standing committee of five persons with two alternates is appointed by the Provost/Dean of the College based upon recommendations from the Committee on Committees. Members of the Standing Appeals Committee are selected from among those faculty members who are eligible to serve on the Faculty Tenure and Promotion Committee but are not currently serving on that committee. The faculty member in question has the right to challenge up to two members of the Standing Appeals Committee for cause. During the proceedings, the faculty member in question is expected to present his/her case but may have a member of the faculty or staff of his or her choice present as an advisor. A faculty member who is facing disciplinary hearings for an act which is also the subject of the termination proceedings may request that an attorney attend the hearing. Except as required by 20 USC Section 1681, *et. seq.*, as prescribed by implementing regulations published at 89 F.R. 33474, *et. seq.*, an attorney may act only in an advisory role to the faculty member and may only advise the faculty member during recesses of the hearing; any attorney who attends

a hearing may not ask questions of witnesses, speak on behalf of the faculty member, or actively participate in the hearing process. The President may designate an appropriate representative to assist in developing the case. If the faculty member has an attorney present as an advisor, the College may, at the discretion of the Standing Appeals Committee chair, have legal counsel present to provide advice. If there is a hearing, a complete stenographic record will be made. This recording will be available to all parties concerned. If the competence of the faculty member is questioned, the testimony will include that of qualified faculty members of The Citadel or other comparable institutions. The recommendation of the Standing Appeals Committee will be sent to the President for action. The faculty member in question will have the privilege of requesting an appeal to the Board of Visitors for a final review. The Board may only hear cases in which a professor has been dismissed for cause or denied tenure. The Board may elect to hear the appeal, in its discretion, provided a request in writing for such a review or hearing is submitted to the President within ten days of the receipt of the notification of termination. Grounds for such appeals shall be limited to those cases in which the professor alleges (1) a violation of due process or (2) the production of new evidence which would probably change the result of the underlying decision, but which could not, in the exercise of due diligence, have been presented prior to the underlying decision. If a hearing before the Board is granted, the faculty member may have counsel and may request that a stenographic record be made of the hearing. Pending the consideration of the case, the faculty member may be suspended, at the discretion of the President.

7. **Reduction in Force for Financial Exigency.** A policy has been approved by the Board of Visitors which recognizes three legitimate bases for terminating faculty employment because of external constraints: (1) demonstrable, bona fide financial exigency; or (2) program change for demonstrable, bona fide institutional reasons, on the basis of a decision by the President, concurred in and approved by the Board of Visitors or (3) mandatory reduction in force that prevents the College from meeting its contractual obligations. If financial exigency necessitates termination of appointment with continuous tenure, the faculty member shall be given at least twelve months' notice before the date of termination. The position of the released faculty member will not be filled by a replacement until at least two years have elapsed, unless the released person has been offered reappointment and has refused to take it. This policy, with implementing procedures, was coordinated with the Faculty Council, (since replaced by the Faculty Senate) approved by the Board of Visitors, and published by separate order. This policy is available in the Office of Human Resources.
8. **Policy on English Fluency for Faculty.** In compliance with the laws of the State of South Carolina, The Citadel ensures the English fluency of its teaching faculty through a two-stage review process.
 - a. During the interview process, each applicant will make an oral presentation before a group consisting of faculty members and students. Each participant will evaluate the candidate's English fluency and clarity of presentation. These evaluations will be a major factor in the selection process, and should a candidate who is ultimately selected be deemed by this evaluation to have an English language fluency problem, the extent of this problem, the support to be provided the candidate by the College in addressing this problem, and the expectations for improvement in English fluency will all be clearly stated in the offer of employment.
 - b. Should the English fluency of a member of the faculty be challenged by a student, standard procedures for student academic grievances (see *Faculty Manual*) will be followed.

SECTION III

The Academic Program

1. **Criteria for Admission.** The general criteria and educational qualifications for admission to the College are such as may be adopted by the Faculty Senate, approved by the President, and published in the appropriate college catalog.
2. **General Qualifications for Admission as a Cadet.** Applicants to the South Carolina Corps of Cadets should meet the U.S. Army standard for height/weight and be physically qualified for military duty as determined by The Citadel Surgeon. In making these decisions, the Department of Army physical standards and The Citadel Physical Fitness Test standards are used as basic guidelines. After admission, any condition or physical impairment that prohibits a cadet from participating in normal training activities may result in a discharge. In addition, an applicant must meet the following personal requirements:
 - a. An applicant must be at least 17 and less than 23 years old on the day of matriculation at The Citadel. Applicants for readmission must be less than 26 years old on the first day of classes. Exceptions to this policy may be considered on an individual basis for extenuating circumstances such as military service prior to application for admission. Any exception must be approved by the Provost/Dean of the College.
 - b. An applicant or cadet may not be married nor have childcare responsibilities for any minor child. Any cadet who marries or who assumes childcare responsibilities for any minor child will be discharged immediately.
 - c. An applicant must agree in writing to participate in The Citadel's drug testing program.
 - d. An applicant must not have a record of a felony conviction.
 - e. An applicant must provide evidence from school authorities and personal references to show good moral character and to prove the applicant has the potential and the personality to conform to the ethical standards and the strict regimentation of cadet life.
 - f. Applicants are expected to successfully complete the Citadel Physical Fitness Test (CPFT) prior to arrival on campus. This test will be administered for record early in Fourth Class Training. Individuals who do not meet the established standards will be required to participate in remedial physical training until the test has been satisfactorily completed.
 - g. Each applicant entering the Corps of Cadets shall subscribe to the following cadet oath:

I, (state your first, middle, and last name), hereby engage to serve as a cadet in The Citadel, The Military College of South Carolina, until graduation or until I shall be discharged by proper authority; I promise to support loyally the constituted authorities thereof as long as I remain a member of the Corps of Cadets. I will remain loyal to the ideals, values, and goals of The Citadel. I further promise that I will never bring discredit on The Citadel or the South Carolina Corps of Cadets. I take this obligation freely and without any mental reservation or purpose of evasion.

3. Organization and Direction of the Student Body.

- a.** For leader development, good order and discipline, the Corps of Cadets is organized as prescribed by the President, with the advice of the Commandant of Cadets. Cadet officers and non-commissioned officers are appointed and reduced by the Commandant of Cadets as authorized by the President. Cadets assume duties and responsibilities within the Corps of Cadets in furtherance of their educational objectives. Cadets are not thereby acting as agents or employees of The Citadel or the State of South Carolina. Appropriate commissions and warrants may be issued. Appointments are solely for instruction and discipline, and any or all of them may be revoked and new appointments made at any time by the Commandant of Cadets as authorized by the President. Reductions will be made to a rank consistent with the duties and responsibilities assigned by the Commandant of Cadets.
- b.** The Provost/Designee of the Provost is responsible for the academic progress of all students and for the conduct of all non-cadet students during the academic year and for all students enrolled in courses in Maymester or one of the summer sessions but not residing in the barracks. The Commandant is responsible for the conduct of cadets and for all students residing in the barracks in Maymester or one of the summer sessions.

4. Academic Arrangement of the Corps of Cadets. The Corps of Cadets is arranged in four distinct classes. Beginning cadets constitute the Fourth or Freshman Class. Promotions to the Third or Sophomore Class, to the Second or Junior Class, and to the First or Senior Class are based years of attendance and completion of other specific academic requirements. Cadets assume duties and responsibilities within the Corps of Cadets in furtherance of their educational objectives.

5. Responsibility for Academic Matters.

- a.** The Citadel faculty has jurisdiction over the academic programs of the College. This responsibility is carried out through a number of representative bodies. The composition and responsibilities of these bodies are presented in the *Faculty Manual*.
- b.** Recommendations having a major impact on the College as a whole, such as establishing or eliminating academic programs or departments, are referred to the Board of Visitors for approval.

6. Criteria for Graduation.

- a.** In questions regarding academic qualification for graduation, the recommendation of the Faculty Senate, as appropriate, approved by the President, is final. The criteria for graduation are fixed by the Faculty Senate, as appropriate, with the approval of the President, and published in the appropriate college catalog.
- b.** For all South Carolina Corps of Cadet members, a minimum of six semesters of residence at The Citadel - or five semesters in residence plus one semester in an approved study abroad program - are required for graduation, regardless of the number of course credits approved for transfer and credit by examination submitted to the institution. This requirement may be waived by the Board of Visitors in exceedingly unusual circumstances.

