

University of West Georgia Student Code of Conduct 2017 - 2018

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/>

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.

JURISDICTION:

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.

CASE REFERRALS:

Any person may refer a student suspected of violating this code to the Office of Community Standards, formerly known as the Office of Student Conduct. 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>

NOTIFICATIONS:

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.

Definitions and Key Terms

Key Term	Definition
Administrator	An upper level, University official.
Advisor	An individual that assists a student or organization with conduct hearing proceedings. An Advisor is any individual the student or organization chooses.
Alleged	Student or organization with a pending charge.
Business Day	A University operational day (Monday-Friday, 8am-5pm).
Complainant	Person reporting possible student misconduct or academic dishonesty. The University may also act as a Complainant.
Deferred Suspension	Suspension held or set aside provided the student completes other sanctions. Failure to abide by the terms of a deferred suspension will most likely result in immediate suspension.
Due Process	A legal concept ensuring that a student's life, liberty, and property interests are not violated through institutional decision making. The safeguards put in place before and during disciplinary action include notice and the opportunity for a hearing. The amount of process given is dependent on the severity of the potential deprivation or loss (i.e. Suspension or expulsion level cases will be afforded a greater amount of process than will other cases.)
Enrolled Student	A student with a UWG course schedule.

Formal Administrative Hearing	The process by which a hearing officer hears a case, determines facts, information, and evidence relevant to the case. During the hearing, witnesses may be called and the hearing will be recorded. Following the hearing process, the hearing officer 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.
Imminent Threat Assessment	A required assessment meeting with the Dean of Students or a designee to determine whether a student's alleged conduct and surrounding circumstances reasonably indicate that his or her continued presence on the University campus poses a serious and immediate threat or danger to others or may prohibit equal access to the University education programs and activities.
Informal Conduct Hearing	An informal meeting between a student and a hearing officer. These hearings are not recorded and students are not permitted to bring or question witnesses.
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.
Preponderance of Evidence	The standard of proof used in the University of West Georgia Student Conduct Process. In order for a student to be found responsible for a violation, the evidence must indicate that it is more likely than not that the violation occurred.
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 responsibility.

Respondent	A student who has been referred to the Office of Community Standards 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 Conduct Board	A peer-level hearing body which is comprised of and chaired by students. The Student Conduct Board meets during the year as needed and is responsible for hearing conduct cases involving alleged violations of the Student Code of Conduct.
Student Conduct Board Facilitator	Office of Community Standards staff member responsible for guiding the Board through the student conduct board hearing process and following outlined Student Code of Conduct protocol to ensure consistent process.
Student Conference	The procedure usually held prior to a formal administrative or Student Conduct Board hearing where a student will be informed of his or her rights and responsibilities moving forward.
Student Organization	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.

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

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.

1.0 LOCAL, STATE, AND FEDERAL LAWS

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

2.0 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.

2.1 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.

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

2.3 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. Plagiarism also includes "self-plagiarism" which includes the reuse of one's own work without acknowledging that one is doing so or citing the original work.

2.4 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.

2.5 Any other acts deemed academically dishonest not specifically named above.

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

3.0 DISRUPTIVE BEHAVIOR

3.1 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.

3.2 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, beep, or vibrate, 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.)

- 3.3 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.

See the UWG Policy page (www.westga.edu/policy) for the most up-to-date information regarding Disruptive Behavior.

4.0 DISORDERLY CONDUCT

- 4.1 Physical violence/endangerment of any person or persons.

- 4.2 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 Electronic Communication and Sexual Misconduct in Rights and Regulations.

- 4.3 Interfering with or failing to cooperate with any properly identified University official(s).
- 4.4 Failure to comply with the request of a University officer acting within the scope of his or her responsibility.
- 4.5 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.
- 4.6 Engaging in obscene or indecent conduct that is beyond the bounds of freedom of expression and damages, befoils, or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition.
- 4.7 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.

5.0 WEAPONS

Unauthorized use, possession or storage of any weapon on University premises or at University sponsored activities except for HB 792 and HB 280. Weapon means any object or substance designed, or used to, inflict a wound, cause injury, or incapacitate, including, but not limited to pellet guns, BB guns, bludgeons, metal knuckles, switchblade knives, and knives designed for the purpose of offense or defense.

See the University guidance concerning weapons and HB 280 at <https://www.westga.edu/police/campus-carry.php> See the USG guidance concerning HB 280 at <http://www.usg.edu/hb280>.

See the UWG Policy page (www.westga.edu/policy) for the most up-to-date information regarding Weapons.

6.0 HAZING

All rites and ceremonies of induction, initiation, or orientation into University life or into the life of any University groups (i.e. student organizations, sports teams, intramural clubs, and extra-curricular activities) that tend to occasion or allow physical, mental, or emotional suffering. It is not necessary to have direct proof a person's initiation, or continued membership, for a charge of hazing to be upheld.

See the University policy concerning Hazing in Rights and Regulations.

7.0 ALCOHOL MISUSE

- 7.1 Consumption, possession, being in the presence of, or transportation of alcoholic beverages by any student under legal age.
- 7.2 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.
- 7.3 Furnishing alcoholic beverages to any person under legal age.
- 7.4 Open display of alcoholic beverages on campus other than in approved areas during authorized functions.
- 7.5 Being in an intoxicated condition as manifested by disorderly, obscene, or indecent conduct or appearance.
- 7.6 Driving under the influence of alcohol.
- 7.7 Concealment of alcoholic beverages for the purpose of bringing them into a University sponsored activity or facility where alcohol is not permitted.
- 7.8 Violation of the University's Alcohol Use Policy or Tailgating Policy.

See the University policy concerning Medical Amnesty in Rights and Regulations.

8.0 DRUG MISUSE

- 8.1 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.

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

8.3 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.

