



MGA

STUDENT CODE OF CONDUCT

The Student Code of Conduct is subject to change without notice. The latest version of the Code is available online at <http://www.mga.edu/student-affairs>.

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INTRODUCTION

Board of Regents Policy 4.6.5 establishes minimum procedural standards for investigations and resolutions of alleged student conduct violations, which each institution must incorporate into its respective student conduct policies. These procedures apply to matters relating to student misconduct, except matters related to sexual misconduct which is covered under separate institution policies. As a part of orientation, institutions shall inform students of their procedures governing student misconduct complaints and investigations.

Middle Georgia State University has established standards of conduct that are compatible with the academic mission of the institution. An educational approach to infractions of the student code of conduct is employed whenever possible.

Laws, statutes, and regulations at the national, state, and local levels grant public institutions the authority to establish standards reasonably relevant to the lawful missions, processes, and functions of the institution. Such standards are not intended to prohibit the exercise of a right guaranteed by the Constitution or a law of the United States to a member of the academic community.

Standards may apply to student behavior on and off the campus when relevant to any lawful mission, process, or function of the institution. The institution may prohibit any action or omission, which impairs, interferes with, or obstructs the missions, processes, and functions of the institution.

Institutional standards may require scholastic attainments higher than the average of the population and may require superior ethical and moral behavior. In establishing standards of behavior, institutions are not limited to the standards or the forms of criminal laws. ["General Order on Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax-Supported Institutions of Higher Education," 45 F.R.D. 133/145 (W.D. Mo.1968)].

The acceptance of these responsibilities is a prerequisite for enrollment at Middle Georgia State University. It is the responsibility of each student to know and understand the expectations and the established rules of conduct. Lack of awareness is not recognized as a legitimate reason for failure to comply.

Violators may be accountable to both civil and criminal authorities and to the University for acts of misconduct, which constitute violations of this Code. The Code is not intended to replace federal, state, or local legal activities. The University will decide whether to proceed with action before, during, after, or simultaneously with any legal proceedings. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant. An action involving the student in a legal proceeding does not free the student of responsibility from participation in a University proceeding. Sanctions may be imposed for acts of misconduct that occur on University property or at any University-sponsored activity. As further prescribed in these rules, off-campus conduct may be subject to student conduct adjudication.

Student conduct policies and procedures at the University are set forth in writing in order to give students general notice of prohibited conduct. The policies and procedures should be read broadly and are not designed to define misconduct in exhaustive terms.

Middle Georgia State University, an institution of the University System of Georgia (USG), expects students to adhere to USG policies and other Middle Georgia State policies as outlined in the Student Handbook. All Middle Georgia State University regulations must be compliant with the policies of the Board of Regents.

The Student Code of Conduct consists of Part I: Definitions, Part II: Responsibilities and Part III: Student Conduct Procedures and Student Rights.

PART I: DEFINITIONS

1. The term “institution” or “university” refers to “Middle Georgia State University”.
2. The term “student” includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered “students” as are persons who are living in University residence halls. This Student Code of Conduct does apply at all locations of the University.
3. The term “faculty member” means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
4. The term “University official” includes any person employed by the University, performing assigned administrative or professional responsibilities.
5. The term “member of the University community” includes any person who is a student, faculty member, University official, or any other person employed by the University. A person’s status in a particular situation shall be determined by the Chief Student Conduct Officer.
6. The term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks).
7. The term “Recognized Student Organization” or “RSO” means any number of persons who have complied with the formal requirements for the University’s recognized student organizations process.
8. The term “Student Conduct Board” means any person or persons authorized by the University, upon recommendation of the Executive Committee of the Senate, to determine whether a student has or has not violated the Student Code of Conduct and to recommend sanctions that may be imposed when a violation has been committed. Student Conduct Board panels shall be comprised of one faculty member, one staff member, and one student.
9. The term “Student Conduct Officer” means a University official authorized on a case-by-case basis by the President to impose sanctions upon any student(s) found to have violated the Student Code of Conduct. The President may authorize a Student Conduct Officer to serve simultaneously as a Student Conduct Officer and the sole member or one of the members of the Student Conduct Board. The President may authorize the same Student Conduct Officer to impose sanctions in all cases.
10. The term “Appeals Board” means any person or persons authorized by the University President to consider an appeal from a Student Conduct Board’s determination as to whether a student has violated the Student Code of Conduct or from the sanctions imposed by the Student Conduct Officer. Appeals Boards shall be comprised of one faculty member, one staff member and one student member of the approved Student Conduct board
11. The term “shall” is used in the imperative sense.
12. The term “may” is used in the permissive sense.
13. The “Chief Student Conduct Officer” is that person designated by the University President to be responsible for the administration of the Student Code of Conduct.
14. The term “policy” means the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Residence Life handbook, Student handbook, the University web page and computer use policy, and Undergraduate and Graduate Catalogs.
15. The term “cheating” includes but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff; (4) engaging in behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
16. The term “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 acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
17. The term “stalking” means persistent and unwelcomed contact, communication, and/or observation.
18. The term “Complainant” means any person who submits a charge alleging that a student violated this Student Code of Conduct. When a student believes that he/she has been a victim of another student’s misconduct, the student who believes he/she has been a victim will have the same rights under this Student Code of Conduct as are provided to the Complainant, even if another member of the University community submitted the charge itself.
19. The term “Accused Student” means any student accused of violating this Student Code of Conduct.

