

University of West Georgia

Student Code of Conduct 2015 - 2016

*The Student Code of Conduct is subject to change or update during an academic year. The online version will be considered the most current version. It is accessible at:
<http://www.westga.edu/handbook/60.php>*

Students are admitted to the University of West Georgia with the expectation that they will have developed acceptable personal standards of conduct and ethics. Students are expected to have a responsible attitude toward regulations and standards of the University and the laws of the community, state, and nation and to show respect for their fellow students.

Upon completing the application for admission to the University of West Georgia, the student agrees to abide by the rules and regulations of the University. University regulations go into effect at the time a student enrolls and matriculates, and will continue until the time of graduation or withdrawal.

The Student Code of Conduct shall apply to conduct that occurs on University premises, at University sponsored activities, and to off campus conduct that adversely affects the University community and/or pursuit of its objectives. Each student shall be responsible for his or her conduct from the time of application for admission through the actual awarding of the degree, even though the conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a conduct case is pending.

The University student conduct process is an educational process designed to be a learning experience for students involved, and also designed to protect the academic environment of the University. If a conduct violation also violates a community, state, local, or federal law, a student may also engage in the city, county, state, or federal government legal processes. These processes are separate from the University student conduct process.

Georgia law and policies of the Board of Regents of the University System of Georgia specify that students convicted of felony offenses involving the manufacture, distribution, sale, possession or use of marijuana, controlled substances, or other illegal or dangerous drugs shall forfeit academic credit and be suspended or permanently expelled from the University.

Definitions and Key Terms

Key Term	Definition
Administrator	An upper level, University official.
Advisors	Refers to the individual who assists a student or organization with conduct hearing preparation. An Advisor is any individual the student or organization chooses.
Alleged	Student or organization with a pending charge.
Board Facilitator	Person responsible for guiding the Board through the Formal Hearing process and following outlined Student Code of Conduct protocol to ensure consistent process.
Business Day	A University operational day (Monday-Friday, 9am-5pm).
Complainant	Person reporting possible misconduct or academic dishonesty against a student. The University may also act as a Complainant.
Deferred Suspension	Suspension held or set aside provided the student completes other sanctions including, but not limited to, community service and review meetings. Failure to abide by the terms of a deferred suspension will most likely result in immediate suspension.
Discrimination	The practice of unfairly treating a person or group of people differently from other people or groups of people.
Enrolled Student	A student with a UWG course schedule.
Excessive Collaboration/ Fabrication	Students working on academic assignments/projects/labs in a manner not approved by the professor/instructor that result in the swapping, sharing, conferring of ideas, statements, or outcomes. Students collaborate excessively when they abandon, wittingly or unwittingly, their own words or outcomes, and adopt, claiming them as their own, the ideas of their collaborator.
Formal Hearing	The process by which an administrative hearing officer or board hears a case, determines facts, information, and evidence relevant to the case. The administrative hearing officer or board then renders a decision on whether or not a violation of the Student Code of Conduct has occurred. If a determination of responsible is made, then appropriate action plans or sanctions may be required.
Hearing Officer	Any person(s) authorized by the University to process conduct cases and administer the conduct resolution.

Informal Conduct Hearing	An informal, non- adversarial meeting between a student and a hearing officer.
Interim Suspension	The temporary suspension of a student pending the outcome of the University conduct process.
Matriculation	Begins the first day of classes on the student's first semester of enrollment, and continues until a student graduates or withdraws permanently.
Medical Amnesty	The University does not want to discourage students from seeking medical assistance; therefore, students involved in an incident may not be charged with the possession or consumption of drugs or alcohol if a student calls for assistance for either him or herself or others who have participated or witnessed the incident.
Plagiarism	Includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials such as term papers or other academic materials prepared by a person other than the submitting student.
Pre-Hearing Conference	The procedure usually held prior to a formal adjudicatory hearing.
Preponderance of Evidence	Evidence, information, or statements that would lead a reasonable person to conclude that it is more likely than not that the act in question did occur.
Reasonable Person	A hypothetical person in society who exercises average care, skill, and judgment in conduct and who serves as a comparative standard for determining liability.
Respondent	A student who has been referred to the Office of Student Conduct for a possible and/or alleged violation of the Student Code of Conduct.
Sanction/Action Plan	Required educational and/or punitive actions imposed by the hearing officer when a student is found responsible for a violation of the Student Code of Conduct. Sanctions/action plans must be completed by a stipulated deadline.
Student Organizations	Any number of persons who have complied with the formal requirements for University recognition.
University	The University of West Georgia and all extended campuses.
University Group	An officially registered University affiliated group.

University Official	Any person assigned administrative, professional, or staff responsibilities for the University and any or all affiliated campuses.
University Premises	All land, buildings, facilities, and other property in the possession of, or owned, used, or controlled by the college (including adjacent streets and sidewalks).
Written Notice	An official University notice informing the student of any type of conduct issue.

Case Referrals

Any person may refer a student suspected of violating this code to the Office of Student Conduct, formerly known as the Office of Judicial Affairs. Persons making such referrals are required to provide information pertinent to the incident and may be expected to participate in proceedings conducted to resolve the case.