See the University policy concerning Medical Amnesty in Rights and Regulations.

9.0 FIRE AND OTHER EMERGENCIES

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

9.2 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.

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

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

10.0 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.

11.0 THEFT

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

12.0 MISUSE OF PROPERTY

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

13.0 DECEPTION

13.1 Any misuse of any University records, forms, or documents through forgery, unauthorized alteration, reproduction, or other means.

- 13.2 Any giving or receiving false information to the University or to any University official, administrator, or administrative unit.
- 13.3 Providing false information to law enforcement officials.
- 13.4 Possession of any fake or altered identification, or any other identification that belongs to another person.
- 13.5 Any attempt to perpetuate a fraud against the University or a member of the University community.

14.0 IDENTIFICATION CARDS MISUSE

- 14.1 Altering, or transferring to another, a UWG student identification card, meal card, or any other form of identification.
- 14.2 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.

15.0 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/.

16.0 LITTERING

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

17.0 ANIMALS

- 17.1 Bringing into University buildings any animal, except those approved as service animals or those required for research or class experiments or presentations is prohibited.
- 17.2 Intentional abuse, inappropriate handling, or causing death to wildlife and/or other animals.

Students seeking an exemption to this policy for medical or emotional needs should work with accessibility services and complete all necessary paperwork prior to bringing an animal into any University buildings.

18.0 INAPPROPRIATE/MISUSE OF UNIVERSITY FACILITIES AND/OR SERVICES

- 18.1 Unauthorized presence in or use of University premises, facilities or property; remaining without authorization in any University facility after normal closing hours.
- 18.2 Unauthorized use, duplication, or possession of University keys.
- 18.3 Making reservations to use University space in the student's name with the intention of use by outside groups or organizations.

18.4 Abuse or misuse of University resources.

18.5 Abuse or misuse of University services.

19.0 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.

20.0 SOLICITATION (UNAUTHORIZED SALES)

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.

21.0 INSTITUTIONAL PROCEDURE MISCONDUCT

21.1 Failure to pay fees, charges, and fines within the specified time.

21.2 Failure to maintain one's current local address with the Registrar.

21.3 Failure to respond to, and cooperate with, University officials in the carrying out of the conduct process.

21.4 Violating the terms of any sanction imposed in accordance with this code.

21.5 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.

21.6 Failure to comply with interim suspension measures.

22.0 MOTOR VEHICLE MISUSE

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

23.0 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 and discrimination, 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.

23.1 Violation of Student Affairs and Enrollment Management policies (<http://www.westga.edu/vpsa/index.php>)

23.2 Violation of Information Technology Services (ITS) policies. (<http://www.westga.edu/its/>)

23.3 Violation of Center for Student Involvement policies (<http://www.westga.edu/csi/1974.php>)

23.4 Violation of Campus Center policies (<http://www.westga.edu/urec/index.php>)

- 23.5 Violation of Housing and Residence Life policies (including Housing and Greek Village regulations). (www.westga.edu/housing).
- 23.6 Violation of other published University policies not specifically named above.

24.0 JOINT RESPONSIBILITY FOR MISCONDUCT

- 24.1 Encouraging others, conspiring with, or cooperating with others, in the violation of University rules or regulations.
- 24.2 Acting in concert or passive participation to violate University conduct regulations.
- 24.3 Allowing, condoning, permitting, or providing opportunity for a guest to violate University conduct regulations.

25.0 BULLYING

See UWG Policy 3.8.2 – Bullying Involving Students, attached as Appendix A

Student Conduct Procedures:

General Information:

In cases involving general misconduct, a student's conduct case will be managed by the Office of Community Standards. Cases will be heard by the Coordinator of Community Standards, a Student Conduct Specialist, or a Graduate Assistant. In cases that may rise to suspension or expulsion, cases will be investigated by the Student Conduct Specialist – Investigator. For more information, please review the information located on the Office of Community Standards webpage at: <https://www.westga.edu/administration/vpsa/ocs/>

Office of Community Standards Mission Statement:

The Office of Community Standards seeks to engage students on issues of community membership and responsible decision making. Our primary purpose is to uphold community standards for students and organization by providing preventative and education learning experiences. These standards are designed to provide a safe and productive learning environment for all members of the University of West Georgia community. The Office of Community standards will fulfill our mission by:

- Offering educational and leadership opportunities for students who participate in the facilitation of the student conduct process.
- Empowering members of the campus community to address conflict in a respectful and responsible manner.
- Educating campus community members on university policies through collaboration with campus partners.

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.

Reporting Student Misconduct:

Any person may refer a student suspected of violating this code to the Office of Community Standards. Persons making the referral should do so in a timely manner. A referral should include as much information as possible. Please follow the instructions on the reporting form located at:

<https://www.westga.edu/administration/vpsa/ocs/>

Information from a report may be shared as necessary in order to investigate the complaint. It may also be shared when necessary to issue a warning to the campus community so as to be in compliance with the Clery Act.

Student Participation:

Students are asked to assume positions of responsibility in the University's student conduct process so that they might contribute their skills and insights to the resolution of conduct cases. Students who do not respond to repeated requests for conduct resolution will have their case heard in absentia. Final authority in student conduct matters, however, is vested in the University administration and in the Board of Regents.

Student Withdrawals During the Student Conduct Process:

A student withdrawal from the University does not absolve the student from student conduct responsibility. Students who withdraw before their case is closed will have their cases adjudicated according to hearing procedures established by the Office of Community Standards.

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/guardians in cases regarding drugs and/or alcohol with underage students

Advisors:

Respondents or complainants participating in conduct proceedings may be accompanied by an advisor. An advisor may be a family member, friend, another student, faculty, staff member, an attorney, or another person of his or her choosing. Those who will be accompanied by an advisor must inform the appropriate Student Conduct Officer managing correspondence for the case in writing at least two business days prior to the scheduled date of the meeting. Attorneys may participate only as advisors to their clients. Advisors may not appear in lieu of student participants.