PART II: RESPONSIBILITIES

Scholars may debate whether or not there was an actual written Code of Chivalry. However, there are some basic tenets that most agree were a part of the Code: **Courtesy, Honesty, Valor, Honor, and Generosity.**

With the Knight as the University's mascot, those same tenets can be seen in the responsibilities that Middle Georgia State University students accept as a part of the learning community. In fact, **the primary expectations of all Middle Georgia State University students are integrity and civility.** Each student should approach his/her academic endeavors, relationships and personal responsibilities with a strong commitment to personal integrity and interpersonal civility. These responsibilities apply collectively to members of recognized student organizations. These responsibilities are:

1. Individuals will fulfill their academic responsibilities in an honest and forthright manner.

Examples of prohibited behavior include but are not limited to:

- a. plagiarizing another's work (as defined in Part I, number 16 of this Code);
- b. submitting course assignments that are not your own;
- c. submitting the same paper in different classes without prior approval from both instructors;
- d. cheating (as defined in Part I, number 15 of this Code);
- e. acquiring or using test materials without faculty knowledge;
- f. accessing any information, resource, and/or means of communication during an exam or assignment without specific authorization from the professor;
- g. failing to follow class policy;
- h. obtaining academic benefits through computer fraud or unauthorized access;
- i. engaging in academic fraud alone or with others;
- j. using Internet material without proper citation;
- k. illicitly attempting to influence grading;
- l. failing to abide by test-taking procedures.

2. Individuals will respect and foster the academic endeavors of other members of the University community.

Examples of prohibited behavior include but are not limited to:

- a. harassing a member of the University's faculty;
- b. disrupting teaching or research;
- c. creating excessive noise that disrupts classes, studying, or University activities;
- d. other activities that seriously disrupt learning.

3. Individuals will protect and support the personal safety of all members of the University community.

Examples of prohibited behavior include but are not limited to:

- a. sexual assault,
- b. sexual contact without expressed permission;
- c. indecent exposure;
- d. stalking (as defined in Part I, number 17 of this Code);
- e. threatening with a weapon;
- f. fighting;
- g. battery;
- h. physical violence;
- i. unsolicited physical contact with another person;
- j. endangering the health or safety of another person;
- k. Actions taken with disregard for the harm that may ensue.
- l. *Middle Georgia State University observes a strict policy with regard to acts of physical violence. Any person perpetrating an act of physical violence is automatically subject to the severest penalty provided in the "Student Conduct Sanctions" section of this Code.*

4. Individuals will respect other members of the University community.

Examples of prohibited behavior include but are not limited to:

- a. disruptive noise;
- b. terroristic threats;
- c. sexual harassment;
- d. verbal or written intimidation;
- e. verbal or written harassment;
- f. e-mail or telephone harassment;
- g. harassment based on group membership;
- h. falsely accusing another;
- i. verbal abuse – beyond a reasonable statement of opinion -- that may cause humiliation or stress to another;
- j. hazing (defined as mandating undesirable activities, a pattern of banter, ridicule, and/or criticism and/or the use of humiliation, as a form of initiation);
- k. calumny (making false statements with the intent to harm another);
- l. slander;
- m. any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his or her prior knowledge, or without his or her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, residence hall, or restroom;
- n. actions that unduly interfere with another student's right to learn and participate.

5. Individuals will show regard for the property of the University, its community members, and visitors to the campus.

Examples of prohibited behavior include but are not limited to:

- a. vandalism;
- b. destruction of property;
- c. theft, and/or acting fraudulently to obtain goods, services, or funds from University departments, student organizations, or individuals;
- d. using one's leadership position for personal gain;
- e. misuse and/or wrongful use of University facilities, equipment;
- f. failure to comply with policies regarding timely return of materials or equipment checked out or on loan to the student;
- g. wrongful sale or use of another's property;
- h. knowingly possessing or using stolen property;
- i. failure to report knowledge of an infraction;
- j. unauthorized possession or duplication of a University key(s) or key card(s);
- k. trespassing, or entering a room, office, building or other university premises, without expressed or written permission by a university official.
- l. providing a key or key card to another person without proper authorization;
- m. not reporting a crime committed on campus.