All reports of alleged violations committed by students should be made in writing and contain a statement of facts outlining each alleged act of misconduct through our private and secure online reporting form:

<https://publicdocs.maxient.com/incidentreport.php?UnivofWestGeorgia>

Students are expected to check their University email regularly. It is the primary means of any written communication from University officials. Therefore, University email is the primary means of conveying notice of charges and student conduct appointments.

Conduct Regulations

The following misconduct are subject to sanctions. Attempts to commit acts prohibited by this code shall be dealt with in the same manner as completed violations.

1.00 LOCAL, STATE, AND FEDERAL LAWS

Failure to abide by local, state, and federal laws.

2.00 ACADEMIC DISHONESTY

All forms of academic dishonesty, including, but not limited to cheating, excessive collaboration, fabrication, plagiarism, and facilitating or allowing academic dishonesty in any academic exercise.

.01 Cheating: Cheating means using, attempting to use or aiding others in using unauthorized materials, information, or study aids. It also means excessive collaboration or gaining unauthorized access to unauthorized materials.

.02 Fabrication: Fabrication means falsification or unauthorized invention of any information or citation.

.03 Plagiarism: Plagiarism means representing the words or ideas of another as one's own. Direct quotations must be indicated and ideas of another must be appropriately acknowledged.

.04 Excessive Collaboration: Excessive collaboration means the end result of all idea swapping, sharing, brainstorming, and conferring has obliterated one student's voice and replaced it with that of another. Student writers collaborate excessively when they abandon, wittingly or unwittingly, their own words and adopt, claiming them as their own, the ideas or exact phrasing of their collaborator.

See the University Honor Code for additional examples of academic dishonesty.

3.00 DISRUPTIVE BEHAVIOR

.01 Interfering with normal University sponsored activities, including, but not limited to, studying, teaching, research, campus events, University administration, student conduct proceeding, or public service activity, police, or emergency services.

.02 Classroom disruptions: Any classroom behavior that interferes with the instructor's ability to conduct class or the ability of other students to learn. Examples of disruption include, but are not limited to, the following: allowing personal electronic communication devices to ring or beep, making or receiving phone calls or pages, or engaging in conduct that causes or provokes a disturbance that disrupts academic pursuits, or infringes upon the rights of others. (In relation to this section, instructors may also include in their syllabus specific behaviors they consider to be inappropriate for a particular course.)

.03 Other prohibited behaviors include, but are not limited to, obstructing the free movement of others, interfering with the use of University facilities, the abuse or unauthorized use of sound amplification equipment, and interfering with the freedom of expression or educational pursuits of others.

See the University policy governing the use of sound amplification equipment, freedom of expression, and scheduled demonstrations and marches in Rights and Regulations.

4.00 DISORDERLY CONDUCT

.01 Physical violence/ endangerment of any person or persons.

.02 Harassment or threat of harm, whether physical, verbal, oral, or written that is beyond the bounds of protected speech, directed at a specific individual(s), and is so severe, pervasive, and objectively offensive that it denies or limits an individual's ability to work, or to participate in or benefit from an educational program or activity.

See the University policy governing the Electronic Communication and the Sexual Misconduct in Rights and Regulations.

.03 Interfering with or failing to cooperate with any properly identified University official(s).

.04 Failure to comply with the request of a University officer acting within the scope of his or her responsibility.

.05 Retaliation in any form against someone who exercises his or her right to make a complaint, or against any individual who provides information related to any such complaint.

.06 Engaging in obscene or indecent conduct that is beyond the bounds of freedom of expression and damages, befouls, or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition.

.07 Entering or attempting to enter any event, sponsored or supervised by the University, without credentials for admission; for example, a ticket, identification card, invitation, or any reasonable qualifications established for attendance.

5.00 WEAPONS

Unauthorized use, possession or storage of any weapon on University premises or at University sponsored activities.

Weapon means any object or substance designed, or used to, inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, pellet guns, BB guns, bludgeons, metal knuckles, switchblade knives, and knives designed for the purpose of offense or defense.

See the University policy concerning weapons at www.westga.edu/police/104.php .

6.00 HAZING

All rites and ceremonies of induction, initiation, or orientation into University life or into the life of any University groups that tend to occasion or allow physical or emotional suffering. Although hazing is typically related to a person's initiation or admission into, or affiliation with, a Student or Greek Organization, athletic team (intramural, club, or intercollegiate), extracurricular activity, or any other University group or organization, it is not necessary to have direct proof a person's initiation or continued membership is contingent upon participation in the activity for a charge of hazing to be upheld.

See the University policy concerning Hazing in Rights and Regulations.

7.00 ALCOHOL MISUSE

.01 Consumption, possession, being in the presence of, or transportation of alcoholic beverages by any student under legal age.

.02 Consumption or possession of alcoholic beverages on University premises or at University sponsored activities, except in rooms occupied by students of legal age in residence halls, not designated as substance-free, or when authorized at social functions in designated areas.