A student may select an advisor and up to two family members to accompany them to their meeting. Students are allowed advisors at all steps of the process, not just in a conduct hearing. It is the student's responsibility to contact his or her advisor and inform the advisor of the hearing date.

The role of an advisor is three-fold:

- Sit next to the student during the hearing to provide moral support;
- Help the student formulate questions for all of the witnesses in the hearing;
- 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 represent the student in his/her 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 conduct proceeding if these standards are not met.

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.

Standards of Due Process:

Students subject to expulsion or University suspension will be afforded an opportunity to have a Formal Administrative Hearing or a Student Conduct Board 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.

The preponderance of evidence standard will be used for decisions 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. In cases where expulsion or suspension are proposed sanctions, the decision must be supported by substantial evidence. Student conduct hearings are not legal proceedings, and formal rules of evidence do not apply.

Process for Non-Suspension/Non-Expulsion Level Cases:

When the University receives a report, whether that be a UWG Cares Incident Report, University Police Report, or a report from any law enforcement agency, a case may be created for the students listed in said report. Once a case is created, a letter will be sent to the student's University email. This letter will include a notification of potential charges, and will schedule a Student Conference between the student and his/her case manager. At the Student Conference, a member of the Office of Community Standards, the case manager, will review the alleged behavior, the details of the incident, and the University's procedures for reviewing and settling conduct cases. Following this meeting, a student will be afforded an Informal Conduct Hearing, or may be given the choice of a Formal Administrative Hearing or Student Conduct Board Hearing, depending on the severity of the alleged offense. Following the hearing, a decision will be made based on a preponderance of the evidence. If the student is found responsible, he/she will receive a follow up letter regarding the sanctions that must be completed. If a student wishes to appeal his/her decision, the student must write a written appeal to the Assistant Dean of Students/Coordinator of Community Standards or his/her designee.

Please see the Office of Community Standards website at <https://www.westga.edu/administration/vpsa/ocs/>, or speak to a Student Conduct Specialist for more information regarding the student conduct process for non-suspension/non-expulsion level cases.

Process for Suspension/Expulsion Level Cases:

The following information is subject to change. Please see the online version of the Student Handbook and the UWG policy page (www.westga.edu/policy) for the most up-to-date information.

Please see Appendix B of the Student Handbook for Board of Regents Policy 4.6.5.

Process for Sexual Misconduct and Discriminatory Claims

The following information is subject to change. Please see the online version of the Student Handbook and the UWG policy page (www.westga.edu/policy) for the most up-to-date information.

Please see Appendix A of the Student Handbook for Board of Regents Policy 4.1.7.

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 a 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.
5. **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.
6. **REMOVAL FROM UNIVERSITY HOUSING:** The student is not permitted to live in University housing, usually for the duration of his or her matriculation.
7. **FORCED WITHDRAWAL:** Withdrawal without credit from an academic course. This could also include a required change in course section.
8. **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.
9. **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.

10. **EXPULSION:** Permanent separation of the student from the University. The student will be restricted from University premises.

11. **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.

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.

STUDENT CODE OF CONDUCT

APPENDIX A

4.1.7 Student Sexual Misconduct Policy

In accordance with Title IX of the Education Amendments of 1972 (“Title IX”), the University System of Georgia (USG) does not discriminate on the basis of sex in any of its education programs or activities or in employment. The USG is committed to ensuring a safe learning and working environment for all members of the USG community. To that end, this Policy prohibits sexual misconduct, as defined herein.

In order to reduce incidents of sexual misconduct, USG institutions are required to provide prevention tools and to conduct ongoing awareness and prevention programming and training for the campus community. Such programs will promote positive and healthy behaviors and educate the campus community on consent, sexual assault, alcohol use, dating violence, domestic violence, stalking, bystander intervention, and reporting.

When sexual misconduct does occur, all members of the USG community are strongly encouraged to report it promptly through the procedures outlined in this Policy. The purpose of this Policy is to ensure uniformity throughout the USG in reporting and addressing sexual misconduct.

Reporting Structure

All Equal Opportunity directors and others having responsibility for coordination of Title IX (“Coordinators”) at USG institutions shall have a direct reporting relationship to both the institution’s President or the President’s designee and the USG System Director for Equity and Investigations (“System Director”). The President of each institution shall determine the organizational and operating reporting relationships for the Coordinators at the institution and exercise oversight of institutional issues relating to sexual misconduct. However, the System Director shall have authority to direct the Coordinators’ work at each institution as needed to address system-wide issues or directives. The President of each institution shall consult with the System Director on significant personnel actions involving Coordinators, to include but not be limited to, appointment, evaluation, discipline, change in reporting structure, and termination.

4.1.7.1 Definitions and Prohibited Conduct

Community: Students, faculty, and staff, as well as contractors, vendors, visitors and guests.

Complainant: An individual lodging a complaint. The complainant may not always be the alleged victim.

Consent: Words or actions that show a knowing and voluntary willingness to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, intimidation or coercion; by ignoring or acting in spite of objections of another; or by taking advantage of the incapacitation of another where the respondent knows or reasonably should have known of such incapacitation. Minors under the age of 16 cannot legally consent under Georgia law.

Consent is also absent when the activity in question exceeds the scope of consent previously given. Past consent does not imply present or future consent. Silence or an absence of resistance does not imply consent.

Consent can be withdrawn at any time by either party by using clear words or actions.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: Violence committed by a current or former spouse or intimate partner of the alleged victim; by a person with whom the alleged victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the alleged victim.

Incapacitation: The physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep, involuntary physical restraint, status as a minor under the age of 16, or from intentional or unintentional taking of alcohol and/or other drugs. Whether someone is incapacitated is to be judged from the perspective of an objectively reasonable person.