6. Individuals will respect the integrity of the University's academic and administrative records.

Examples of prohibited behavior include but are not limited to acting alone or with others to:

- a. misrepresent academic status, performance, awards, or graduation material;
- b. omit material from or manipulate records;
- c. falsify a signature;
- d. falsify, alter, steal, or destroy University documents;
- e. alter, forge, or misuse University academic records;
- f. obtain grades, course access, awards, or endorsements dishonestly;
- g. commit computer fraud.

7. Individuals will contribute to a safe environment within the University community.

Examples of prohibited behavior include but are not limited to:

- a. possession of weapons, incendiary devices, or explosives;
- b. possession of articles or substances that are used as weapons or simulated weapons unless prior authorization is received from the Chief of Police;
- c. misuse of University keys or keycards;
- d. willful failure to identify or false identification of oneself or one's guest(s);

- e. failure to assume responsibility for the actions of one's guest(s);
- f. misuse or damage of firefighting, safety, or other emergency equipment;
- g. interference in the provision of emergency services;
- h. failure to comply with appropriate requests from Campus Police, University Security or University staff members;
- i. intoxication that disrupts other individuals or the University's activities/administrative responsibilities;
- j. failure to comply with restriction from areas on campus.
- k. Students may not participate in any activity that could cause harm to themselves or others.

8. Individuals will adhere to federal, state, local, State University Board, and University law/regulations that govern individual actions and relationships among community members.

Examples of prohibited behavior include but are not limited to:

- a. physical assault;
- b. unauthorized possession of alcohol;
- c. possession, sale, or distribution of illegal substances;
- d. violation of University, school or department regulations, i.e. Drug-Free Campus policy; Residence Life Handbook; parking regulations;
- e. violation of University e-mail or computer usage policy;
- f. violation of any University or Board of Regents' policy;
- g. violations of laws.

9. Individuals will assist the University in fulfilling its administrative responsibilities.

Examples of prohibited behavior include but are not limited to:

- a. retaliation towards an individual for involvement in a University activity;
- b. disruption of programmatic, administrative, or public service activities of the University;
- c. harassment of University staff (including student staff);
- d. submission of a false or purposely incomplete statement/report;
- e. misuse, alteration, or transference to another person of the Student Identification Card;
- f. failure to appear, in response to a proper summons, when requested to do so by a University official;
- g. disruption of student conduct procedures and/or investigations;
- h. dishonesty as part of a University hearing;
- i. misuse of one's position within the University;
- j. failure to comply with sanctions from a student conduct adjudication and/or hearing.

PART III: STUDENT CONDUCT PROCEDURES AND STUDENT RIGHTS

The purpose of this policy is to establish student conduct procedures to guide the fair and uniform enforcement of the Responsibilities listed in Part II. These procedures are applicable to any student or student organization when charged with a violation of the Responsibilities. These procedures allow for fact finding and decision making in the context of an educational community and encourage students to accept responsibility for their own actions. The intent is to provide adequate procedural safeguards to protect the rights of the individual student and the legitimate interests of the University.

JURISDICTION

All students are members of the University community. The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community and will address all violations of the Student Code of Conduct that occur on University premises. Students, faculty, staff and individuals not associated with the University may submit complaints regarding alleged violations that may have occurred on campus or off campus for review and action by the University. All complaints of alleged violation of the Student Code of Conduct shall be made in writing to the Student Conduct Officer.

The University may initiate student conduct proceedings for off-campus incidents when:

1. Hazing is involved. Hazing is defined as an act which endangers the mental or physical health or safety of a person, subjects a person to public humiliation or ridicule, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership; or
2. The violation is committed while:
 - a. Participating in a University-sanctioned or sponsored activity; or
 - b. The victim of the violation is a member of the University community; or
 - c. The violation constitutes a felony under state or federal law; or
 - d. The violation adversely affects the educational, research, or service function of the University.

FAILURE TO COMPLY

Failure to comply/respond as directed by the Student Conduct Board, a Student Conduct Officer, or the Assistant Vice President of Student Affairs on any matter including, but not limited to, a request to meet concerning an issue or a notice concerning or alleging a violation of the Student Code of Conduct may result in the immediate placement of a hold on the involved student's records.

Further, sanctions up to and including suspension or expulsion may be imposed in the student's absence should the student fail or refuse to comply/respond. Failure to comply with sanctions imposed by the Student Conduct Board, a Student Conduct Officer, or the Assistant Vice President of Student Affairs will be a further violation of the Student Code of Conduct.