SECTION IV

Disciplinary Matters

1. General.

- a. With the approval of the President, the Provost and the Commandant prescribe for the various components of the student body such rules and regulations as are necessary for the good government and well-being of the College. The Commandant prescribes these rules and regulations for the Corps of Cadets and for all students living in the barracks in Maymester/Summer School. The Provost/Designee of the Provost prescribes these rules and regulations for all non-cadet students, including all students enrolled in Maymester/Summer School at The Citadel but not residing in the barracks.
- b. The primary purposes of the disciplinary system are to promote a campus environment that supports the overall mission of The Citadel and to protect The Citadel community from disruption and harm. Disciplinary regulations are set forth in writing in order to give students general notice of prohibited conduct. The regulations should be read broadly and are not designed to define misconduct in exhaustive terms. Infractions of rules and regulations will be handled administratively in the simplest fashion which will meet these goals and will provide due process to the alleged offender.
- c. Obedience to orders is the basis of all military discipline, and cadets will obey without argument or comment all lawful orders received by them from proper authority. If, in their judgment, such orders are improper, they may, after compliance, make an official statement of the circumstances in writing to the Commandant of Cadets, who will investigate and take appropriate action.
- d. Members of the faculty and staff are expected to participate in the maintenance of good order and discipline at the College.
- e. The cadet disciplinary system applies while the Corps of Cadets is constituted. During periods of furlough, the cadet disciplinary system shall apply any time a cadet represents the school in an official capacity, including but not limited to any time when the cadet is employed by the College. The cadet disciplinary system shall also apply if the conduct meets the criteria established in Section IV paragraph 4 of these *Regulations* for the application of Citadel jurisdiction for an off-campus offense.
- f. **Non-Academic Graduation Requirements.** The Citadel may withhold awarding a degree otherwise earned, and/or may prohibit participation in graduation exercises or delivery of a diploma until (1) the completion of the disciplinary process, as prescribed herein, in the Honor Manual, the *Blue Book*, or in such other policies as published by the College; and/or (2) the completion of all sanctions imposed, if any. For members of the Corps of Cadets, The Citadel may also prohibit participation in graduation exercises or delivery of a diploma, pending (3) successful completion of the Cadet Physical Fitness Test, and/or (4) compliance with U.S. Army height/weight regulations, as prescribed by the Commandant of Cadets. The Provost, for all non-cadet students, or the Commandant of Cadets, for cadets, has authority to waive these requirements

2. **Command of the Corps of Cadets.** The cadets of the College constitute a military corps and are subject to military discipline under the immediate command of the Commandant of Cadets.

3. Cadet Merits and Demerits.

- a. A system of merits will be established and published. Allowable demerits for each academic class shall be established and published in the *Blue Book, Regulations for the South Carolina Corps of Cadets* or appropriate cadet regulation by the Commandant of Cadets, with the approval of the President. Similarly, for each recorded delinquency, a cadet is awarded punishment and/or a number of demerits corresponding to the degree of delinquency. The degree of punishment and the number of associated demerits are fixed by the Commandant of Cadets with the authority of the President and published in the *Blue Book, Regulations for the South Carolina Corps of Cadets* or appropriate cadet regulation.
- b. When cadets accumulate more than the total number of demerits allowed each month for their academic class, such cadets shall be declared deficient in conduct. Those cadets who have exceeded a monthly allowance but have not exceeded the maximum number of demerits allowed for their academic class for either or both semesters will be removed from conduct deficient status when they complete a month without accruing excessive demerits and without committing Class I or II offenses (defined in paragraph 5 of this section).
- c. **Conduct Review Board.** A Conduct Review Board shall consist of the Company TAC Officer and the Company Commander for each cadet company. A Company TAC Officer may recommend a Conduct Review Board for a cadet based on persistent misconduct. Furthermore, a cadet who accumulates one-half of the maximum allowance of demerits for the semester or the academic year shall appear before a Conduct Review Board, unless he or she has previously appeared before such a board pursuant to an order of his or her Company TAC Officer, as prescribed herein.

The Conduct Review board will review the cadet's record with the cadet. The cadet may present information to remove demerits from his or her record and/or clarify his or her conduct. The CRB shall submit a report of this review to the Assistant Commandant for Discipline. If the cadet still exceeds the maximum allowable number of demerits, or if the cadet has not been able to clarify his or her conduct, the Assistant Commandant for Discipline may recommend to the Commandant that a **Suitability Board** be conducted.

- d. **Suitability Board.** A Suitability Board shall consist of (1) the Assistant Commandant for Discipline the Deputy Commandant, the Assistant Commandant for Leadership, the Assistant Commandant for Operations and Training, or a Battalion TAC officer, (2) a cadet officer of cadet captain or above, and (3) the Academic Advisor or Company Advisor of the cadet who is to face the hearing or a senior faculty member appointed by the Provost/Dean of the College. A Suitability Board may be held only upon recommendation of the Assistant Commandant for Discipline, as prescribed in paragraph 3c, above, and with the concurrence of the Commandant.

The Suitability Board will review the cadet's record, and the cadet may present information in his or her own behalf. The Suitability Board may recommend such action as it deems appropriate to the Commandant, up to and including dismissal. (Section VI, paragraph 4.) For recommendations less than suspension, the Commandant may impose such discipline as he deems appropriate; for recommendations of suspension or dismissal, if the Commandant concurs, he shall forward such recommendation to the President.

4. Cadet Offenses:

- a. **Class I Offenses.**

i. Expulsion from the College may be the punishment for the following offenses:

1. violation of the Cadet Honor Code;
2. commission of any act which is a felony under the laws of any state, the United States, or any other jurisdiction;
3. violating The Citadel's drug policy as outlined in Section IV, paragraph 7;
4. hazing as defined in Section IV, paragraph 6.c, or toleration of hazing;
5. commission of any act of a vicious or immoral nature unbecoming to a cadet;
6. assault, battery or stalking;
7. sexual misconduct, toleration of sexual misconduct, or attempted sexual misconduct;
8. sexual harassment (as defined in Section IV, paragraph 6.d);
9. fraternization of a sexual nature
10. serious sexual activity. Serious sexual activity may include, but is not limited to: oral sex, sexual intercourse, or public display of nudity or partial nudity.
 - a. Cadets may not engage in serious sexual activity on campus.
 - b. Cadets may not engage in serious sexual activity off campus between fourth class and upper class cadets.

ii. Dismissal from the College may be the punishment for the following offenses:

1. use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly provided by College rules or regulations) or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age;
2. disobedience of the lawful command of or an act of disrespect toward any superior officer or official of the College;
3. persistent significant misconduct, as demonstrated by the accumulation of more than the semester or annual allowable number of demerits or the commission of multiple disciplinary violations carrying forty (40) or more tours, within a calendar year;
4. any threat to or act against the person or property of another, the effect of which tends to intimidate or influence the enforcement of the rules and regulations of the College;
5. discharge or possession of firearms on campus (as defined in Section I, paragraph 13) except under proper supervision on authorized ranges;
6. the commission of any act unbecoming to a cadet and/or one which would tend to bring discredit upon the institution or to the uniform.

iii. Suspension from the College may be the punishment for the following offenses:

- a. insubordination or disorderly conduct;
- b. demonstrating or exhibiting disrespect to a member of the guard in any way, or interfering in any way with a member of the guard in the proper discharge of his/her duties;
- c. challenging another cadet in a verbally abusive or physically threatening manner for actions taken while in the discharge of his/her duties;
- d. major violation of the fourth-class system by upperclassmen.
- e. The Commandant's Chief of Staff may award and enforce restriction and/or up to and including 60 demerits and 120 punishment tours for other offenses not enumerated above but considered serious violations of good order and military discipline.

b. Class II Offenses.

Offenses in this category are all those enumerated in *Regulations, South Carolina Corps of Cadets* for which the Assistant Commandant for Discipline shall have the authority to assess against any cadet penalties up to and including restriction and/or 30 demerits and 60 tours.

c. Class III Offenses.

Offenses in this category are other offenses, except those cited in paragraphs 5a and b, above, as enumerated in *Regulations, South Carolina Corps of Cadets* for which penalties have been assigned. All such offenses have assigned punishments.

d. Off-Campus Offenses. A cadet who commits an act off-campus that reflects adversely on The Citadel or the Corps of Cadets may be punished as if the act had been committed on-campus if the alleged misconduct violates the cadet disciplinary code and the act:

- i. potentially endangers the health, safety, or welfare of members of the campus community, or
- ii. potentially places College property at risk of damage, loss, or destruction, or
- iii. occurs at a time when the cadet represents the College in an off-campus activity, or
- iv. involves conduct that constitutes one or more of the following:
 - a. a felony act;
 - b. a crime of moral turpitude;
 - c. an act of violence;
 - d. an act that involves the possession, use, distribution, or sale of an illegal drug, alcohol, or any other substance prohibited by these *College Regulations*; or
 - e. an act involving racial or sexual harassment.

5. Offenses of Non-Cadet Students During the Academic Year and All Students, Including Cadets, Attending The Citadel Maymester/Summer School or Employed by The Citadel.