Nonconsensual Sexual Contact: Any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to touching (or penetrating) of a person's intimate parts (such as genitalia, groin, breasts, or buttocks); touching (or penetrating) a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts.

Confidential Employees: Institution employees who have been designated by the Institution's Coordinator to talk with an alleged victim in confidence. Confidential Employees must only report that the incident occurred and provide date, time, location, and name of alleged respondent (if known) without revealing any information that would personally identify the alleged victim. This minimal reporting must be submitted in compliance with Title IX and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"). Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety.

Privileged Employees: Individuals employed by the institution to whom a complainant or alleged victim may talk in confidence, as provided by law. Disclosure to these employees will not automatically trigger an investigation against the complainant's or alleged victim's wishes. Privileged Employees include those providing counseling, advocacy, health, mental health, or sexual-assault related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers) or as otherwise provided by applicable law. Exceptions to confidentiality exist where the conduct involves suspected abuse of a minor (in Georgia, under the age of 18) or otherwise provided by law, such as imminent threat of serious harm.

Respondent: Individual who is alleged to have engaged in conduct that violates this Policy.

Responsible Employees: Those employees who must promptly and fully report complaints of or information regarding sexual misconduct to the Coordinator. Responsible Employees include any administrator, supervisor, faculty member, or other person in a position of authority who is not a Confidential Employee or Privileged Employee. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this Policy (e.g., teaching assistants, residential assistants, student managers, orientation leaders).

Sexual Exploitation: Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited.

Examples of sexual exploitation may include, but are not limited to, the following:

1. Invasion of sexual privacy;
2. Prostituting another individual;
3. Non-consensual photos, video, or audio of sexual activity;
4. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity was consensual;
5. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
6. Knowingly transmitting an STD or HIV to another individual through sexual activity;
7. Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or
8. Sexually-based bullying.

Sexual Harassment: Unwelcome verbal, nonverbal, or physical conduct, based on sex or on gender stereotypes, that is implicitly or explicitly a term or condition of employment or status in a course, program, or activity; is a basis for employment or educational decisions; or is sufficiently severe, persistent, or pervasive to interfere with one's work or educational performance creating an intimidating, hostile, or offensive work or learning environment, or interfering with or limiting one's ability to participate in or to benefit from an institutional program or activity.

Sexual Misconduct: Includes, but is not limited to, such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, sexual exploitation, sexual harassment and stalking.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

4.1.7.2 Reporting Sexual Misconduct

A complainant of sexual misconduct may, but need not, file a criminal complaint with law enforcement officials; file a misconduct report with a Responsible Employee or Coordinator; or file both. A report may be filed anonymously, although anonymous reports may make it difficult for the institution to address the complaint. Any individual who believes that he or she has been a victim of sexual misconduct is encouraged to report allegations of sexual misconduct promptly.

All reports of sexual misconduct alleged to have been committed by a student must be handled consistently with requirements set forth in Section 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings.

All reports of sexual misconduct alleged to have been committed by a non-student member of the institution community will be addressed and/or resolved through the institution's and the Board of Regents' applicable policies for discipline of non-students.

4.1.7.2 (A) Institutional Reports

Complainants of sexual misconduct who wish to file a report with the institution should notify a Responsible Employee or the Coordinator. Responsible Employees informed about sexual misconduct allegations involving any student should not attempt to resolve the situation, but must notify and report all relevant information to the Coordinator as soon as practicable. Confidential Employees are not bound by this requirement but may be required to report limited information about incidents without revealing the identities of the individuals involved to the Title IX Coordinator, consistent with their ethical and legal obligations. All members of the University System of Georgia institutions' communities are encouraged to report incidents of sexual misconduct promptly.

The Coordinator's identity and contact information shall be published by each institution prominently on the institution's website, as well as in any relevant publication. Each institution may choose to have Deputy Title IX Coordinators to whom reports may be made, as well. Institutions should encourage complainants to report their complaints in writing, though oral complaints should also be accepted, taken seriously, and investigated, to the extent possible. While complaints should be made as quickly as possible following an alleged incident of sexual misconduct, all reports should be accepted regardless of when reported.

The Coordinator shall refer to the System Director any allegation(s) of sexual misconduct that could, standing alone as reported, lead to the suspension or expulsion of the respondent(s). The System Director will work with the institution to determine whether any interim measure(s) are necessary and to assign an investigator who will work under the direction of the System Director or designee, if directed by System Director. If an allegation is not initially identified as one that would lead to the suspension or expulsion of the respondent(s), but facts arise during the course of the investigation that would require transfer to the System Director, the Title IX Coordinator shall transfer oversight to the System Director or designee. The System Director shall have the discretion to retain oversight or transfer oversight to the institution.

4.1.7.2 (B) Law Enforcement Reports

Because sexual misconduct may constitute criminal activity, a complainant also has the option, should he or she so choose, of filing a report with campus or local police, for his or her own protection and that of the surrounding community. The institution may assist the complainant in reporting the situation to law enforcement officials.

Complainants considering filing a report of sexual misconduct with law enforcement should preserve any evidence of sexual misconduct, including, but not limited to, the following:

1. Clothing worn during the incident including undergarments;
2. Sheets, bedding, and condoms, if used;
3. Lists of witnesses with contact information;
4. Text messages, call history, social media posts;
5. Pictures of injuries; and/or
6. Videos.

4.1.7.2 (C) Anonymous Reports

Each institution shall provide a mechanism by which individuals can report incidents of alleged sexual misconduct anonymously. Complainants should understand, however, that it will be more difficult for the institution to investigate and to take action upon anonymous reports.