.03 Furnishing alcoholic beverages to any student under legal age.

.04 Open display of alcoholic beverages on campus other than in approved areas during authorized functions.

.05 Being in an intoxicated condition as manifested by disorderly, obscene, or indecent conduct or appearance.

.06 Driving under the influence of alcohol.

.07 Concealment of alcoholic beverages for the purpose of bringing them into a University sponsored activity or facility where alcohol is not permitted.

Medical Amnesty Exemption

The University recognizes that students may need medical assistance due to excessive use of alcohol, but may hesitate to seek assistance because they themselves or others who may have participated or witnessed the event may be charged with violations of this code. The University does not want to discourage students from seeking medical assistance; therefore, students involved in the event may not be charged with the possession or consumption of alcohol, if one of them called for assistance for themselves or others who have participated or witnessed the event. Other charges related to the incident (i.e. Alcohol distribution or other non-alcohol charges) may be pursued at the discretion of the conduct officer. More information can be found under the medical amnesty policy.

8.00 DRUG MISUSE

.01 Any activity or conduct involving drugs that is in violation of local, state or federal law, including, but not limited to, manufacture, cultivation, distribution, sale and/or misuse of any controlled or illegal substance, including, but not limited to, designer drugs and the illicit use or possession of prescription drugs without a valid prescription or with a valid prescription that violates the intended and medically accepted use.

.02 Drug paraphernalia means any legitimate object constructed or modified for the purpose of making, using, or concealing any illegal drug or controlled substance illicitly.

.03 In the presence of any activity involving drugs that is in violation of local, state, or federal law, including, but not limited to, manufacture, cultivation, distribution, sale and/or misuse of any controlled or illegal substance, including designer drugs and the illicit use or possession of prescription drugs without a valid prescription or with a valid prescription that violates the intended and medically accepted use.

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9.00 FIRE AND OTHER EMERGENCIES

.01 Intentionally setting, or causing to be set, any unauthorized fire on University premises or at University sponsored activities.

.02 Intentionally initiating, or causing to be initiated, any false report or warning of fire, explosion, or other emergency on University premises or at University sponsored activities.

.03 Tampering with, misusing, or damaging fire safety equipment.

.04 The unauthorized possession, sale, furnishing or use of any incendiary device on University premises or at University sponsored activities.

10.00 EXPLOSIVES/FIREWORKS

Possession, use, furnishing, or sale of explosives on University premises or at University sponsored activities, including the unauthorized use or possession of fireworks.

11.00 THEFT

.01 Theft of property, or of services, including keeping in one's possession items of stolen, lost, or mislaid property.

.02 Selling a book not one's own without written permission of the owner.

12.00 MISUSE OF PROPERTY

Damaging, destroying, removing, or otherwise misusing property belonging to the University or another person.

13.00 DECEPTION

- .01 Any misuse of any University records, forms, or documents through forgery, unauthorized alteration, reproductions, or other means.
- .02 Any giving or receiving false information to the University or to any University official, administrator, or administrative unit.
- .03 Providing false information to law enforcement officials.
- .04 Possession of any fake or altered identification, or any other identification that belongs to another person.
- .05 Any attempt to perpetuate a fraud against the University or a member of the University community.

14.00 IDENTIFICATION CARDS MISUSE

- .01 Altering, or transferring to another, a UWG student identification card, meal card, or any other form of identification.
- .02 Failure to present and surrender a student identification card when requested by University officials, including University Police personnel and residence hall staff, acting in the performance of their duties.

15.00 SMOKING/TOBACCO

As of August 1, 2014 the use of any tobacco product, including smokeless tobacco and e-cigarettes, is prohibited at the University of West Georgia. Please see the University policy for more details at www.usg.edu/tobaccofree/.

16.00 LITTERING

Disposing of any form of litter on University premises or at University sponsored activities other than in designated receptacles.

17.00 ANIMALS

Bringing into University buildings any animal, except those approved as service animals or those required for research or class experiments or presentations.

18.00 INAPPROPRIATE/MISUSE OF UNIVERSITY FACILITIES AND/OR SERVICES

- .01 Unauthorized presence in or use of University premises, facilities or property; remaining without authorization in any University facility after normal closing hours.
- .02 Unauthorized use of any University service.
- .03 Unauthorized use, duplication, or possession of University keys.
- .04 Making reservations to use University space in the student's name with the intention of use by outside groups or organizations.
- .05 Abuse or misuse of University resources.
- .06 Abuse of misuse of University services.

19.00 MISUSE OF THE UNIVERSITY NAME

Unauthorized use of the University's name, seal, logo, mascot, or any other words or symbols implying affiliation with the University.

20.00 SOLICITATION (UNAUTHORIZED SALE)

Unauthorized solicitation or selling on University premises or at University sponsored activities.

See the University policy governing advertising, solicitation, and selling in Rights and Regulations.