These provisions apply to students other than cadets during the academic year and to all students including cadets during Maymester/Summer School. These provisions also apply to students employed by The Citadel. The offenses are as follows:

a. Expulsion may be the punishment for the following offenses:

- i.** knowingly making a false oral or written statement in response to an oral or written requirement from an individual or officer of the College authorized by position or function to place such a requirement;
- ii.** violating the academic integrity policy;
- iii.** stealing, or the commission of any act which is a felony under the laws of any state, the United States, or any other jurisdiction;
- iv.** violating The Citadel's drug policy as outlined in Section IV, paragraph 7;
- v.** sexual misconduct or attempted sexual misconduct;
- vi.** assault, battery or stalking;
- vii.** sexual harassment;
- viii.** serious sexual activity on campus (students may not engage in serious sexual activity on campus. Serious sexual activity may include, but is not limited to: oral sex, sexual intercourse, or public display of nudity or partial nudity);
- ix.** commission of an act of a vicious or immoral nature unbecoming of a Citadel student.

b. Dismissal may be the punishment for the following offenses:

- i.** use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly provided by College rules or regulations) or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age;
- ii.** disobedience to the directives of or an act of disrespect to any official of the College;
- iii.** commission of any unbecoming act or one which would tend to bring discredit to the College;
- iv.** discharge or possession of firearms on campus (as defined in Section I, paragraph 13), except under proper supervision on authorized ranges.

c. Suspension may be the punishment for the following offenses:

- i.** insubordination or disorderly conduct;
- ii.** challenging another student in a verbally abusive or physically threatening manner for actions taken while in the discharge of duties.

- iii. Other punishment may be imposed by the appropriate authority for the following:
- iv. Any disorderly act, neglect, or misbehavior listed in regulations specifically prepared for students other than cadets.
- v. All students, including cadets, who attend Maymester/Summer School at The Citadel will abide by Maymester/Summer School and other regulations published separately.

6. Definitions of Select Disciplinary offenses

- a. **Alcoholic Beverages.** Except as specifically authorized by the President, or designee, cadets and non-cadet students will not drink alcoholic beverages on the campus (as defined in Section I, paragraph 13) or bring to or have in their possession such beverages on the campus. Elsewhere, cadets and non-cadet students will not drink, possess, or traffic in alcoholic beverages in violation of law or in such a manner or under such conditions as to reflect discredit upon the College or student body.
- b. **Assault and Battery.** An “assault” is an attempt or offer, with force or violence, to inflict bodily harm on another person, which attempt or offer creates a reasonable fear of bodily harm. A “battery” is the actual infliction of any unauthorized physical contact on the person of another, or the intentional causing of bodily harm to another person.
- c. **Hazing.** A wrongful striking, an unauthorized laying hand upon; a threat of violence; an offer to do bodily harm by any student to another student; any other unauthorized treatment by one student toward another student of a tyrannical, abusive, shameful, insulting, or humiliating nature; or a requirement of any student to perform personal services for another student except as specifically provided for cadets in the *Blue Book, Regulations for the South Carolina Corps of Cadets*.
- d. **Sexual Harassment.** Conduct on the basis of sex that satisfies one or more of the following:
 - i. An employee, agent, or other person authorized by The Citadel conditioning the provision of an aid, benefit, or service of The Citadel on an individual’s participation in unwelcome sexual conduct;
 - ii. Unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from The Citadel’s education program or activity, or
 - iii. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Harassment of women by men, harassment of men by women, and harassment between persons of the same sex may all constitute sexual harassment.

Verbal, non-verbal, or physical conduct can constitute sexual harassment when:

- iv. It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations, military or leadership positions, or participation in a Citadel activity (Quid Pro Quo);

- v. It does not implicitly or explicitly suggest that submission to or rejection of the conduct will be a factor in an academic or employment decision, but is sufficiently severe or pervasive that it limits or denies an individual's ability to participate in or benefit from The Citadel's program. (Hostile Environment). Whether a hostile environment has been created is a fact specific inquiry that includes consideration of the factors described in 34 CFR 106.2.
- e. **Sexual Misconduct.** Any non-consensual physical conduct of a sexual nature and encompasses a broad range of behaviors including, but not limited to:
- i. **Non-Consensual Sexual Intercourse:** Any sexual penetration (anal, oral, or vaginal) however slight, with any body part or any object, without affirmative consent. This act is commonly referred to as rape.
 - ii. **Non-Consensual Sexual Contact:** Touching of someone's intimate body parts such as genitalia, groin, breast, buttocks, or any clothing covering them; touching a person with one's own intimate body parts; or compelling another to touch one's intimate body parts without affirmative consent. These acts are commonly referred to as sexual assault.
 - iii. **Sexual Exploitation:** Non-consensual sexual advantage of another for one's personal or third-party benefit that does not otherwise constitute rape or sexual assault. Sexual exploitation encompasses a wide range of behaviors which include, but are not limited to:
 1. Inducing incapacitation with the intent to rape or sexually assault;
 2. Allowing others to observe a personal act of consensual sex without knowledge or consent of the partner;
 3. Non-consensual electronic recording, photographing, or transmitting intimate or sexual utterances, sounds, or images of another person;
 4. Voyeurism ("Peeping Tom" activity);
 5. Knowingly transmitting an STI/STD or HIV to another student;
 6. Prostituting another person (i.e., personally gaining money, privilege, or power from the sexual activities of another person).
- f. **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.

7. Policy on Hallucinogenic, Narcotic, and Controlled Drugs and Substances; Drug Paraphernalia; and The Citadel Drug Testing Policy.

a. Prohibited Activity.

- i. Possession, purchase, manufacture, solicitation, distribution, sale, or use of hallucinogenic, narcotic, or other controlled drugs and substances, or of drug paraphernalia, unless expressly permitted by law. This prohibition applies to all staff, faculty, and students, on and off campus. All other persons are prohibited from unlawfully possessing these substances and items on campus;

1. The Citadel will consider a student conviction, admission, plea of *nolo contendere*, plea pursuant to *North Carolina v. Alford*, or confession in any legal or administrative proceeding to the possession or use of any such drug, substance or item prohibited herein as possession of such drug, substance or item;

2. The Citadel will also consider a positive finding of the presence of a prohibited substance pursuant to any generally accepted test, including but not limited to, a blood, urine, or hair follicle test for such substance, as possession of such drug substance or item;

3. The Citadel will also consider the final judgment of any Department of Defense administrative proceeding which concludes that a student has possessed or used any such drug, substance or item as possession or use of such drug, substance or item.

ii. refusal to submit to testing for drugs in accordance with The Citadel's drug testing program;

iii. Providing financial assistance or otherwise aiding or abetting any other person in the purchase, sale, manufacture, delivery, possession or use of any such prohibited drug, substance or item.

b. Drugs and Substances Covered.

i. Drugs and substances which are prohibited by this policy include, but are not limited to, all of those controlled substances listed in the schedules in South Carolina Code of Laws Sections 44-53-190, 44-53-210, 44-53-230 44-53-250 and 44-53-270, as amended.

ii. Items constituting paraphernalia which are prohibited by this policy include, but are not limited to, those items identified in South Carolina Code of Laws Section 44-53-110, as amended.

c. Drug Testing Policy.

i. The Citadel randomly tests members of the Corps of Cadets for the presence of the substances proscribed herein. Agreeing to participate in this program is a condition of acceptance and continued enrollment at The Citadel, and submitting to testing when required under this program is a condition for remaining as a student.

ii. The Citadel will conduct unannounced random drug tests periodically during the Academic Year. Cadets selected for random testing will be directed to report to a specified location at a specified time for the purpose of providing an observed specimen for testing. Each cadet will be briefed on the process and will remain at the designated location until an acceptable sample is provided for use by the testing laboratory.

iii. In addition, the College will direct members of the Corps of Cadets to be tested when reasonable suspicion of drug use exists. "Reasonable suspicion" is defined as the existence of circumstances, reports, information, or direct observation of such a nature as to create a reasonable belief of a violation of the Drug Policy of The Citadel.

iv. Refusal to provide an observed specimen upon request in accordance with the provisions of this Policy will be treated as the equivalent of a positive test and turned over to the

Commandant for appropriate disciplinary action in accordance with the Drug Policy of The Citadel.

d. Punishment.