4.1.7.2 (D) Retaliation

Anyone who, in good faith, reports what he or she believes to be misconduct under this Policy, or who participates or cooperates in, or is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes that he or she has been the target of retaliation for reporting, participating, cooperating in, or otherwise being associated with an investigation should immediately contact the Coordinator for the institution. Any person found to have engaged in retaliation in violation of this Policy shall be subject to disciplinary action.

4.1.7.2 (E) False Complaints

Individuals are prohibited from intentionally giving false statements to a system or institution official. Any person found to have intentionally submitted false complaints, accusations, or statements, including during a hearing, in violation of this Policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated under the student conduct policy.

4.1.7.2 (F) Amnesty

Individuals should be encouraged to come forward and to report sexual misconduct notwithstanding their choice to consume alcohol or to use drugs. Information reported by an individual during an investigation concerning use of drugs or alcohol will not be used against the particular individual in a disciplinary proceeding or voluntarily reported to law enforcement; however, individuals may be provided with resources on drug and alcohol counseling and/or education, as appropriate.

4.1.7.3 Handling Reports of Sexual Misconduct

4.1.7.3 (A) Support Services

Once a student or employee makes a complaint or receives notice that a complaint has been made against him or her, or the coordinator otherwise learns of a complaint of sexual misconduct. The complainant, respondent and alleged victim (where applicable) should receive written information about support services, such as counseling, advocacy, housing assistance, academic support, disability services, health and mental services, and legal assistance, available at the student's institution.

Information on support services will be provided regardless as to whether an individual elects to go forward with filing a formal complaint of sexual misconduct or with notifying law enforcement. Information on support services will also be provided to students and employees, regardless of where the alleged misconduct occurs.

Available support services should also be listed on the institution's Title IX website.

4.1.7.3 (B) Interim Measures

Interim measures may be undertaken at any point after the institution becomes aware of an allegation of sexual misconduct and should be designed to protect the alleged victim and the community.

Before an interim suspension is issued, the institution must make all reasonable efforts to give the respondent the opportunity to be heard, consistent with the provisions in Policy 4.6.5.

4.1.7.3 (C) Jurisdiction

Each USG institution shall take necessary and appropriate action to protect the safety and well-being of its community. Sexual misconduct allegedly committed by a student are addressed by this Policy when the misconduct occurs on institution property, or at institution-sponsored or affiliated events, or off-campus, as defined by the institution's student conduct policies.

4.1.7.3 (D) Advisors

Both the alleged victim and respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing at the party's own expense for the express purpose of providing advice and counsel, pursuant to the provisions of Policy 4.6.5.

4.1.7.3 (E) Informal Resolutions

Allegations of sexual misconduct may be resolved informally, without a determination of misconduct, if all of the following are met:

1. When complainant(s) and respondent agree to an informal resolution;
2. When the initial allegation could not result in expulsion;
3. When the complainant(s) and respondent(s) agree to the terms of the informal resolution; and
4. When the investigator concludes that informal resolution is in the best interest of the parties and the institution's community.
- 5.

The alleged victim(s) and respondent(s) have the option to end informal resolution discussions and request a formal process at any time before the terms of an informal resolution are reached. However, matters resolved informally shall not be appealable.

4.1.7.3 (F) Timeframe

Efforts will be made to complete the investigation within a reasonable timeframe, which will be determined based upon the allegations, availability of witnesses and/or evidence, etc. in a particular case. When the timeframe will extend past the reasonable timeframe, the parties will be informed of the delay and the reason for the delay. The investigator shall keep the parties informed of the status of the investigation.

4.1.7.4 Investigations

All sexual misconduct investigations involving a student respondent, whether overseen by the institution's Coordinator or the System Director, shall follow the investigation process set forth in Section 4.6.5, *Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings*.

4.1.7.5 Hearings, Possible Sanctions and Appeals

All sexual misconduct hearings, sanctions, and appeals involving a student respondent, whether overseen by the institution's Coordinator or the System Director, shall follow the investigation process set forth in Section 4.6.5, *Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings*.

All sexual misconduct adjudication involving an employee respondent, shall be addressed utilizing the institution's employment policies and procedures.

Student Code of Conduct

Appendix B

4.6.5 Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings

(This policy will take effect Fall Semester, 2017)

This Policy establishes minimum procedural standards for investigations and resolutions of alleged student conduct violations, which each institution must incorporate into its respective student conduct policies. The purpose of this Policy is to ensure uniformity in the quality of investigations while providing for due process that affords fairness and equity in all student conduct investigations.

These procedures apply to matters relating to student misconduct, except matters relating to academic dishonesty, which may be covered under separate institutional policies. Institutions shall inform students of their procedures governing student misconduct complaints and investigations.

4.6.5.1 Reports of Student Misconduct

Institutions must provide clear notice to students and other campus community members as to how to file complaints of misconduct.

Complaints to the appropriate department and/or person(s) should include as much information as possible – such as: (1) the type of misconduct alleged; (2) the name and contact information of the individual(s) accused of misconduct; (3) the date(s), time(s), and place(s) of the misconduct; (4) the name(s) and contact information of any individual(s) with knowledge of the incident; (5) whether any tangible evidence has been preserved; and (6) whether a criminal complaint has been made.

Information from complaints may be shared as necessary to investigate and to resolve the alleged misconduct. Complaints shall be investigated and resolved as outlined below. The need to issue a broader warning to the community in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) shall be assessed in compliance with federal law.

Where appropriate, complainants may file a law enforcement report as well as an institutional report, but are not required to file both.

1. Confidentiality: Where a complainant or alleged victim requests that his or her identity be withheld or the allegation(s) not be investigated, the institutions should consider whether or not such request(s) can be honored while still providing a safe and nondiscriminatory environment for the institution and conducting an effective review of the allegations. The institution should inform the requesting party that the institution cannot guarantee confidentiality.
2. Retaliation: Anyone who, in good faith, reports what she or he believes to be student misconduct participates or cooperates in, or is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes he or she has been the target of retaliation for reporting, participating or cooperating in, or otherwise being associated with an investigation should immediately contact the appropriate department or individual(s) for that institution. Any person

found to have engaged in retaliation in violation of the student conduct policy shall be subject to disciplinary action, pursuant to the institution's policy.