CONFLICT RESOLUTION AND MEDIATION (CR)

The purpose of Middle Georgia State University's Conflict Resolution (CR) process is to assist in the resolution of disputes at their lowest level whenever possible. Conflict in an academic environment is a natural phenomenon, but constructive (i.e. less adversarial, more collaborative) methods of conflict resolution are sometimes difficult.

Campus Mediation Process

If you believe that you have a dispute which remains unresolved after your own attempts to resolve the matter, you might consider contacting the Office of Student Affairs. The Assistant Vice President for Student Affairs or designee will screen your issue to determine if mediation is the proper course of action.

If mediation might help remedy the situation, then the Office of Student Affairs will refer the conflicting parties to a trained mediator on campus.

The mediator will meet with the conflicting parties to discuss the dispute and facilitate the discussion. A trained mediator helps people examine their situation in terms of personal needs and interests. Disputants reach their own resolution (a fair, equitable, and workable agreement that satisfies everyone); it is not one mandated by the mediator. Should the mediation fail to reach an acceptable resolution, either party may next proceed to utilize one of the existing complaint, grievance, or legal procedures for redress.

Campus Mediation is not appropriate for grade disputes.

Detailed information about the University's Conflict Resolution Program is available at http://www.mga.edu/student-affairs/docs/conflict_resolution.pdf

INITIATION AND EVALUATION OF COMPLAINT OF ALLEGED VIOLATION

Regardless of how an institution becomes aware of misconduct, it 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 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 a student should be brought.

Throughout any investigation and resolution proceedings, the charged student shall receive notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent during the investigation and resolution process, without an adverse inference resulting. If the student chooses to remain silent, the investigation may still proceed and policy violation charges may still result, and may be resolved against the student. Further, unrelated charges and cases shall be investigated separately, unless the charged student consents to having them aggregated.

1. Complaint of alleged violations shall be submitted in writing to the Office of Student Affairs and should include as much of the following information as possible:
 - a. Type of alleged violation
 - b. Name and ID number of the person alleged with the violation
 - c. Date(s), Time(s), and Location(s) of the alleged violation
 - d. Name(s) and contact information of any individual(s) with knowledge of the incident
 - e. Whether any supporting evidence or documentation of the violation has been preserved
 - f. Whether a criminal complaint has been made in relation to the incident.
2. Complaints must be submitted within fifteen (15) University business days after detection of an alleged violation unless special conditions for delay can be documented.
3. In instances where the charges are disputed, the Student Conduct Officer or Student Conduct Investigator will make an initial determination as to whether there is sufficient basis to believe that a violation of the Code of Conduct may have occurred. The Student Conduct Officer or Investigator will interview the complainant and/or witnesses or to request additional information from the complainant.
 - a. The need to issue a broader warning to the community in compliance with the Clery Act shall be assessed, in conjunction with appropriate University offices, in compliance with federal law.
4. Where the complaint is related to academic misconduct, **Procedures for Adjudication of Academic Misconduct** will be followed.
5. Where the alleged misconduct is related to discrimination or harassment, the Student Conduct Officer will consult with the Affirmative Action Officer to determine whether an affirmative action investigation is warranted.
6. In cases of non-academic infractions and when it is determined that sufficient evidence exists to warrant charges of a violation, the Student Conduct Officer will arrange a meeting (preliminary conference) with the student charged with an alleged violation.
 - a. At this preliminary conference, the student will be provided with the following:
 - i. A written explanation of the charges;
 - ii. Review of the evidence on which charges are based and names of all witnesses;
 - iii. A review of all due process rights and student conduct procedures;
 - iv. An opportunity to review charges, evidence and proposed sanction, to respond to the charges and to select from Adjudication Options.
 - b. A request for a Student Conduct Board hearing will be scheduled within ten (10) University business days of the request.
 - i. In cases where the potential sanction may involve a suspension or expulsion (even if such sanctions are to be held "in abeyance" (temporary halt or inactivity), the University shall follow the guidelines for "Procedures for Alleged Violations Involving Suspension or Expulsion" as noted below.
 - c. The student charged with the alleged violation shall advise the Student Conduct Officer within one (1) University business day (Monday-Friday) of the preliminary conference of his/her plea and choice of adjudication options, if applicable.
7. **Confidentiality** – Where a complainant or alleged victim requests that his or her identity be withheld or the allegation(s) not be investigated, the Student Conduct Officer (in coordination with other institutional offices) will consider whether or not such a request can be honored while still providing a safe and nondiscriminatory institutional environment. The University generally cannot guarantee confidentiality. Further, by honoring a request for confidentiality, both the University's ability to respond fully to the complaint and the University's ability to appropriately adjudicate the charged student, may be limited.