21.00 INSTITUTIONAL PROCEDURE MISCONDUCT

- .01 Failure to pay fees, charges, and fines within the specified time.
- .02 Failure to maintain one's current local address with the Registrar.
- .03 Failure to respond to, and cooperate with, University officials in the carrying out of the conduct process.
- .04 Violating the terms of any sanction imposed in accordance with this code.
- .05 Failure to report for any conference, meeting, or appointment when required to do so by any University official acting in the performance of his or her duties.
- .06 Failure to comply with interim suspension measures.

22.00 RESIDENCE HALL VIOLATIONS

Violation of policies and procedures published by the Housing and Residence Life Office. This includes Housing and Greek Village regulations.

Policies are available online at www.westga.edu/housing.

23.00 MOTOR VEHICLE MISUSE

Violation of campus motor vehicle regulations and the traffic code published by the Parking and Transportation Services.

24.00 OTHER PUBLISHED UNIVERSITY REGULATIONS

Violation of University regulations or policies, as approved and published by various units of the University. These include, but are not limited to, the University policy prohibiting sexual misconduct, as well as policies administered by the Center for Student Involvement, Information Technology Services, or other University entities regarding the use of University facilities, vehicles and amplification equipment, as well as campus demonstrations.

- .01 Violation of Student Affairs and Enrollment Management policies.
(<http://www.westga.edu/vpsa/index.php>)
- .02 Violation of Information Technology Services (ITS) policies.
(<http://www.westga.edu/its/>)
- .03 Violation of Center for Student Involvement policies.
(<http://www.westga.edu/csi/1974.php>)
- .04 Violation of Campus Center policies.
(<http://www.westga.edu/urec/index.php>)

.05 Violation of other published University policies.

25.00 JOINT RESPONSIBILITY FOR MISCONDUCT

.01 Encouraging others, or conspiring with or cooperating with others, in the violation of University rules or regulations.

.02 Acting in concert to violate University conduct regulations. (Passive Participation rather than acting in concert.)

.03 Allowing, condoning, permitting, or providing opportunity for a guest to violate University conduct regulations.

26.00 BULLYING

Unwanted offensive and malicious behavior that undermines an individual or group through persistently negative attacks. The behavior generally includes an element of vindictiveness, and is intended to undermine, patronize, humiliate, intimidate or demean the recipient. (Retrieved from the University of Georgia, June 16, 2015)

Standards of Due Process

Students subject to expulsion, University suspension, or removal from University housing will be afforded an opportunity to have a Formal Hearing. Students subject to less severe sanctions will be afforded, or assigned, an Informal Conduct Hearing

The focus of inquiry in student conduct proceedings shall be whether or not the charged student is responsible for violating the Student Code of Conduct. Decisions shall use the standard of the preponderance of evidence in each case. Preponderance of evidence includes a review of all facts, evidence, information, and statements relevant to the case. These are evaluated with consideration of what more likely happened than not. In summary, preponderance of evidence occurs when the evidence or information presented would lead a reasonable person to conclude that it is more likely than not that the act in question did occur. All student conduct hearings are not legal proceedings, and formal rules of evidence do not apply.

Violations of Law and Student Conduct Regulations

Students may be accountable to both civil authorities and to the University for acts that constitute violations of law and of this code. The adjudication of the student conduct case at the University will normally proceed regardless of the status of criminal proceedings.

Interpretations of Regulations

Conduct regulations at the University 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.

Inherent Authority

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community.

Student Participation

Students are asked to assume positions of responsibility in the University's student conduct process in order that they might contribute their skills and insights to the resolution of conduct cases. Final authority in student conduct matters, however, is vested in the University administration and in the Board of Regents.

Parental Notification

Students are expected to notify their parents or guardians of their referral to the student conduct process. University officials will assume, unless notified otherwise, that the student is a dependent according to the Internal Revenue Code of 1954, Section 152, and may, at their discretion notify, the student's parents or guardian of the conduct case. The University may reach out to parents/guardian in cases regarding drugs and/or alcohol with underage students.

Advisors

Respondents or complainants participating in a conduct hearing may be accompanied by an advisor, who may be an attorney. Those who will be accompanied by an attorney must so inform the appropriate conduct officer managing correspondence for the case in writing at least two business days prior to the scheduled date of the hearing. Attorneys may participate only as advisors to their clients. Advisors may not appear in lieu of student participants.

A student may choose one (1) advisor to accompany them to their hearing. It is the student's responsibility to contact his or her advisor and inform the advisor of the hearing date.

An advisor may be a family member, friend, another student, faculty, staff member, an attorney, or another person of his or her choosing. The student must inform his or her Student Conduct Officer two days in advance if he or she wishes to have an advisor present.

The role of an advisor is three-fold:

- Sit next to the student during the hearing to provide moral support
- May help the student formulate questions for all of the witnesses in the hearing
- May suggest points for the student to address during the hearing

The advisor may not address the conduct officer or panel or otherwise speak on behalf of the student (i.e. the advisor does not present the student's case). The advisor is to speak directly to the student in a quiet manner to suggest questions or point to vocalize. The conduct officer reserves the right to remove an advisor at any time during the hearing if these standards are not met.