3. **False Complaints/Statements:** Individuals are prohibited from intentionally giving false statements to an institution official. Any person found to have intentionally submitted false complaints, accusations, or statements, including during a hearing, in violation of this Policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated under the student conduct policy.
4. **Amnesty:** Students should be encouraged to come forward and report violations of the law and/or student code of conduct notwithstanding their own improper use of alcohol or drugs. Any student(s) who voluntarily and in good faith reports information to college or university faculty or staff prior to any investigation concerning use of drugs or alcohol will not be voluntarily reported to law enforcement; nor will information that the individual provides be used against the individual for purposes of conduct violations. Nevertheless, these students may be required to meet with staff members in regard to the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this amnesty procedure will not be considered a sanction.

Nothing in this amnesty procedure shall prevent a university staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

4.6.5.2 Process for Investigating and Resolving Disputed Reports

Jurisdiction: Each institution shall take necessary and appropriate action to protect the safety and well-being of its community. Accordingly, student conduct should be addressed when such acts occur on institution property, at institution-sponsored or affiliated events, or otherwise violate the institution's student conduct policies, regardless as to where such conduct occurs. If the student has admitted responsibility and has voluntarily decided to participate in the informal process, the procedures outlined in this section will not apply.

Access to Advisors: The respondent and alleged victim (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be an attorney) of his or her choosing, and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The advisor may advise his or her advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions posed to the advisee, but shall not participate directly during the investigation or hearing process. The institution shall not prohibit family members of a party from attending the hearing if the party requests such attendance, but may limit each participant to having two family members present.

Initial Evaluation of Student Conduct Reports: Regardless of how an institution becomes aware of misconduct, the institution shall ensure a prompt, fair, and impartial review and resolution of complaints alleging student misconduct. Where a report of student misconduct has been made to the appropriate department and/or person, the institution shall review the complaint to determine whether the allegation(s) describes conduct in violation of the institution's policies and/or code of conduct. If the reported conduct would not be a violation of the institution's policies and/or code of conduct, even if true, then the report should be dismissed. Otherwise, a prompt, thorough, and impartial investigation, and review shall be conducted into each complaint received to determine whether charges against the respondent should be brought.

Where a report of student misconduct alleges sexual misconduct or other forms of harassment and/or discrimination, the report will be referred to and the investigation will be conducted through or as directed by the appropriate office trained and equipped to investigate such matters.

Any report that involves allegation(s) of conduct that could lead to the suspension or expulsion of the respondent(s) in an initial violation must be promptly reported to the System Director by the institution. The System Director will work with the institution to determine whether any interim measure(s) are necessary, to assign an investigator and will collaboratively supervise the investigation with the appropriate institution professional (e.g., the Title IX Coordinator, Dean of Students). If an allegation is not initially identified as one that could lead to suspension or expulsion of the respondent(s), but facts arise during the course of the investigation that would require oversight from the System Director, then the institution shall report that case to the System Director or her designee prior to proceeding.

Interim Measures

Interim measures may be provided by the institution at any point during an investigation and should be designed to protect the alleged victim and the community. To the extent interim measures are imposed, they should minimize the burden on both the alleged victim and the respondent, where feasible. Interim measures may include, but are not limited to:

1. Change of housing assignment;
2. Issuance of a “no contact” directive;
3. Restrictions or bars to entering certain institution property;
4. Changes to academic or employment arrangements, schedules, or supervision;
5. Interim suspension; and
6. Other measures designed to promote the safety and well-being of the parties and the institution’s community.

An interim suspension should only occur where necessary to maintain safety and should be limited to those situations where the respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of a significant risk to the health or safety of the alleged victim or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.

Before an interim suspension is issued, the institution must make all reasonable efforts to give the respondent the opportunity to be heard on whether his or her presence on campus poses a danger.

If an interim suspension is issued, the terms of the suspension take effect immediately. Upon request, the respondent will have an opportunity to be heard by the respective conduct officer, Title IX Coordinator, or System Director, as appropriate, within three business days in order to determine whether the interim suspension should continue.

Investigation

Throughout any investigation and resolution proceedings, a party shall receive written notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting. If a party chooses to remain silent or otherwise not participate in an investigation, the investigation may still proceed and policy charges may still result and be resolved. Additionally, in any investigation involving allegations of sexual misconduct, timely notice of meetings shall be provided to each party of any meeting at which the complainant, respondent or alleged victim may be present. Timely and equal access to information that will be used during the investigation will be provided to the complainant, respondent and alleged victim (where applicable).

Where the potential sanctions for the alleged misconduct may involve a suspension or expulsion (even if such sanctions were to be held “in abeyance,” such as probationary suspension or expulsion) the institution’s investigation and resolution procedures must provide the additional minimal safeguards outlined below.

1. The alleged victim and respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice should also include the identity of any investigator(s) involved. Notice should be provided via institution email to the address on file.
2. Upon receipt of the written notice, the respondent shall have at least three business days to respond in writing. In that response, the respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A non-response will be considered a general denial of the alleged misconduct. Any alleged victim shall also be provided three business days to respond to or to supplement the notice.
3. If the respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
4. If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of discipline, then the complaint should be dismissed.
5. An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any party’s proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.
6. The initial investigation report shall be provided to the respondent and the alleged victim (where applicable). This report should clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions. For purposes of this Policy, a charge is not a finding of responsibility, but indicates that there is sufficient evidence to warrant further consideration and adjudication.
7. The final investigation report should be provided to the misconduct panel or hearing officer for consideration in adjudicating the charges brought against the respondent. A copy shall also be provided to the respondent and alleged victim (where applicable) before any hearing. The investigator may testify as a witness regarding the investigation and findings, but shall otherwise have no part in the hearing process and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing.