- i.** The Citadel will punish student violations of this policy as follows:
 1. Any student possessing or using any hallucinogenic, narcotic, or other drug or substance, which hallucinogenic, narcotic, drug, or substance, is prohibited or otherwise controlled by law in South Carolina, will be subject to expulsion from the College.
 2. Any student possessing or using any drug paraphernalia which is prohibited by law in South Carolina, and any student using any other paraphernalia in an attempt to use any drug or substance in subsection (a), above, will be subject to expulsion from the College.
 3. Any student possessing or using any other hallucinogen which causes a loss of control or inebriation will be subject to dismissal from the College.
- ii.** Any employee possessing or using any hallucinogenic, narcotic, or other drug or substance, which hallucinogenic, narcotic, drug, or substance is prohibited or otherwise controlled by law in South Carolina, will be subject to disciplinary action, up to and including termination. In addition, such person shall be subject to arrest and criminal prosecution, as well as ejection and barring from the campus of The Citadel. Further, any such prohibited item located on The Citadel campus or Citadel-controlled property is regarded as contraband and subject to immediate seizure.
- iii.** Any visitor to campus possessing or using any hallucinogenic, narcotic, or other drug or substance, which hallucinogenic, narcotic, drug, or substance, is prohibited or otherwise controlled by law in South Carolina, will be subject to arrest and criminal prosecution, as well as ejection and barring from the campus of The Citadel. Further, any such prohibited item located on The Citadel campus or Citadel-controlled property is regarded as contraband and subject to immediate seizure.

SECTION V

Investigations and Hearings for Student Violations

1. Presiding Officials.

- a. Investigations of violations of disciplinary regulations will be made by officers on boards appointed by the President, the Commandant of Cadets, or the Provost, as appropriate. Investigations of violations of the Cadet Honor Code will be made by the Cadet Honor Committee. Investigations of violations of Academic Integrity for non-cadet students and for cadets enrolled in Maymester/Summer School will be made by the Provost.
- b. No person may influence or attempt to influence the action of any official in an investigation, board or hearing, or the action of any convening, approving, reviewing or appellate authority of such investigation, board or hearing.
- c. Any official responsible for conducting an investigation, board or hearing, or for convening, approving, or reviewing such board or hearing, shall disqualify himself or herself in any proceeding in which his or her impartiality might reasonably be questioned.

2. Representatives and Advisors.

- a. Except in hearings or boards governed by 20 USC 1681, as prescribed by implementing regulations published at 85 F.R. 30026, *et. seq.*, in all college hearings and boards in which a student faces suspension, dismissal, or expulsion, the student may be represented by up to two student “representatives.” In hearings or boards governed by 20 USC 1681, as prescribed by implementing regulations published at 89 F.R. 33474, *et. seq.*, a student may be represented by an attorney in lieu of one of the student representatives. Student representatives must be students in the same academic program as the student facing disciplinary action, i.e., graduate students may not serve as representatives for cadets, nor may cadets serve as representatives for graduate students. Representatives may participate in the board or hearing, including speaking directly to the board or hearing officer and questioning witnesses.
- b. In all other college hearings and boards, the student may be assisted by up to two students who are members of the same academic program as the student facing disciplinary action, who shall serve as “advisors.” Advisors are not permitted to participate or speak directly in any board or hearing. The accused student, and also any alleged victim who chooses to be assisted by an advisor, is responsible for presenting his or her own information.
- c. Students who are facing disciplinary hearings for an act which is also the subject of a criminal proceeding may request that an attorney attend the hearing. A request to have an attorney present at a hearing or board must be made in writing to the board president or chair at least two days in advance of the hearing. An attorney may act only in an advisory role to the student and may only advise the student during recesses of the hearing. Any attorney who attends a hearing may not ask questions of witnesses or board members, speak on behalf of the student, or actively participate in the hearing process. If the student has an attorney present as an advisor, the College may, at the discretion of the board president or chair, have legal counsel present to advise the board.

3. Hearings for Violations of Disciplinary Regulations.

- a.** Students accused of a violation of disciplinary regulations which may lead to suspension, dismissal, or expulsion are entitled to the following:
 - i.** to have a fair and prompt hearing before a board of officers of the College;
 - ii.** to be informed in writing of the offense of which accused and to have reasonable time to prepare a defense;
 - iii.** to present information in their own behalf;
 - iv.** to be able to submit a petition of appeal to the proper authority should the decision go against them;
 - v.** to resign from the College at any time during the disciplinary process.
- b.** For offenses that may lead to suspension, dismissal, or expulsion, the Commandant of Cadets will appoint the board, consisting of officers and/or senior non-commissioned officers and a cadet, to hear cases which involve cadets during the academic year and for all students living in the barracks during Maymester or one of the summer sessions. The Provost will appoint the board of officers to hear cases which involve non-cadet students in the academic year and for all students not living in the barracks during Maymester or one of the summer sessions. For Class I or II offenses that do not involve suspension, dismissal, or expulsion, cadets may request a hearing in writing to the Office of the Commandant, which is responsible for deciding if a hearing is warranted.
- c.** Policies and procedures for hearings for all students are approved by the President. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in boards or hearings.
- d.** The hearing officer's or board's determination shall be made on the basis of whether it is more likely than not that the accused student violated the disciplinary code. Based on the evidence presented, the hearing officer or board may recommend any appropriate penalty to the appointing authority. Disciplinary penalties involving suspension, dismissal, or expulsion may be recommended to the President by the appointing authority and shall be imposed only by the President or his designee. The punishing official may impose punishment based on the information in the Board's report as well as the cadet's or student's entire education record.

4. Hearings for Violations of Honor Code or Academic Integrity Policy.

- a.** An Honor System as designed by the Corps of Cadets and approved by the President will be in effect at The Citadel. This system is presented in the cadet *Honor Manual*.
- b.** The Citadel expects all its students to conduct themselves honorably. The Academic Integrity Policy and procedures for non-cadet students during the academic year and for all students--cadets and non-cadet students--attending The Citadel's summer sessions--Maymester, Summer Evening, Summer I, and Summer II--or employed by The Citadel, are approved by the President.

5. Appeals.

- a. The Citadel Board of Visitors will not entertain petitions of appeal on honor cases or violations of the Academic Integrity Policy.
- b. Disciplinary decisions may be appealed in writing to the authority one level higher than the penalty approval authority.
 - i. The Board of Visitors may, in its discretion, consider and decide appeals in which the punishment imposed is expulsion. Appeals to the Board of Visitors are not a matter of right.

The President is the appellate authority for all Class I offenses in which the punishment imposed is suspension or dismissal, as well as for all Suitability Boards in which the punishment imposed is suspension or dismissal.

- ii. The Commandant of Cadets is the appellate authority for all other cadet disciplinary offenses.
 - iii. The Provost is the appellate authority for all other non-cadet disciplinary offenses.
- c. **Grounds.** An appeal does not provide a second forum in which to present the case. Appeals deal only with how a decision has been reached and not with the decision itself.
 - i. Grounds for honor appeals shall be as defined in the Honor Manual.
 - ii. Except in appeals governed by 20 USC 1681, as prescribed by implementing regulations published at 89 F.R. 33474, *et. seq.*, the following are the exclusive grounds for all disciplinary and academic appeals:
 - 1. that the hearing officer or board failed to provide due process;
 - 2. that significant information has been discovered since the board or hearing, which would probably change the result, but which could not, in the exercise of due diligence, have been presented to the board or hearing.
 - iii. In appeals governed by 20 USC 1681, as prescribed by implementing regulations published at 89 F.R. 33474, *et. seq.*, the grounds for appeals are:
 - 1. Procedural irregularity that would change the outcome of the matter; or
 - 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that would change the outcome of the matter; or
 - 3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome of the matter.

d. Appeals to the Board of Visitors.

- i. A cadet or student may appeal the President's decision of expulsion to the Board of Visitors. The preparation and submission of the appeal, which must include grounds on which relief

is being sought, is exclusively the responsibility of the cadet or student. The cadet or student may request permission of the President to attend classes until final action is taken on the appeal.