Adjudication of Student Conduct Cases

University official(s) reviews misconduct referrals and assesses whether to charge students with an alleged violation of the Student Code of Conduct. The Dean of Students or his/her designee is consulted if interim suspension is appropriate and/or there is a duty to warn in cases where there may be a physical threat to another individual associated with the University.

*For **all** student conduct cases, respondent students who fail to appear for conferences or hearings after receiving proper notice will have their cases heard in absentia.*

If a student accepts responsibility to an alleged violation, the appropriate conduct officer may assign sanctions. Students retain their appeal options and right to review as detailed below.

Repeated or egregious violations of this Student Code of Conduct may result in expulsion or suspension. If a student has prior responsible findings, that information will be considered during the sanctioning phase of any future responsible finding.

Cases Involving Allegations *Not* Related to Discrimination or Sexual Misconduct

If a University Official determines at any point during the development of a case that the alleged misconduct is not of a discriminatory or sexual nature, but may result in expulsion, suspension, or removal from

University housing, the respondent shall be afforded the opportunity of a Formal Hearing. Students are given written notice of their alleged violation(s) and are required to meet for a Pre-Hearing Conference to be apprised of the complaint, the nature of the evidence, and to review their rights. During this meeting they shall be asked to plead responsible or not responsible to the charges. They will be informed of their hearing options and may choose from the following three options:

1. Informal Conduct Hearing

Administered by the designated conduct officer, this is the default option for respondent students who waive their right to a Formal Hearing. Note: if the respondent student waives his or her ability to have a Formal Hearing and has an Informal Conduct Hearing, the full range of sanctions authorized by the Student Code of Conduct may be imposed, just as they may be in a Formal Hearing outcome.

*This section is not applicable to students who are charged with alleged violation(s) pertaining to sexual misconduct and/or other forms of civil rights discrimination as those cases are investigated through the standard Title IX procedure. If the student chooses a hearing, it will be a Formal Hearing with a special conduct panel composed of staff and/or faculty. If there are multiple charges for one case, but at least one charge is of sexual misconduct or another form of discrimination, all charges will be addressed by the protocol for allegations of sexual misconduct and/or other forms of civil rights discrimination.

Procedural Protections Accorded to the Respondent:

- Written notice of the alleged violation(s) prior to the scheduled conference.
- An explanation of the evidence.
- Allowed to have an Advisor present.
- An opportunity to respond to evidence and to produce evidence on their behalf.

2. Student Conduct Board Hearing

This Formal Hearing is comprised of a board of 5 to 7 trained students with one serving as the chair. This board will make the finding and recommend sanctions to the Dean of Students or a designee. An ad hoc board may be appointed by the Dean of Students or a designee when the SCB is unable to obtain a quorum or is otherwise unable to hear cases in a timely manner. Each ad hoc board shall be composed of at least 3 members, including at least one student. Ad hoc boards will make the finding and recommend sanctions to the Dean of Students or designee.

3. Administrative Hearing

This Formal Hearing is conducted by the Dean of Students and/or his or her designee. The Dean or designee may solicit the opinion of a conference panel to be appointed by the Dean of Students or designee.

Procedural Protections Accorded to the Respondent in an SCB/Ad Hoc/Administrative Hearing:

- The right to at least 2 days written notice of the hearing date and the specific charges against them, unless waived by the respondent.
- The right to request an extension in extenuating circumstances, which must be proven by the respondent student and upheld by the appropriate conduct officer.
- The right to produce evidence, call and question witnesses, and raise questions as to the procedure or remain silent.
- The right to be present at the hearing without academic action resulting from class absence.
- The right to have an advisor present.

- The right of access to an audio recording or written summary of the proceedings, which will be made available at the student's expense if requested at least 24 hours before the hearing.
- The right to appeal sanctions of removal from University housing, suspension, or expulsion.
- The right to attend classes and have access to University facilities until the hearing process is completed. An exception may be made in the case of an interim suspension.

If students fail to notify the Office of Student Conduct of their hearing choice within 3 business days of the Pre-Hearing Conference, the case may proceed with an Informal Conduct Hearing. Students retain their appeal options if they are sanctioned with removal from University housing, suspension, or expulsion in this forum.

Housing and Residence Life Cases That Will *Not* Result in Expulsion Suspension, or Removal from University Housing

All housing cases, including individual student violations in the Greek Village, that will not result in expulsion, suspension, or removal from University housing shall be resolved through Informal Conduct Hearings with the designated hearing officer. The Informal Conduct Hearing and corresponding procedural protection is the same as outlined above.