8. **Retaliation** - Anyone who, in good faith, reports what he or she believes to be a violation of the Code of Conduct, or who participates or cooperates in, or is otherwise associated with any student conduct 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 a student conduct investigation should immediately contact the Vice President of Student Affairs. Any person found to be engaged in retaliation in violation of the student conduct policy shall be subject to student conduct action.
9. **False Complaints** - Individuals who intentionally give false statements to a University official, or who submit false complaints or accusations, including during a hearing, shall be subject to student conduct action.
10. **Amnesty** – Individuals are encouraged to come forward and to report student misconduct and/or alleged violations of the Code of Conduct, notwithstanding their choice to consume alcohol or to use drugs. Information reported in good faith by an individual during an investigation concerning use of drugs or alcohol will not be used against that individual in a student conduct proceeding and will not be voluntarily reported to law enforcement; however, individuals may be provided with resources on drug and alcohol counseling and/or education, as appropriate.
11. Not all matters covered under this policy will necessarily involve alleged victims; however, where they are involved, it should be noted that a complainant will not always be the alleged victim but instead may be a third-party witness. The University may respond to issues raised by third-party complainants (such as referrals by police) or discovered by staff or through its own investigation.

PROCEDURES FOR ALLEGED VIOLATIONS INVOLVING SUSPENSION OR EXPULSION

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 these additional, minimum safeguards:

1. The charged student shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice shall also include the identity of any investigator(s) involved. Notice shall be provided via University email. Where applicable, a copy shall also be provided to any and all alleged victims via the same means.
2. Upon receipt of the written notice, the charged student shall have three (3) University business days to respond in writing. In that response, the charged student shall have the right to admit or deny the allegations, and to set forth a defense with facts, witnesses, and documents – either written or electronic – in support. A non-response will be considered a general denial of the alleged misconduct.
3. Based on this response, the investigation shall consist of interviews of the charged student, any alleged victims (where applicable) and witnesses, and the collection and review of documents or other physical or electronic information, as well as other steps as appropriate. The investigator should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any proffered witnesses not interviewed, along with a brief, written explanation.
4. The investigation shall be summarized in writing in an initial investigation report and provided to the charged student and any alleged victims (where applicable) in person or via email. This summary 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.
5. To the extent the student is ultimately charged with any violation, he or she shall also have the opportunity to respond in writing. The charged student’s written response to the charge(s) shall be due within three (3) University business days from the date of the initial investigation report. The charged student’s written response should outline his or her acceptance or denial in response to the charge(s), and where applicable, his or her defense(s), and the facts, witnesses, and documents – whether written or electronic – in support. A nonresponse to the charge(s) by the charged student will be interpreted as a denial of the charge(s).
6. The investigator shall conduct further investigation and update the investigative report as warranted by the charged student’s response.
7. A copy of the final investigative report will be provided to charged student and any alleged victims before any hearing. The final investigative report will be provided to the Student Conduct Board panel or hearing officer during the 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.

PROCEDURES FOR ADJUDICATING CASES OF ACADEMIC MISCONDUCT

Academic misconduct strikes at the heart of the educational process. Faculty members have the right and responsibility to demand honesty in all academic pursuits and to report all cases of academic misconduct to the Student Conduct Officer. This process protects the academic integrity of the institution and guarantees that the due process rights of all students are protected. Students accused of academic misconduct have the right to have their case heard in a fair and impartial manner with all the safeguards available within the documented and approved student conduct processes. The following

procedures are designed to adjudicate situations involving alleged academic misconduct, recognizing the interest of each of the parties involved:

1. When an instructor suspects that a case for academic misconduct might be made, he or she should immediately contact the Office of Student Affairs, who will advise the instructor of the appropriate next course of action.
2. If there is evidence sufficient to warrant a charge, the following steps will occur:
 - a. The instructor will be the first to attempt to adjudicate the case by presenting the evidence (Student Infraction Form and all supporting documents) to the student. When presented with charges by the instructor, the student will:
 - i. accept responsibility for the charge(s) and allow the instructor to levy a sanction (consistent with the course syllabus), or
 - ii. deny the charge(s) and request a meeting with a Student Conduct Officer, who will discuss options related to a formal investigation and hearing, as explained later in this section.
 - b. After the above steps have been completed, the instructor will forward all materials to the Office of Student Affairs for further adjudication of the case. Student conduct proceedings in accordance with the Hearing Process as defined later in this section will apply, if the student denies the charges and requests a formal hearing.
 - c. In cases adjudicated by an instructor when the student admits responsibility, all materials will be forwarded to the Office of Student Affairs for inclusion in the student's conduct file and the student conduct database.
3. Upon a finding or acceptance of responsibility, the following sanction will be imposed:
 - a. If the instructor has published a minimum academic sanction for academic dishonesty in the course or in a written syllabus or other document distributed to members of the class, this minimum sanction will be followed.
 - b. In the absence of a published minimum sanction, the student will receive, at a minimum, a grade of zero for the work involved.
4. In addition to the sanction of the instructor or hearing body, for a first offense, a period of "Student Conduct Probation" (see Sanctions) may be imposed by the Student Conduct Officer.
5. If a student is found responsible for academic misconduct as a second offense, the minimum sanction will be:
 - a. A minimum grade of "F" in the course
 - b. Student Conduct Probation for a defined period of time, by the Student Conduct Officer.
6. If a student is found responsible for academic misconduct after a second offense, the minimum sanction will be:
 - a. A minimum grade of "F" in the course
 - b. Suspension from the University for a defined period of time, not to exceed two (2) full academic semesters, may be added at the discretion of the Student Conduct Officer and/or the hearing body.
 - c. Other sanctions greater than those listed may be recommended to the Provost/Vice President of Academic Affairs, or his/her designee, for further actions.
7. If a student is found not responsible of academic misconduct, the hearing body will refer the paper, assignment, or test to the appropriate department head/school dean who will facilitate a resolution concerning a fair grade for the work in question.

PROCEDURES FOR ADJUDICATING CASES INVOLVING RECOGNIZED STUDENT ORGANIZATIONS (RSOs)

Should a complaint be filed against an RSO, a Student Conduct Officer will conduct an investigation, a hearing, if necessary, and the Vice President of Student Affairs, may impose the following sanctions, if necessary:

1. Cancellation of recognized status,
2. Imposition of monetary fines, withholding or withdrawal of allocated COA funds and or Dues Account funds,
3. Imposition of restitution for damages,
4. Removal of any of the RSO's officers or members from the RSO or its activities,
5. Restriction of any of the privileges or rights enjoyed by the RSO.

An RSO may appeal any finding and/or sanction imposed provided relevant grounds for appeal are cited. See Appeal Procedures, 2b. Written notification of the decision to appeal and the grounds for appeal must be received by the Student

Conduct Officer within two (2) University business days after the original decision is communicated to the RSO. The Student Conduct Officer will convene an Appeals Board not involved with the original hearing. Appeal proceedings will begin within five University business days of the receipt of the written notification from the student. The Student Conduct Officer will be responsible for notifying the RSO of the outcome of the appeal within two (2) University business days of the conclusion of the appeal proceedings. This is the final appeal at the institutional level.

The right of provisional organizations to operate may be revoked upon an adverse finding by the Student Conduct Officer, in conjunction with the Director of Student Life. In cases of revocation of provisional status, there is no institutional appeal of the decision.

DUE PROCESS AND STUDENT RIGHTS

When a student is charged with violating the rules and regulations of the University, disposition of the case will be according to the Constitutional requirements of due process. These rights include entitlement to:

1. A written copy of the charge(s).
2. A fair and impartial hearing.
3. Know the nature of the evidence against them and names of witnesses scheduled to appear.
4. Present evidence and witnesses in their behalf. Statements from character witnesses will be accepted only in instances in which the individual(s) providing the information was present during the event(s) in question and/or has direct knowledge of the event(s) in question
5. Be accompanied at a hearing by an advisor. The accused student shall have the right to use an advisor (including 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, or guidance on responses to any questions of the advisee, but the advisor shall not participate directly. The advisor cannot actively participate in the hearing or ask questions of the witnesses or the hearing body. The advisor's role is to advise the student and observe the proceedings.

In addition to an advisor, the accused student may request the presence of up to two (2) family members during the investigatory and/or resolution process. Family members shall be expected to behave in the same manner as the advisor, as noted above.

Similarly, the complainant may also be accompanied by an advisor, who shall also be expected to behave in the manner outlined above.

6. Be present at the hearing during the presentation of any evidence or material on which a decision will be made. If the student fails to attend the hearing, the hearing will be held in the student's absence.
7. Remain silent and refrain from answering questions without inference of guilt.
8. Submit questions for witnesses to the Student Conduct Officer, who, in cases involving adjudication by the Student Conduct Board hearing panel serves as Chairperson of the panel. The Chairperson will determine if the charged student's questions are appropriate and if the charged student's questions will be posed verbally or in writing.
9. An audio recording of the hearing will be made by the Chairperson of the hearing panel. The deliberation/sanctioning phase of the proceeding will not be taped. The charged student will be provided, upon request, a copy of the hearing recording. Written transcripts of the hearing will not be available.
10. A decision based solely on the evidence presented.
11. A written notice of the results of the hearing and an explanation of the decision and sanction assessment. If a student is found not to be in violation of the charge(s), all related documents and records will be destroyed.
12. Appeal the finding and/or sanction.