- ii. The cadet or student must present the appeal to the Office of the President within five working days of the announcement of the punishment. Extensions beyond the five working days may only be granted in extraordinary cases and will not be granted simply to accommodate the schedule or other needs of anyone involved in the preparation of the appeal. Requests for extensions must be submitted in writing by the cadet or student and must include the justification for the extension.
- iii. The Office of the Commandant or the Provost, as appropriate, shall submit the College Response within a reasonable time to the Office of the President, or may elect to submit the College Response within a reasonable time of the Special Appeals Committee's decision to forward the appeal to the Board of Visitors, as prescribed below.
- iv. The Office of the President will deliver the appeal, the report of the board, the response of the College, if any, the associated Special Order(s), the student's education record, and any other supporting documentation (e.g., emails or letters of support for the appellant) to the Special Appeals Committee of the Board of Visitors. Upon receipt, the Office of the President will also provide the response of the College to the cadet or student.
- v. The Special Appeals Committee will review the appeal without appearance of parties or argument, and determine whether or not the appeal is meritorious. If the Committee determines, by an affirmative vote of a majority of those present and eligible to vote, that the appeal does not have merit, it will be dismissed with finality. If the Committee determines, by an affirmative vote of a majority of those present and eligible to vote, that the appeal has merit, it shall identify those issues to be considered and forward them to the Board of Visitors. If the College has not previously provided a response, the College will prepare and provide the Board a response to those issues.
 1. In the case of an appeal based on alleged violations of due process, the Special Appeals Committee shall only consider whether
 - a. the student was notified, before the hearing, of the charges against him/her;
 - b. the college provided the student with the names of the witnesses against him/her and either a summary of their testimony or the opportunity to confront and cross examine these witnesses;
 - c. the student was afforded the opportunity to be heard in his/her own defense and to be present and present evidence on his/her own behalf; and
 - d. the disciplinary action was based upon ample evidence such that it was not arbitrary or capricious
 2. In the case of an appeal based on new evidence, the Special Appeals Committee shall only consider whether:
 - a. significant information has been discovered since the board or hearing;

- b. the information would probably change the result; and
 - c. the information could not, in the exercise of due diligence, have been presented to the board or hearing
- 3. In appeals governed by 20 USC 1681, as prescribed by implementing regulations published at 89 F.R. 33474, *et. seq.*, the Special Appeals Committee shall determine if:
 - a. procedural irregularity affected the outcome of the matter; or
 - b. new evidence exists that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
 - c. the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- vi. The Board of Visitors will receive the same documents as were received by the Special Appeals Committee, and also the response of the College, if the College chose not to provide a response to the Special Appeals Committee. In addition, either party may submit a transcript of the hearing, or the Board of Visitors may commission and review a transcript on its own motion. Appeals will be heard as expeditiously as possible, but not later than the next regularly scheduled meeting of the Board of Visitors.
- vii. The Board of Visitors may entertain oral presentations from the cadet or student and a representative of the administration. Oral presentations will be limited to fifteen minutes for each party. Oral presentations will be limited to those issues identified as meritorious by the Special Appeals Committee. The cadet or student shall have the right to open and close the oral presentations, but the total time for the cadet or student's argument may not exceed fifteen minutes. Following oral presentations, members may ask any questions they deem necessary to a full consideration of the appeal.
- viii. A family member (or members) and an attorney may attend the hearing but may not speak on behalf of the cadet or student.
- ix. Following oral presentations, the Board of Visitors may hold an executive session to deliberate the appeal. The Board of Visitors is limited to: (a) denying the appeal, (b) remanding it to the President for reconsideration, or (c) upholding the appeal. The decision to deny or remand the appeal must be reached by a majority vote of present and eligible Board members. A decision to uphold the appeal must be reached by a two-thirds vote of present and eligible Board members. A determination of the Board of Visitors to deny the appeal will be final.
 - 1. A vote to deny the appeal means that the Board upholds the administration's decision to expel the cadet or student.
 - 2. A vote to remand the appeal gives the President authority to impose expulsion, reduce the punishment of expulsion, delay the punishment of expulsion, or take any action he deems appropriate, taking into consideration the evidence presented in the appeal materials and the argument made during the appeal hearing.

3. A vote to uphold the appeal returns the cadet or student to normal cadet or student status.

SECTION VI

Discharges and Reinstatement

1. Authority to Discharge.

- a. No student shall be discharged before graduation except by Special Order from the Office of the President or by policy stated in a catalog of the College. The President may, by written authorization, delegate the authority to discharge students to an appropriate official of the College.
- b. The President has authority to discharge a student:
 - i. on the student's application; or
 - ii. for whom expulsion, suspension, or dismissal has been recommended; or
 - iii. who otherwise fails to meet continuing conditions of admission or matriculation set forth in these *College Regulations* or a college catalog; or
 - iv. on recommendation of the Campus Assessment Team.
- c. The Chair of the Board of Visitors will be informed of the expulsion of students for disciplinary reasons. A disciplinary finding of expulsion, dismissal, or suspension or an honor finding of expulsion shall be imposed only by the President.

2. Temporary Suspension.

- a. The President may suspend a student temporarily pending a hearing when, in the President's opinion, such action is in the best interests of the suspended student or the maintenance of good order and discipline.
- b. When any student is charged by any law enforcement authority for an offense which constitutes a felony, as defined by the laws of the state of South Carolina, temporary suspension under paragraph 2a, above, shall be considered.

3. Resignation.

- a. A cadet or non-cadet student who has been accused of a disciplinary offense that could require a board or hearing or a cadet who has been called before a suitability board may resign in lieu of facing the prescribed board or hearing. The Citadel will treat the cadet as if he or she has been found to have committed the offense in question and has been awarded the maximum punishment authorized. The Office of the President will so inform the student.
- b. A cadet or non-cadet student who elects to leave the College without resigning and with a disciplinary board, hearing, or offense pending that could result in suspension, dismissal, or expulsion may be suspended, dismissed, or expelled in absentia, as determined by the maximum punishment allowed for the charge in question. The Office of the President will so inform the student.
- c. A cadet accused of an honor violation or a non-cadet student accused of a violation of the academic integrity policy may resign at any time prior to the final disposition of the case. A

cadet who leaves the College with an honor trial or accusation pending or a non-cadet student who leaves the College with an academic integrity accusation or hearing pending will be expelled in absentia. The Office of the President will direct the Office of the Registrar to so inform the cadet or non-cadet student.

4. Types of Discharge. In all cases in which a cadet is discharged for disciplinary reasons, the terms “Discharged,” “Discharged as a result of disciplinary action for violation of student code of conduct,” “Permission to Resign,” “Resigned as a result of disciplinary action for violation of student code of conduct,” or “Administrative Discharge,” as appropriate, will appear on the academic transcript. The following terms are used by the Office of the President in announcing internally the discharge of cadets or non-cadet students for disciplinary reasons. These terms do not appear on the cadet's or non-cadet student's academic transcript.

- a. PERMISSION TO RESIGN indicates that the cadet or non-cadet student has resigned in lieu of facing a board or hearing that could have led to his or her suspension, dismissal, or expulsion from the College. This cadet or non-cadet student will be treated by the College as if he or she has been suspended, dismissed, or expelled, whichever is the maximum punishment the cadet or non-cadet student could have received had he or she elected to face the charge or accusation that had been made.
- b. SUSPENDED indicates that the cadet or non-cadet student has been required to leave the College for a period of one semester.
- c. DISMISSED indicates that the cadet or non-cadet student has been required to leave the College for a period of two semesters.
- d. EXPELLED indicates that the cadet or non-cadet student has been required to leave the College and is not eligible to return. A cadet or non-cadet student who has been expelled may not enroll in classes in any of The Citadel's programs--Cadet, Citadel Graduate College, Maymester, or Summer School.
- e. The terms “discharged as a result of disciplinary action for violation of student code of conduct” and “resigned as a result of disciplinary action for violation of student code of conduct” indicate that the cadet or non-cadet student has been suspended, dismissed, or expelled from the College as a result of, or with an appeal pending for, a disciplinary matter which involves a crime of violence or non-forcible sex offense, as defined by the Family Educational Rights and Privacy Act. The Office of the Commandant will recommend whether to include these terms, and the President will make the final determination. If a student who has been suspended or dismissed with this designation returns to and graduates from The Citadel, the Registrar will remove this designation upon that student's return.

5. Reinstatement.

- a. A cadet or non-cadet student who has been expelled, has been expelled in absentia, or has resigned with a possible expulsion offense pending will not be eligible for readmission to the College unless new evidence becomes available which indicates to the satisfaction of the Provost/Dean of the College that the original findings or charges were in error. This new evidence must be presented in the form of an appeal for reinstatement by the cadet or non-cadet student to the Provost/Dean of the College within one academic semester after the charges were filed or the action of the College is finalized. The Provost/Dean of the College must obtain approval from the President for the reinstatement to be granted.

- b.** A cadet or non-cadet student who has been dismissed, has been dismissed in absentia, or has resigned with a possible dismissal offense pending may make written application during the second semester following the semester of discharge for readmission at the beginning of the semester following the application; i.e., a minimum of two semesters must elapse after the semester of dismissal before the semester of readmission. Maymester, Summer I, and Summer II do not constitute “a semester” for purposes of the two semesters which must elapse. The application will be considered by the Provost, who is responsible for the process of clearing readmission to the College.
- c.** A cadet or non-cadet student who has been suspended, has been suspended in absentia, or has resigned with a possible suspension offense pending may make written application during the first semester following the semester of discharge for readmission at the beginning of the semester following the application (i.e., a minimum of one semester must elapse after the semester of suspension before the semester of readmission). Maymester, Summer I, and Summer II do not constitute “a semester” for purposes of the semester which must elapse. The application will be considered by the Provost, who is responsible for the process of clearing readmission to the College.
- d.** In the event that a cadet or non-cadet student who has been suspended or dismissed, or suspended in absentia or dismissed in absentia, or who has resigned with a possible suspension or dismissal offense pending, leaves the College at such point in time during a semester that the cadet or non-cadet student is precluded from completing academic course requirements and participating in a significant amount of military training and other mandatory activities of the Corps of Cadets, such cadet/student may submit a request to have the semester during which the suspension or dismissal was awarded credited as one (1) full semester of punishment. This request will be submitted to the Commandant who will make a recommendation to the President, whose decision will be final and not subject to further review. If the request for relief is granted, the cadet or non-cadet student must make application for readmission as provided for in paragraphs 5b and 5c, above.