Formal Hearing Procedures

The following procedural guidelines shall be applicable in all student conduct hearings:

- Unless waived, the respondents shall be given two days' notice of their hearing date with extensions possible in extenuating circumstances. They shall be apprised of the evidence and the names of the witnesses expected to be present at the Pre-Hearing Conference. If the student would like copies of the evidence being put forth by the University, a formal request must be submitted in writing to the Hearing Officer at least two business days prior to the hearing.
- The Dean of Students or a designee may summon witnesses to appear at hearings. University students and employees are expected to comply with summons issued pursuant to this procedure, unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities.
- Respondents who fail to appear after proper notice will have their cases heard in absentia.
- The Hearing Officer shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the respondent, who disrupts a hearing, or who fails to adhere to the instructions of the Hearing Officer or Board Facilitator, may be excluded from the proceedings.
- Hearings may be recorded. If a recording is not made, the decision of the board must include a summary of the preponderance of evidence for this case.
- Any party may challenge a board/panel member on the grounds of personal bias. Members may be disqualified upon majority vote of the remaining members of the board/panel, conducted by secret ballot, or by the Dean of Students or designee.
- Prospective witnesses, other than the complainant, the respondent, and any University staff member who has pertinent information or involvement with the incident/case, may be excluded from the hearing during the testimony of other witnesses. All parties except board/panel members and board advisors shall be excluded during deliberations of the board/panel.

(h) Formal rules of evidence shall not be applicable in student conduct proceedings. The Hearing Officer shall admit into evidence any information or statements deemed relevant to the proceeding. Unduly repetitious or irrelevant evidence may be excluded. Conduct case outcomes shall be based on a preponderance of all available evidence at the time of the hearing.

(i) Respondents and complainants shall be accorded an opportunity to question witnesses and to challenge evidence at the time of the hearing.

(j) Written statements shall not be admitted into evidence unless signed by the author and approved and verified by a Hearing Officer, or by a person approved by the Dean of Students or a designee.

(k) Board or panel advisors are staff members appointed by the Dean of Students or designee. They may comment on questions of procedure and admissibility of evidence and will otherwise assist in the conducting of hearings. Advisors will be accorded all the privileges of board/panel members, but shall not vote. Advisors are responsible to the Dean of Students or designee and shall not be excluded from hearings or deliberations of the panel.

(l) A finding of responsible shall call for further deliberation to arrive at a recommendation regarding sanctions to be assigned. The student conduct record of the respondent shall be made available to the board/panel only after a finding of responsible is made.

(m) Final decisions of all board/panels shall be by majority vote and shall be accompanied by a brief written rationale.

All findings are made based on a preponderance of evidence. Students who are found responsible for violation(s) shall be notified in writing of their outcomes in the student conduct process.

Sanction/Action Plan Options

Sanction/action plans are required educational or punitive actions imposed by the hearing officer when a student is found responsible for a violation of the Student Code of Conduct. Sanctions/action plans must be completed by stipulated deadline.

One or more of the following sanctions may be imposed for violations of the Student Code of Conduct. This list is not exhaustive. For organizational violations please refer to the official Registered Student Organizations Handbook provided by the Center for Student Involvement.

1. **COMMUNITY SERVICE:** The student must complete a specified number of service hours with a reputable off campus organization, on campus department, or organization.
2. **RESTITUTION:** The student is required to make payment to the University, other persons, or groups for damages incurred as a result of a violation of this code.
3. **WRITTEN WARNING:** Notice to the student that further misconduct may result in more severe action.
4. **EDUCATIONAL ACTIVITIES:** Attendance at educational programs, interviews with appropriate officials, written research assignments, planning and implementing educational programs, or other educational activities.
4. **CONDUCT PROBATION:** Notice to the student that any further violations of University rules and regulations will likely result in suspension. Probation may also include the setting of restrictions on participation in University activities or entry into certain University facilities.

5. **REMOVAL FROM UNIVERSITY HOUSING:** The student is not permitted to live in University housing, usually for the duration of his or her matriculation.
6. **FORCED WITHDRAWAL:** Withdrawal without credit from the academic course within which an offense. This could also include a required change in course section.
7. **SUSPENSION:** Separation of the student from the University for a specified period of time. The student shall not participate in any University sponsored activity and is restricted from University premises for the time period. There may be conditions that need to be met during the suspension and/or prior to reenrollment.
8. **DEFERRED SUSPENSION:** Suspension withheld provided the student completes other sanctions including, but not limited to, community service and review meetings. Failure to abide by the terms of a deferred suspension will most likely result in immediate suspension.
9. **EXPULSION:** Permanent separation of the student from the University. The student will be restricted from University premises.
10. **OTHER:** Other sanctions or action steps may be imposed instead of, or in addition to, those specified above.
 - Drug and/or alcohol screenings.
 - Required counseling for stress management, anger management, substance misuse and/or abuse, career development as related to the violation.
 - Restrictions upon driving privileges for violations involving the use or registration of motor vehicles.
 - Restrictions from certain locations on campus and/or University sponsored activities.
 - No contact with specified members of the University community.

Appeals for Misconduct that is not of a Discriminatory or Sexual Nature

If a student is found responsible for **misconduct that is *not* of a discriminatory or sexual nature**, *but results in a sanction of University suspension, or expulsion*, the respondent may appeal the finding and/or the sanction on the following grounds:

- A violation of due process.
- The evidence does not support a finding of responsible.
- Prejudicial treatment by the original Hearing Officer, Conduct Officer, or Board Member.
- The sanction imposed is too severe for the violation.
- New evidence has become available which was not available at the time of the hearing.

Nonappearance of a called witness is not considered new evidence. All cases of student conduct violations follow the same appeal process stated below.