Resolution/Hearing

In no case shall a hearing to resolve charge(s) of student misconduct take place before the investigative report has been finalized.

Where the respondent indicates that he or she contests the charges, the matter shall be set for a hearing and once the investigative report has been finalized and copies provided to the respondent and alleged victim (where applicable); however, the alleged victim (where applicable) and respondent may have the option of selecting informal resolution as a possible resolution in certain student misconduct cases where they mutually agree, except where deemed inappropriate by the Vice President for Student Affairs (or his/her designee) or the System Director.

Where a case is not resolved through informal resolution or informal resolution is not available due to the nature of the charges, the respondent shall have the option of having the charges heard either by an administrator (hearing officer) or a hearing panel. However, all cases involving charges of sexual misconduct that go to a hearing shall be heard by a panel of staff and/or faculty. Sexual misconduct panel members shall receive appropriate annual training as directed by the System Director or Coordinator and required by the Clery Act. If an administrative hearing is requested, the respondent shall use his or her discretion to determine whether the case

should be heard by a hearing panel. Notice of the date, time, and location of the hearing shall be provided to the respondent, complainant, and alleged victim (where applicable) at least five business days prior to the hearing. Notice shall be provided via institution email where applicable. Additionally, the following standards will apply to any such hearing:

The respondent shall have the right to present witnesses and evidence to the hearing officer or panel. Witness testimony, if provided, shall pertain to knowledge and facts directly associated with the case being heard. Both parties shall have the right to confront any witnesses, including the other party, by submitting written questions to the hearing officer for consideration. Advisors may actively assist in drafting questions. The Panel shall ask the questions as written and will limit questions only if they are unrelated to determining the veracity of the charge leveled against the respondent(s). In any event, the Panel shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.

1. Where the hearing officer or panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the hearing officer or panel may establish special procedures for providing testimony from a separate location. In doing so, the hearing officer or panel must determine whether there is a valid basis for the unavailability, ensure proper sequestration in a manner that ensures testimony has not been tainted, and make a determination that such an arrangement will not unfairly disadvantage any party. Should it be reasonably believed that a party or witness who is not physically present has presented tainted testimony, the hearing officer or panel will disregard or discount the testimony.

In sexual misconduct cases, the hearing officer reserves the right to allow a party to testify in a separate room, so long as no party is unfairly disadvantaged by this procedure. A party must still give testimony in the presence of the Panel, and the opposing party must have the opportunity to view the testimony remotely and to submit follow-up questions.

2. Formal civil rules of evidence do not apply to the investigatory or resolution process.
3. The standard of review shall be a preponderance of the evidence; however, any decision to suspend or to expel a student must also be supported by substantial evidence at the hearing.
4. Institutions should maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings, and/or video recordings.
5. Following a hearing, both the respondent and alleged victim (where applicable) shall be simultaneously provided a written decision via institution email (where applicable) of the outcome and any resulting sanctions. The decision should include details on how to appeal, as outlined below. Additionally, the written decision must summarize the evidence in support of the sanction. The same form will be completed, regardless of whether the student opts for a hearing panel or an administrative proceeding.

Possible Sanctions

In determining the severity of sanctions or corrective actions the following should be considered: the frequency, severity, and/or nature of the offense; history of past conduct; an offender's willingness to accept responsibility; previous institutional response to similar conduct; strength of the evidence; and the wellbeing of the university community. The hearing panel, hearing officer or administrator that found that a policy violation occurred will determine sanctions and issue notice of the same, as outlined above.

The broad range of sanctions includes: expulsion; suspension for an identified time frame or until satisfaction of certain conditions or both; temporary or permanent separation of the parties (e.g., change in classes, reassignment of residence, no contact orders, limiting geography of where parties can go on campus) with additional sanctions for violating no-contact orders; required participation in sensitivity training/awareness

education programs; required participation in alcohol and other drug awareness and abuse prevention programs; counseling or mentoring; volunteering/community service; loss of institutional privileges; delays in obtaining administrative services and benefits from the institution (e.g., holding transcripts, delaying registration, graduation, diplomas); additional academic requirements relating to scholarly work or research; financial restitution; or any other discretionary sanctions directly related to the violation or conduct.

4.6.5.3 Appeals

Where the sanction imposed includes a suspension or expulsion (even for one held in abeyance), the following appellate procedures must be provided. The alleged offender (and in cases involving sexual misconduct or other forms of discrimination and/or harassment, the alleged victim) shall have the right to appeal the outcome on any of the following grounds: (1) to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing; (2) to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by bias; or (3) to allege that the finding was inconsistent with the weight of the information.

Appeals may be made for the above reasons in any case where sanctions are issued, even when such sanctions are held “in abeyance,” such as probationary suspension or expulsion.

The appeal must be made in writing, and must set forth one or more of the bases outlined above, and must be submitted within five business days of the date of the final written decision. The appeal should be made to the institution’s Vice President for Student Affairs or his/her designee.

The appeal shall be a review of the record only, and no new meeting with the respondent or any alleged victim is required. The Vice President, or his or her designee, may affirm the original finding and sanction, affirm the original finding but issue a new sanction of lesser severity, remand the case back to the decision-maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The Vice President or his or her designee shall then issue a decision in writing to the respondent within a reasonable time period.

The decision of the Vice President or his or her designee may be appealed in writing within five business days (as determined by the date of the decision letter) to the President of the institution solely on the three grounds set forth above.