SECTION VII

Organization and Operating Rules of The Citadel Board of Visitors

1. Composition of the Board of Visitors.

a. Composition.

i. **Voting Members.** Pursuant to Section 59-121-10, Code of Laws of South Carolina (1976), as amended, the Board of Visitors of The Citadel is composed of the Governor, the State Superintendent of Education, and the Adjutant General, which three members shall be *ex-officio* members of the Board, and eleven other members, consisting of seven elected by the general vote of the General Assembly, three elected by the Citadel Alumni Association, and one at-large member appointed by the Governor.

ii. **Emeritus Members.** A member of The Citadel Board of Visitors who terminates membership after a total of eighteen years of service and who, in the opinion of the Board, has contributed significantly to the governance of the College, may be selected to be named "Member Emeritus" if this action is supported by an affirmative vote of three-fourths of the votes cast. Persons so named and who choose to serve shall receive notice and agenda of all Board meetings and such perquisites of office as shall be determined by the Board from time to time.

iii. **Non-Voting Representatives.** The President of The Citadel Alumni Association, the President of The Citadel Brigadier Foundation, and the Chair of The Citadel Foundation Board of Directors shall serve *ex-officio* as representatives to the Board. They shall receive notice and agenda of all Board meetings and such perquisites of office as shall be determined by the Board from time to time.

b. **Rank of Board of Visitors Members.** All members of the Board of Visitors have the rank of colonel in the Unorganized Militia of South Carolina, and appropriate commissions are issued.

i. Any member who may have earned a rank other than colonel in any branch of the Federal or State armed services is entitled to be designated by such rank, if the individual so desires, but precedence among members of the Board is determined by total service on the Board whether this service be continuous or not.

ii. If the total service on the Board is identical for two or more members, members shall take precedence among themselves by year of graduation.

iii. The Board of Visitors shall elect from among their members a Chair and a Vice Chair who take precedence in that order and ahead of other members of the Board, regardless of length of service.

c. **Removal from Office.** Any member of the Board may be removed by the Governor pursuant to Section 3 of Article XV of the South Carolina Constitution or S.C. Code Ann. Section 1-3-240, as appropriate. The Board may recommend a member be removed by the Governor pursuant to the procedure for Removal of Board Officers and Appointees in Paragraph 3f, below. Upon removal vote by the Board, the Chair will recommend removal by the Governor.

2. Responsibilities of the Board.

- a. **Duty of the Board.** The powers of the Board of Visitors are derived from the General Assembly of South Carolina and are prescribed in Chapter 121 of Title 59 of the South Carolina Code. Based upon the authority granted by the General Assembly, The Citadel Board of Visitors is responsible for the direction, oversight, and fiscal solvency of the College while delegating administration to the President and his administrative officers. The Board of Visitors meets its responsibilities by selecting the President, providing guidance and support to make the President successful, and protecting The Citadel's reputation within the State and Federal higher education systems. The Board protects The Citadel's reputation by understanding the State and Federal higher education operating environments; approving The Citadel vision, strategy and policies; influencing Citadel culture; building consensus; providing fiscal oversight for the acquisition, allocation and use of resources; shaping external environments to support college initiatives; complying with applicable laws; and communicating strategic efforts to The Citadel extended family.
- b. **Professional Development.** The Board of Visitors shall conduct its business in an exemplary fashion and with appropriate transparency. To that end, Board members shall engage in the continuing study of higher education governance, shall ensure the currency of Board governance policies and practices, and shall periodically assess the performance of the Board, its committees, and its members. The Board shall budget appropriate funds each year to accomplish these goals.
- c. **Presidential Search.** The Board of Visitors will establish and maintain a succession plan for selection of the College President for use as needed. The plan will address both the routine and emergency selection of the President. The plan shall be maintained by the Senior Vice President for Operations and Administration and shall be reviewed annually.
- d. **Transactions Involving Real Estate.** No real estate shall be acquired or disposed of, nor shall property or money realized from the sale of property be sold, transferred or reinvested, unless **two thirds of the total number of Board members who are eligible to vote** agree thereto.
- e. **College Regulations.** To be fully effective, the Board of Visitors shall confine its efforts to policy direction. The Board shall establish this direction through the *College Regulations*. One of the major functions of the Board is periodic and thorough examination of the *Regulations*. Thus, annually, each member of the Board, and each Committee of the Board, should review and make recommendations for changes to the *College Regulations*, in accordance with the following schedule:
 - i. Board members shall review the *College Regulations* throughout the academic year. Board members shall recommend changes to the Office of General Counsel, which shall maintain a record of such recommendations.
 - ii. The Office of General Counsel shall present all proposed changes to the Strategy Vision and Governance Committee prior to its May meeting. The Strategy, Vision and Governance Committee shall meet, review, and make recommendations for all proposed changes no later than May 30 of each year.

Board. Such notification may be made verbally or in writing and may be accomplished by electronic mail, U.S. Mail, or hand delivery.

- iii. Committee Membership.** The Chair shall be an *ex-officio* member of all Committees of the Board but shall be Chair of the Executive Committee only. The Chair of the Board may attend all meetings of The Citadel Trust Board of Directors elected by the Board of Visitors and shall have the privileges of the floor at such meetings but shall not have a vote unless the Chair is a Director by individual right.
- iv. Election and Term.** The Chair shall be elected to serve for a term of two years, or less depending on Board service termination. The Chair may be re-elected to a second term, but the entire service as Chair will not exceed four years. Election of the Chair shall take place at the June meeting of the Board during the final year of the outgoing Chair's term of office.

Prior to an election for a new Chair, any member who wishes to offer for consideration of nomination should inform the Board of Visitors Secretary **at least fourteen (14) days** prior to the June meeting. The Secretary shall inform all members of the Board **at least seven (7) days** prior to the June meeting of all members who have expressed interest.

The election will be conducted in open session. Each candidate must be nominated by another Board member. Prior to voting, each candidate shall address the Board for a maximum of ten (10) minutes to express his or her reason(s) for offering to serve as Chair, to review his or her experience and personal skills that qualify him or her for service, to identify the challenges he or she believes the college faces, and to describe his or her objectives, should he or she be elected. Candidates will respond to member questions after their presentations are completed. At the conclusion of all presentations, the Board may hold discussion concerning the candidates, in open session. Following these discussions, the Board will vote.

The election will be conducted by roll-call vote. The Secretary shall call each member's name, in order of seniority, and the member shall vote by stating the candidate's name. The Secretary will tally votes and record each vote in the minutes. Voting shall continue until one candidate receives a majority of the votes cast or until the Board decides, by majority vote, to cease voting until the next meeting of the Board, which meeting shall immediately be set by majority vote of the Board. The same process will be followed to elect a Vice Chair.

b. Vice Chair.