Requests for appeals must be submitted in writing (email is permissible) to the Vice President for Student Affairs and Enrollment Management within three (3) business days of the date of the letter notifying the appealing party of the original decision. Failure to appeal within the allotted time will render the original decision final and conclusive.

Written requests for appeals must be specific and detailed as to the nature and substance of the complaint, and must clearly indicate what action is requested. The written request must specify the grounds for appeal.

The Vice President for Student Affairs and Enrollment Management shall consider the appeal and give a decision within five (5) business days. If the respondent, or the complainant, is dissatisfied with the decision of the vice president, he or she may request in writing that the president consider the appeal, but such a request must be made within two (2) business days or the Vice President's decision will be considered final and conclusive.

Within five (5) business days of receiving the appeal, the President will appoint a committee composed of three (3) members of the faculty of the institution or utilize the services of an appropriate existing committee. This committee will review all facts and circumstances connected to the case and within five (5) business days make a report of its findings to the president. After consideration of the committee's report, the President will, within five (5) business days, make a decision that shall be final without options for appeal to the University.

Should the respondent, or complainant, be dissatisfied with the President's decision, written application may be made to the Board of Regents for a review of the decision. This application must be submitted within twenty (20) days following the decision of the President. The decision of the board shall be final and binding for all purposes.

Final judgment on all appeals regarding admissions (including program admissions), residency, student grades, traffic citations, and the Guaranteed Tuition Plan rests with the president of the institution at which the appeal is heard (BoR Minutes, June 2006). Any University System student aggrieved by a final decision of the president of an institution, other than those stated above, may apply to the Board's Office of Legal Affairs for a review of the decision, in accordance with Policy 8.6 Applications for Discretionary Review; provided, however, that an application may be reviewed if (1) the record suggests that a miscarriage of justice might reasonably occur if the application is not reviewed, or (2) whether the record suggests that the institutional decision, if not reviewed, might reasonably have detrimental and system-wide significance. (Retrieved from the University System of Georgia's Board of Regents Policy Manual, June 17, 2015).

Any student or employee in the University System aggrieved by a final decision of the president of an institution may apply to the Board's Office of Legal Affairs ("Legal Affairs") for a review of the decision. Review of the decision is not a matter of right, but is within the sound discretion of Legal Affairs. If granted, the discretionary review shall be limited to the record from the institutional appeal process. Nothing in this policy shall be construed to extend to any party substantive or procedural rights not required by federal or state law. This policy shall not be construed to extend to any party any expectation of employment, admission, or additional due process rights. This policy is not part of the due process rights afforded to students or employees of the University System; those rights have been fully afforded upon the decision of the president. The Board reserves the right to change this policy at any time, and to make such changes effective retroactively to any pending application.

Each application for review shall be submitted in writing to Legal Affairs within a period of twenty calendar days following the decision of the president. Legal Affairs shall determine whether the application for review shall be granted. Legal Affairs may at its discretion refer a matter for mediation, arbitration, reconsideration, or evaluation of settlement options.

If an application for discretionary review is granted, a Committee shall review the decision of the president. Said Committee shall consist of the Vice Chancellor for Legal Affairs or his or her designee, the Vice Chancellor for Academic Affairs or his or her designee, the Vice Chancellor for Human Resources or his or her designee, and any other person or persons deemed appropriate by the Committee. Legal Affairs may issue

guidelines governing the process for review. The decision of the Committee shall be final and binding for all purposes. There shall be no recourse to the Chancellor or the Board of Regents from such decision; provided, however that the Committee on Organization & Law retains the authority to make an exception to this policy in its discretion.

Legal Affairs shall periodically report to the Organization and Law Committee of the Board of Regents regarding applications for discretionary review filed and their dispositions. (Retrieved from the University System of Georgia's Board of Regents Policy Manual, June 17, 2015).

All appeals shall be decided upon the record of the original proceedings, the written appeal submitted, and any other briefs submitted by other participants. Cases will not be reheard on appeal.

Appeals of University Housing will follow the same procedure as the Vice President, but the final decision of removal from the Vice President is binding.

Cases Involving Allegations of Discrimination or Sexual Misconduct

(Also see University published information on Title IX and Civil Rights)

If staff member(s) determines at any point during the development of a case that the alleged misconduct is of a discriminatory or sexual nature, an initial evaluation will be done by the Student Conduct Administrator or his/her designee to determine if there is sufficient information that a policy may have been violated. If sufficient information exists, the respondent student is given written notice of the charge(s) and informed that a thorough investigation will be initiated.

In cases where the alleged misconduct is of a discriminatory or sexual nature, University investigators will review evidence and question witnesses to reach a finding of responsible or not responsible based on a preponderance of evidence. Investigators will share this finding with the Dean of Students or designee. The Dean of Students or designee will present the finding to the respondent and the complainant. If the finding is responsible, and the respondent student accepts the finding, the Dean of Students or designee will sanction the respondent student.

Both the complainant and/or the respondent may appeal the sanction if they are dissatisfied with the sanction. Please see "Appeals."