ADJUDICATION OPTIONS

The Student Conduct Officer will present the student charged with violation(s) of the Student Code of Conduct with a written document describing the charges filed against him/her. The student will respond in one of the following ways to each charge:

1. Admission of responsibility for the violation(s) and waive the right to a hearing and an appeal. The Student Conduct Officer will determine appropriate sanction(s).
2. Denial of responsibility for the charge(s) and request a hearing.

METHODS OF ADJUDICATION

1. **Student Conduct Board panel hearing.**
 - a. Members of the Board will serve as a panel for resolving alleged Student Code of Conduct infractions involving students. Each Student Conduct Board panel will be composed of three (3) voting members: one (1) faculty member, one (1) staff member, and one (1) student member.
 - b. The Student Conduct Officer serves as non-voting Chairperson of the hearing panel. It is the responsibility of the Student Conduct Officer to provide orientation and support for the hearing body.
 - i. Per BOR Policy 4.6.5.2, the individual(s) tasked with investigating allegations of student misconduct shall not be directly responsible for training student conduct panel/board members of appellate body members. Training shall follow BOR recommendations and be conducted with an approved trainer from outside the University community.
2. **Administrative Hearing**
 - a. Academic Misconduct - The Vice President of Student Affairs, an ex officio member of the Student Conduct Board, shall serve as the hearing body for all academic misconduct cases in which there is a recommendation for sanctions or expulsions that exceed two (2) full academic semesters and those cases in which suspension or expulsion are involved when the accused student has not requested a hearing by a panel in a timely manner.
 - b. Behavioral Misconduct – The Vice President of Student Affairs will serve as the hearing body for all behavioral misconduct cases in which the possible sanctions of suspension or expulsion are not involved and for cases involving suspension or expulsion when the charged student does not request a hearing by a panel of the Student Conduct Board in a timely manner.
 - i. Prior to imposition of any sanction involving a student grade, the Vice President of Student Affairs, or his/her duly appointed designee, shall consult with the Provost or his/her duly appointed designee.

ABSENCE OF ACCUSED OR LACK OF COOPERATION

If the student is absent from the University community while a student conduct case is pending or if a student declines to participate in the student conduct process, the student is not absolved of responsibility.

Students who have been properly notified of a scheduled hearing, and who fail to appear at the hearing after proper notice has been given, will have their cases adjudicated in absentia at the scheduled hearing time and will be bound by the findings.

NOTIFICATION

In all cases relative to written notification of students, such notification will be considered complete once a message has been sent to the student's University e-mail address contained in the Banner Student Information System. Notification may be sent to the student's mailing address, upon request.

THE HEARING PROCESS/RESOLUTION

In no case shall a hearing to resolve charge(s) of student misconduct take place before the investigative report has been finalized or before the charged student has had an opportunity to respond in writing, unless the charged student has chosen to go through an informal process or otherwise provided a written waiver of rights to these procedures. Further, unrelated charges and/or cases shall be heard separately unless the charged student voluntarily consents to the charges/cases being heard jointly.

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

The focus of the Hearing Process in student conduct proceedings shall be determining the responsibility of those accused of violating the Student Code of Conduct. Hearings are not open to observers. Decisions shall be based upon the preponderance of all available evidence in each case. This means the evidence does not have to be enough to free the mind from a reasonable doubt but must be sufficient to incline a reasonable and impartial mind to one side of the issue rather than to the other. However, any decision to suspend or expel a student must also be supported by substantial evidence during the hearing. Student Conduct Board hearings are not legalistic proceedings and formal rules of evidence do not apply to the investigatory or hearing/resolution process.

Additionally, the following standards will apply to any such hearing:

1. If an accused student denies responsibility for alleged violation(s), and where a case is not or cannot be resolved through mediation, the charged student shall have the option of having the charge(s) heard either by an administrator (hearing officer) or a student conduct panel. The hearing will be scheduled within ten (10) University business days after the accused student requests it and a written notice of the date, time, and location of the hearing, shall be provided to the charged student and any alleged victim (where applicable) at least five (5) business days prior to the hearing. Notice of the hearing shall be provided via institutional email, and/or alternative method, as necessary. Hearings will be held during normal University business hours on the Cochran or Macon campuses. The charged student may request, in writing, a continuance from the Student Conduct Officer if circumstances are such that a delay is warranted. The charged student will be notified, in writing, of the date, time, and location of the rescheduled hearing.