The President may affirm the original finding and sanction, affirm the original finding but issue a new sanction of greater or lesser severity, remand the case back to the decision maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The President’s decision shall be simultaneously issued in writing to the complainant, the respondent and the alleged victim (where applicable) within a reasonable time period. The President’s decision shall be the final decision of the institution.

Should the respondent or alleged victim (where applicable) wish to appeal the President’s decision, he or she may request review by the Board of Regents in accordance with the Board of Regents’ Policy on Discretionary Review.

4.6.5.4 Recusal/Challenge for Bias

Any party may challenge the participation of any institution official, employee or student panel member in the process on the grounds of personal bias by submitting a written statement to the institution’s designee setting

forth the basis for the challenge. The designee shall not be the same individual responsible for investigating or adjudicating the conduct allegation. The written challenge should be submitted within a reasonable time after the individual knows or reasonably should have known of the existence of the bias. The institution's designee will determine whether to sustain or deny the challenge and, if sustained, the replacement to be appointed.

Student Code of Conduct

Appendix C

UWG PROCEDURE NUMBER: 3.8.2 Bullying Involving Students

Authority: UWG POLICY: 3.8 (Student Conduct and Discipline)

The University of West Georgia embraces diversity and inclusion, recognizing the valuable contributions of each of our faculty, staff, and students. Our individual differences lend us a collective strength that also serves as an expression of our values and beliefs. We value every member of our community not in spite of but because of our differences in age, color, creed, education, ethnicity, gender expression, national origin, physical and cognitive ability, race, sex, sexual orientation, socioeconomic class, and veteran status.

The Dean of Students, pursuant to the authority of UWG Policy 3.8, establishes the following procedure on Bullying Involving Students:

A. Definitions

1. ***Bullying*** - the intentional use of words (written or spoken), or a physical act, that a reasonable person would perceive as being intended to threaten, harass, or intimidate, if the words or actions:
 - a. Cause a person to experience substantial or "***Visible Physical Harm***";
 - b. Substantially interfere with a person's education or ability to work; or
 - c. Are so severe, persistent, or pervasive that they create a "***Harassing and Intimidating***" learning or work environment.

A student may be charged under this procedure for "***Bullying***" if the conduct is directed at an employee or student.

2. ***Cyberbullying*** - through the use of an "***Electronic Communication Device***" or other means, a person contacts a person without consent or places a person under surveillance, including electronic surveillance, /or *the express purpose of "Harassing and Intimidating" the person.* This procedure is not intended to replace or preclude the application of any portion of Georgia's Criminal Code as it relates to electronic communications.

A student may be charged under this procedure for "***Cyberbullying***" if the conduct is directed at an employee or student.

3. ***Electronic Communication Device*** - phone, text message, instant message, email, social networking site posting, or other similar means
4. ***Harassing and Intimidating*** - knowing and willful course of conduct directed at a person that:
 - a. establishes a pattern of behavior that serves no legitimate purpose, and
 - b. causes emotional distress by placing the person in reasonable fear for his or her own safety or the safety of an immediate family member

A student may be charged under this procedure for "***Harassing and Intimidating***" if the conduct is directed at an employee or student.

5. ***Harassment*** - for the purposes of this procedure, a threat of harm, whether physical, verbal, oral or written, which is beyond the bounds of protected speech, directed at a specific person, and is so severe, pervasive, and objectively offensive that it denies or limits that person's ability to work or to participate in, or benefit from, an educational program or activity.

A student may be charged under this procedure for "**Harassment**" if the conduct is directed at an employee or student.

6. **Stalking** - for the purposes of this procedure, a person is "**Stalking**" when he or she follows, places under surveillance, or contacts a person without the consent of the person for the purpose of "**Harassing and Intimidating**" the person. This procedure is not intended to replace or preclude the application of O.C.G.A. § 16-5-90 and 16-5-91, or any other portion of Georgia's Criminal Code. A student may be charged under this procedure for "**Stalking**" if the conduct is directed at an employee or student.
7. **Student Conduct Board**- the adjudicative board established by the Student Code of Conduct to hear disciplinary actions against students
8. **Visible Bodily Harm** - may include, but is not limited to:
 - a. Substantially blackened eyes;
 - b. Substantially swollen lips or other facial or body parts;
 - c. Substantial bruises to body parts

B. Reporting Incidents of Bullying

Incidents may be reported to any of the following individuals:

- **Social Equity Officer and Title IX Coordinator**
Aycock Hall, Room 112
678-839-5344
- **Chief Human Resources Officer and Title IX Deputy Coordinator for Faculty, Staff and Visitors**
Aycock Hall, Room 112
678-839-6424
- **Dean of Students and Title IX Deputy Coordinator for Students**
Campus Center
678-839-4729
- **Ombuds Office**
Strozier Hall, Room 218
678-839-4165
- **University Police** - 678-839-6000
- Report using our anonymous online form ("Incident Report" at www.westga.edu/UWGCares)

Please note that reporting to employee supervisors, faculty, or other resources than those listed above may delay proper processing of your concerns as the above positions are better trained to recognize potential violations of this procedure.

C. Penalties

1. **Students**. Students that violate the policy by engaging in words or actions that meet the definitions of stalking, bullying, harassment, or cyberbullying will be:
 - a. Assessed for levels of imminent threat of danger. Students that are classified as a high threat will automatically be suspended.
 - b. The student will then be recommended through the Student Conduct Process. If there is a sufficient amount of evidence against the student, the student will be summoned for a preconference where he or she can review the evidence against them. The student will then be able to choose from an informal hearing (held by an administrator) or a formal hearing (held by the Student Conduct Board).

2. Employees. Employees that engage in bullying against a student will be subject to applicable disciplinary actions, including and up to dismissal or termination, depending upon the severity of the actions that constitute bullying. *NOTE:* Behavior that may constitute bullying under this procedure, when it is against an employee by another employee will not be considered under this procedure, but under other procedures or standards established for employee conduct.