If either the respondent student or the complainant disagrees with the finding, both have the right to a hearing with a Special Judicial Panel. Requests for a hearing must be submitted to the Dean of Students or designee within three (3) business days of the date of the letter notifying both parties of the finding(s) from the investigation.

Special Conduct Panel

This panel will consist of specially appointed administrators from various University departments and may include no more than 2 trained students. The total number of the board will be 5 to 7 panelists. The procedural protections afforded to the respondent are the same as in other Formal Hearings and are noted below.

- The right to at least 2 days written notice of the hearing date and the specific charges against them, unless waived by the respondent.
- The right to request an extension in extenuating circumstances that must be proven by respondent student and upheld by the appropriate conduct officer.

- The right to produce evidence, call and question witnesses, and raise questions as to the procedure or remain silent.
- The right to be present at the hearing without academic action resulting from class absence.
- The right to have an advisor present.
- The right of access to an audio recording or written summary of the proceedings that will be made available at the student's expense if requested at least 24 hours before the hearing.
- The right to appeal sanctions of suspension or expulsion, but not removal from University housing.
- The right to attend classes and have access to University facilities until the hearing process is completed. An exception may be made in the case of an interim suspension.

The Special Conduct Panel issues findings and recommends the sanction(s) to the Dean of Students or designee. The Dean of Students will make the final decision on the appropriate sanction(s). The decision will be shared with both respondent and complainant. The respondent may appeal the sanction at the next highest level. Complainant may also appeal the sanction at the next highest level. The final outcome will be shared with both complainant and respondent.

Prohibition against Retaliation

Anyone who, in good faith, reports what he or she believes to be sexual misconduct, discrimination, or harassment, or who participates or cooperates in any investigation, should not be subjected to retaliation. Anyone who believes he or she has been the victim of retaliation for reporting sexual misconduct, discrimination or harassment or participating or cooperating in an investigation should immediately contact the Dean of Students. Any person found to have retaliated against a person who has participated or cooperated in an investigation will be in violation of policy and will be subject to disciplinary action.

Promptness of Investigation

The amount of time needed to conduct an investigation of sexual misconduct or other forms of discrimination will depend in part on the nature of the allegation(s) and the evidence to be investigated (e.g., the number and/or availability of witnesses involved). Within 60 days of receipt of complaint, the Dean of Students or designee will provide notice of the outcome of the investigation or will advise the parties of the additional estimated amount of time needed for the investigation.

Appeals for Misconduct of a Discriminatory or Sexual Nature

If a student is found responsible for misconduct of a discriminatory or sexual nature, *both* the respondent and the complainant have the right to appeal *only the sanction* on the following grounds:

- The sanction imposed is inadequate for the violation.
- The sanction imposed is too severe for the violation.

Interim Suspension

The Dean of Students or a designee may suspend a student for an interim period pending disciplinary proceedings. Interim suspensions are to become immediately effective without prior notice, whenever there is evidence that the continued presence of the student on the campus poses a substantial threat to others or to the stability and continuance of normal University functions.

If a student suspended on an interim basis wish to appeal the suspension, the student must submit a request to appeal in writing to the Vice President for Student Affairs and Enrollment Management specifying the grounds on which they are appealing. A student suspended on an interim basis shall be given an opportunity to appear personally before the Vice President for Student Affairs and Enrollment Management or a designee

within five business days from the effective date of the interim suspension. A hearing shall then be held on the following issues only:

- a. The reliability of the information concerning the student's conduct;
- b. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the University campus poses a substantial threat to others or to the stability and continuance of normal University functions.

Student Organizations

Student organizations may be charged with violations of the Student Code of Conduct and the Registered Student Organization Handbook. A student organization, and its officers, may be held collectively, or individually, responsible when violations of this code by those associated with the organization have received the tacit or overt consent or encouragement of the organization or of its leaders, officers, or spokespersons.

Individuals charged with conduct code violations arising out of their affiliation with student organizations shall have their cases settled according to the procedures outlined in the Student Code of Conduct.

The officers, leaders, or any identifiable spokespersons for a student organization may be directed by the Dean of Students or a designee to take appropriate action designed to prevent or end violations of this code by the organization or by any persons associated with the organization who can reasonably be said to be acting on its behalf. Failure to make reasonable efforts to comply with the Dean of Students or a designee's directive shall be considered a violation of this code, both by the officers, leaders, or spokespersons for the organization and by the organization itself.

Matters concerning the conduct of student organizations shall be addressed according to procedures published by the [Center for Student Involvement](#) and distributed annually to all registered student organizations.

Student Conduct Record Retention

Per University System of Georgia Board of Regents requirements, student conduct records are retained for five years after graduation or last date of attendance. Records for students who are expelled and student organization records are retained indefinitely.

Currently enrolled students with pending conduct cases who wish to obtain a copy of information or evidence contained in their conduct record must complete a request form, and allow three business days for processing.

Code of Conduct Review

The Student Code of Conduct will be reviewed at least every two years, but may be updated at any time to reflect the needs of the students and/or the University. The most current version will be kept on the University website.