- i. Duties.** The duties of the Vice Chair will be to act as Chair when the Chair is absent, to assist or represent the Chair when called upon to do so, and to perform such other duties as may be assigned by the Chair or the Board of Visitors. In the event the Chair shall vacate office prior to the expiration of his or her term, the Vice Chair shall become Chair of the Board of Visitors for the remainder of the term. The Chair shall appoint a Vice Chair from the members of the Board to fill the Vice Chair position for the remainder of the Vice Chair's term.
- ii. Election and Term.** The Board of Visitors shall elect from among its members a Vice Chair by the same process as the Board Chair. The Vice Chair shall serve a term of two years, or less depending on Board service termination. The Vice Chair may be re-elected to a second

term, but the entire service as Vice Chair shall not exceed four years. The Vice Chair shall take precedence immediately after the Chair and ahead of all other members.

iii. Chair of Special Appeals Committee. The Chair of the Board of Visitors shall appoint a Special Committee under Section IX, paragraph 5c of these *Regulations* to review all disciplinary appeals submitted in accordance with these *Regulations* and make appropriate recommendations to the Board of Visitors. Special Appeals Committees formed under this section shall be comprised of at least five voting members of the Board of Visitors. The Chair shall make every effort to rotate appointments to Special Appeals Committees equitably across the membership of the Board of Visitors. The Vice Chair shall serve as Chair of each Special Appeals Committee. Each Special Appeals Committee formed under this section shall be dissolved when the purpose of its formation is accomplished.

c. Secretary.

i. Duties. The duties of the Secretary shall be to attend and record the minutes of meetings of the Board, all meetings of the Executive Committee, and other committee meetings when requested to do so by the Chair of the committee. The Secretary shall prepare minutes and promptly present them to the Board, and perform other duties as may be assigned by the Chair or Board of Visitors. The Secretary shall also attest to the authenticity of all official Board actions and Board approved documents or other records required under law or requested by the College in the course of its business operations. The Secretary shall also perform such other functions as desired by the Board.

ii. Selection and Term. The Chair of the Board of Visitors shall appoint a Secretary to the Board, whose term shall be co-extensive with the Chair's term.

iii. Compensation. The Secretary shall be paid for services provided and necessary travel in a manner to be determined by the Board of Visitors.

d. Terms of Office for Officers of the Board. Terms of office for the Chair, Vice Chair and Secretary will coincide with the fiscal year of the College (i.e., 1 July through 30 June). A Board member elected as an officer to fill an unexpired term of office of the Board shall serve until the next annual meeting. Such interim term shall not count against the mandatory provision for term of office.

e. Removal of Board Officers and Appointees. Any officer of the Board, Director, or Committee member elected or appointed to the Board or by its authority may be removed at any time for cause, or upon any inability to perform duties assigned, upon the vote of **not less than two thirds of the total number of Board members who are eligible to vote**. However, there must be **at least ten (10) days'** notification in advance of proposed action required, and there must be an opportunity for the one in question to be heard before the vote is taken.

4. Meetings of the Board.

a. Regular Meetings. The Board of Visitors will meet in person at least three times annually. The June meeting is designated as the Annual Meeting. The Board shall schedule Regular Meetings for the following academic year at the Annual Meeting, and it shall publish such schedule in accordance with S.C. Code. Ann. 30-4-10, *et. seq.*

- b. **Monthly Teleconference Meetings.** The Board may meet by teleconference on the first day of each month, unless it be a weekday or holiday, and in such case, on the next non-holiday weekday. Except in exigent circumstances, the purpose of Monthly Teleconference Meetings shall be to receive information from the President and the administration. The Board shall publish the schedule of Monthly Teleconference Meetings in accordance with S.C. Code. Ann. 30-4-10, *et. seq.* The Chair shall have the authority to cancel any monthly teleconference in his or her discretion.
- c. **Special Meetings.** The Chair shall call a Special Meeting of the Board at any time the Chair deems advisable, including but not limited to cases when a Board of Visitors decision is needed before the next Regular Board Meeting or Teleconference Meeting. . The Chair of the Board must call a Special Meeting at the written request of the President of The Citadel or of any three members of the Board.
- d. **Committee Meetings.** A Committee shall meet as directed by the Chair of the Board or on the call of the Chair of the Committee or upon the resolution adopted by a majority of the Committee to consider matters referred to it or matters within the scope of its responsibility. Such meetings may be held by teleconference if deemed necessary. The Chair of the Committee or, in the Chair's absence, the Vice Chair, or, in the absence of the Vice Chair, the next senior member, shall preside at meetings of the Committee. Attendance at meetings of the Special Appeals Committee shall take precedence for members appointed to such committee over all other duties and responsibilities of Board members.
- e. **Presiding Officer.** Meetings of the Board will be presided over by the Chair of the Board of Visitors or, in the Chair's absence, the Vice Chair. If neither is present, the senior member of the Board shall act as Chair.
- f. **Agenda.** The Special Assistant to the President for Board Matters shall prepare a written agenda and supporting materials for each Board or Committee meeting. The Special Assistant will provide the preliminary agenda and supporting materials **at least five (5) working days in advance** of all meetings. The Special Assistant will provide the final supporting materials **at least seventy-two hours in advance** of all meetings and provide the final agenda **at least twenty-four hours in advance** of all meetings. The Chair of the Board or the Chair of the Committee, as appropriate, shall approve all proposed agendas; the Chair of the Board or the Chair of the Committee may waive the five-day notice requirement for good cause.

The President of The Citadel and any member of the Board of Visitors may place items of business on the agenda by written notice to the Special Assistant to the President for Board Matters. Items may only be added to the agenda after publication in accordance with *Robert's Rules of Order* and will require an affirmative vote of three-fourths of the members present to vote for approval.

The Special Assistant to the President for Board Matters shall be responsible for the preparation and posting of all notices of Board and Committee meetings as may be required by the South Carolina Freedom of Information Act.

- g. **Meeting Minutes.** The Secretary of the Board of Visitors will be responsible for the preparation of minutes for Board and Committee meetings, and the Special Assistant to the President for Board Matters will be responsible for the retention of minutes as required by the College's established Retention Schedule, guidelines promulgated by The Citadel Board of Visitors, and as required by the State of South Carolina.

- h. Quorum.** At all meetings of the Board of Visitors, a quorum shall consist of a **majority** of the voting members of the Board, exclusive of *ex-officio* members. At all meetings of Committees of the Board of Visitors, including the Executive Committee, a quorum shall consist of a **majority** of the voting members of the Committee. At any special meeting of the Board, as prescribed in paragraph 4c, above, when **at least five (5) days' notice** has been given by mail or otherwise to all members of the Board of the time and place of the meeting, any **four** or more voting members of the Board, exclusive of *ex-officio* members, so notified who shall attend such special meeting shall constitute a quorum for the transaction of business. (See S.C. Code Ann. Section 59-121-60.)

i. Votes.

i. Recording of Votes. The Secretary will record the result of all votes in meeting minutes. The minutes will reflect how each member voted.

ii. Attendance at Meetings.

1. Except in exigent circumstances as described below, at all Regular and Special Board of Visitors meetings, a member **must be present** to vote. A member may **appear** at Regular and Special meetings telephonically, by video conference, or by other virtual means, but **appearance** by such means shall not constitute **attendance** for purposes of a quorum, and a member or members **appearing** by such means shall **not** be eligible to vote.

In the event that the President of the United States, the Governor of the State of South Carolina, or the Mayor of Charleston has declared a state of emergency, the Chair of the Board, in his or her discretion, may authorize members of the Board of Visitors to **attend** Regular and Special Board of Visitors meetings telephonically, by video conference, or by other virtual means. **Attendance** by such means shall constitute **attendance** for purposes of a quorum, and a member or members attending by such means may vote.

2. Members of the Board may **attend** Monthly Teleconference Meetings telephonically, by video conference, or by other virtual means. **Attending** by such means shall constitute **attendance** for purposes of a quorum, and a member or members **attending** by such means may vote.
3. Voting by proxy is not permissible.

iii. Voting by *Ex-Officio* and Emeritus Members. *Ex-officio* members of the Board of Visitors, as identified in S.C. Code Ann. Section 59-121-10 (See Section VIII of these *Regulations*), shall have the **same voting rights** as other members of the Board. If the *ex-officio* member does not attend, but elects to send a representative instead, that representative may present comments and/or opinions on behalf of the *ex-officio* member, but the representative **shall not have voting rights**. Also, Emeritus members shall have the right to make comments and/or express opinions on their own behalf but **shall not have voting rights** at Board of Visitors meetings

j. Rules. Except as may be provided in these rules of Section VII, the proceedings of the Board of Visitors shall be governed by parliamentary procedure as outlined in the latest edition of *Robert's Rules of Order*.

k. Amendments to Operating Rules. These operating rules and regulations of the Board of Visitors as prescribed in this Section VII may be amended at any meeting of the Board as provided herein. If **ten (10)** days' advance notice is given to all members of the Board and a copy of proposed amendments is sent to all members, amendments may be accomplished by affirmative votes of **two thirds of the total number of Board members who are present to vote**. If no advance notice is given, amendments may be accomplished by the affirmative votes of **three-fourths of the total number of Board members who are present to vote**.

- l. **Suspension of the Rules.** These rules and regulations may be suspended by an affirmative vote of **two thirds of the total number of Board members who are present to vote**, provided that the suspension **shall** be effective only until the next meeting of the Board and provided that the rules **shall not** be suspended in connection with the election or removal of the President of the College, nor in connection with the election or removal of officers of the Board, nor in connection with removal of members of the Board of Visitors.
- m. **Appearance Before and Documents Presented to the Board.** All individuals who wish to appear before and be heard by the Board and its Committees must apply for permission to do so at least ten working days prior to any such meeting. The Special Assistant to the Board shall be responsible for the transmittal of all documents for the Board or its Committees. Such information must be made available to the Special Assistant at least ten working days in advance of the projected hearing date so that the Secretary may disseminate such information not less than five working days prior to such meeting.
- n. **Executive Session.** The Board may enter into executive session only for those matters prescribed by S.C. Code Ann. 30-4-70. Before entering into executive session, the Board shall vote in public on the question, and when the vote is favorable, the Chair or other presiding officer shall announce the specific purpose of the executive session. Whenever the Board meets in Executive Session, only members of the Board, special invitees, and such employees or staff members of The Citadel as the Board may determine to be necessary may remain in the session. No member of the Board, and no special invitee, employee, or staff member of The Citadel, may divulge any matter discussed during the executive session, except on permission of the Board. The Board may not take action in executive session except to (a) adjourn or (b) return to public session. The Board may not commit The Citadel to a course of action by a polling of members in executive session.

5. Composition of Committees.

- a. **Standing Committees.** Much of the detailed work of the Board of Visitors shall be accomplished by Committees. In general, Committees investigate, formulate plans, and make recommendations to the Board for action. A Committee shall have only such powers to act as may be specifically granted it by the Board. The following are the Standing Committees: Executive Committee; Strategy, Vision and Governance Committee; Education and Leadership Development Committee; Communications and Community Relations Committee; and Operations and Risk Management Committee. Standing Committees may be discontinued by formal action of the Board with an affirmative vote of **three-fourths of the total number of Board members who are present to vote**. With the exception of the Executive Committee, all Standing Committees shall be comprised of **at least three (3) members of the Board, one of whom shall serve as Chair**. The Chair of the Board of Visitors shall appoint membership and Chairs of Standing Committees **within thirty (30) days** of the annual meeting. The Chair of the Board is an *ex-officio* member of each Committee, **except** the Executive Committee.
- b. **Executive Committee.** The Executive Committee of the Board of Visitors shall consist of the Chair of the Board of Visitors, the Vice Chair of the Board, and the Chairs of the Standing Committees of the Board, as described herein. At all times, the Executive Committee shall include the member appointed by the Governor, at least **one (1)** member of the Board elected by The Citadel Alumni Association, and at least **one (1)** member elected from the General Assembly. The Chair shall have authority to appoint so many additional members to the Executive Committee as necessary to fulfill this requirement. The Chair of The Citadel Foundation shall sit as a non-voting, *ex-officio* member of the Executive Committee. The Chair

of the Board may appoint such additional emeritus members or non-voting representative members of the Board as non-voting advisors to the Executive Committee as he or she shall deem appropriate.

The Executive Committee has the authority to dispose of matters affecting the interests of the College upon which the Board has already indicated its policy as well as those matters which may require immediate action when it is not practical to assemble the full Board. The Executive Committee shall serve as the audit committee. In periods of emergency, the Executive Committee shall serve as the Board of Visitors' crisis action committee.

As the Audit Committee, the Executive Committee is responsible for protecting the financial health and integrity of The Citadel and its operating components. To accomplish this goal, the Committee shall periodically review the school's internal control systems, its accounting and business practices, and its compliance and institutional policies and procedures. The committee shall have the authority and responsibility to:

- Review the integrity and soundness of financial data
- Conduct an annual fiscal compliance review
- Meet with external auditors on the annual audit
- Review internal and external audit performance
- Coordinate financial reporting to the Board
- Assess the independence of internal and external audit functions
- Serve as a confidential contact for any college constituency to report fraud, waste or abuse of college assets or policy or procedure violations

The committee will serve as the primary Board of Visitors contact for the independent external auditors of the college, as well as for the Office of Internal Audit. In accordance with Memorandum 7-005, the Office of the President shall immediately advise the Committee of any significant violation of legal, accounting or business practices, any significant violation of regulatory or ethical requirements, and any significant violation of policies and procedures. The head of internal audit will report to the committee on a functional basis and to the President of the college on an administrative basis. The Executive Committee shall meet as the Audit Committee no less than quarterly, and it will present the results of the external audit to the Board annually.

As the Crisis Action Committee, the Executive Committee shall have the authority to provide immediate advice and assistance to the President, and take any other action on behalf of the Board when it is not practical to assemble the full Board, and coordinate communications with the full Board of Visitors. The Executive Committee shall meet as the Crisis Action Committee upon call of the Chair.

- c. **Special or Ad Hoc Committees.** Special or Ad Hoc Committees may be appointed by the Chair of the Board of Visitors as needed or as directed to do so by the Board. When its purpose has been accomplished, the Committee is dissolved. No Special or Ad Hoc Committees shall be created to act upon any matter appropriate to be acted upon by a Standing Committee.
- d. **Joint Committees.** Joint Committees are comprised partly of members appointed from the Board of Visitors and partly of members from other groups or organizations. Standing Joint Committees shall be approved for participation by the Board of Visitors, and Board representatives on the Committee shall be elected by the Board. Special Joint Committees may

be approved by the Chair. A Joint Committee has authority only to investigate, observe, or recommend.

6. Committees.

a. Strategy, Vision and Governance Committee.

Purpose. Provide strategic oversight for the development of The Citadel's vision, strategy, policies and processes to accomplish The Citadel's Mission. Provide guidance related to the functional areas of strategic planning, finance, and governance.

Specific Responsibilities.

- Ensure the College's mission and vision statement, Core Values, and College Regulations are current, comprehensive, and accurately guide the College's operations.
- Provide guidance and liaison for strategic planning, long-term financial planning, campus and facilities planning, development, and governance between the Board of Visitors and the administration on behalf of the College.
- Coordinate strategic planning initiatives in the above areas with other Board of Visitors Committees and other Citadel organizations (The Citadel Foundation, The Citadel Alumni Association, The Citadel Brigadier Foundation, etc.).
- Provide guidance to the President for the assessment and evaluation of all strategic initiatives and plans.
- Develop, maintain, and update annually The Citadel President Succession Plan.

Objectives.

- Governance structures and policies that promote teamwork to accomplish The Citadel's strategic goals.
- Integrated and coordinated efforts by all organizations that generate financial resources for The Citadel from all constituencies.
- Successful completion of the College's strategic initiatives.

b. Education and Leadership Development Committee.

Purpose. Provide strategic oversight on matters related to the ethos of The Citadel, its military culture, and the pursuit of academic distinction. Provide guidance related to leadership development, academic excellence and competitive intercollegiate athletics to strengthen The Citadel into a nationally recognized college for the education and development of disciplined, principled leaders.

Specific Responsibilities.

- Provide oversight and guidance towards achieving the goals established in the College's strategic plan to educate and develop principled leaders.

- Develop and continuously improve strategic metrics related to educating and developing principled leaders.
- Outline the planning and progress of initiatives to achieve academic distinction of the Corps of Cadets and The Citadel Graduate College

Objectives

- National recognition of The Citadel as the preeminent institution of higher learning for principled leadership.
- A culture of action and words supporting The Citadel’s mission among cadets, students, faculty, administration, and alumni.

c. Communications and Community Relations Committee.

Purpose. Provide strategic oversight on matters that enhance The Citadel’s brand and bolster The Citadel’s reputation and profile among college constituencies Provide guidance related to strategic communications, marketing, and government and community relations.

Specific Responsibilities.

- Receive reports and recommendations from the Vice President for Communications and Marketing and others as directed by the Chair of the Board of Visitors and the Chair of the Communications Committee.
- Provide guidance and recommendations regarding community and corporate collaborations.
- Coordinate with the Strategy, Vision and Governance Committee to enhance revenue generation.
- Receive communications from Citadel organizations, associations, and other constituency groups and the public, make appropriate recommendations to the Board, and respond on its behalf.

Objectives.

- Fully integrated strategic communications that build support for and promote The Citadel and Our Mighty Citadel 2026.
- External audiences who understand, support, and promote The Citadel’s mission.

d. Operations and Risk Management Committee.

Purpose. Provide strategic oversight of College budget development, operations, compliance, and risk management activities. Provide guidance related to compliance with all internal and external laws and regulations.

Specific Responsibilities.

- Confirm that The Citadel has a viable, dynamic institutional Enterprise Risk Management system.
- Safeguard the financial integrity of the College through review of current budget execution, analysis of proposed budget preparation, and procurement of appropriate insurance.
- Receive reports on the College's human resources, including compensation, evaluation, retention and diversity.
- Provide oversight of the College's physical resources, including operation and maintenance of buildings, grounds, and infrastructure.

Objectives.

- An effective, safe and secure environment for sustainability and growth.
- Successful completion of the College's short-term and long-term strategic initiatives

These *College Regulations* of The Citadel, the Military College of South Carolina, represent the general policies of The Citadel Board of Visitors. They were fully and completely reviewed and approved by the Board of Visitors prior to and at the meeting of the Board of Visitors on 7 June 2024.

Approved

/s/ Col Greg Delleney, UMSC
Chair of the Board of Visitors