The Student Conduct Officer will serve as nonvoting Chairperson of the Student Conduct Board hearing panels and members of the Student Conduct Board hearing panel will be selected based on availability. All procedural questions are subject to the final decision of the Student Conduct Officer.

2. The Complainant or alleged victim(s) has the right to be informed of these hearing procedures and the right to be present throughout the presentation of witnesses and evidence. The Student Conduct Officer will inform the Complainant of these rights prior to the hearing.

The records of the student conduct process and of the sanctions imposed, if any, shall be considered to be the education records of both the Complainant and the accused student(s) because the educational career and chances of success in the academic community of each may be impacted.

3. The accused student will enter a plea to the charge(s) before the hearing body.

4. The Student Conduct Officer will remind the accused student and each witness present of the importance of providing truthful and accurate information during the hearing process. If a witness fails to tell the truth during student conduct proceedings, additional student conduct action may result.

5. At the hearing, the Student Conduct Officer will present the evidence and facts of the case to the hearing body. The Student Conduct Officer will present witnesses in support of the case against the accused student.

6. The hearing body may question all witnesses or ask for clarification from the Student Conduct Officer or any witness.

7. The accused student may submit questions for witnesses to the Student Conduct Officer. The Student Conduct Officer will direct appropriate questions to the witnesses. The Student Conduct Officer will determine if the accused student's questions are appropriate and if the accused student's questions will be posed verbally or in writing.

8. When the case against the accused student has been presented, opportunity will be given for the accused student to make a statement regarding the alleged violations. The hearing body or the Student Conduct Officer may question the accused student if he or she chooses to make a statement.

9. The charged student shall have the right to present witnesses and evidence to the hearing officer or panel, as well as to ask questions of any witnesses. At the determination of the hearing officer or panel, this questioning may take place through the submission of written questions to the hearing officer or panel for consideration; however, the parties' advisors may still actively advise and assist in drafting those questions. The hearing officer or 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 charged student. In any event, the hearing officer or panel shall err on the side of asking all submitted questions, and must document the reason for not asking any particular question(s).

Statements from character witnesses will be accepted only in instances in which the individual(s) providing the information was present during the event(s) in question and/or has direct knowledge of the event(s) in question.

10. 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 office or panel must determine 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 said testimony.

11. The accused student will have an opportunity to make a statement at the conclusion of the hearing process. This closing statement by the accused student will precede the closing statement of the Student Conduct Officer.

12. The hearing body may recall any witness after testimony, if clarification is needed.

13. At the conclusion of the hearing, the Student Conduct Officer will call for adjournment.

14. Concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, the accused student, and/or other witness during the hearing may be accommodated by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of Student Conduct Officer to be appropriate.

FINDINGS OF THE HEARING BODY

After hearing both sides of the case, the hearing body will, in a closed session, deliberate and reach a decision regarding the responsibility of the accused student for violation of the Student Code of Conduct.

In cases heard by a Student Conduct Board panel, a majority vote is necessary to reach a decision regardless of the quorum.

ACADEMIC MISCONDUCT

- A. Upon finding a student responsible for an academic violation of the Student Code of Conduct, the following sanction shall be imposed:
 - a. If the instructor has published a minimum sanction for academic dishonesty in the course or in a written syllabus or other document distributed to members of the class, this minimum sanction shall be followed.
 - b. In the absence of a published minimum sanction, the student shall receive, at a minimum, a grade of zero for the work involved.
 - c. A higher sanction, not limited to the grade of "F" for the course, may be entered at the discretion of the hearing body.
 - d. In addition to the sanction of the instructor or hearing body, the additional sanction of Student Conduct Probation may also be imposed.
- B. If a student is found responsible for academic misconduct as a second offense, the minimum sanction will be:
 - a. A minimum grade of "F" in the course
 - b. Student Conduct Probation for a defined period of time, by the Student Conduct Officer.
- C. If a student is found responsible for academic misconduct after a second offense, the minimum sanction will be:
 - a. A minimum grade of "F" in the course
 - b. Suspension from the University for a defined period of time, not to exceed two (2) full academic semesters, may be added at the discretion of the Student Conduct Officer and/or the hearing body.
 - c. Other sanctions greater than those listed may be recommended to the Provost/Vice President of Academic Affairs, or his/her designee, for further actions.
- D. If the hearing body finds the charged student responsible for the violation, the Student Conduct Officer will read the finding and the sanctions into the audio recording and will forward the finding to the instructor and his/her Dean/Chair.
- E. Additionally, the Student Conduct Officer will communicate the finding to the adjudicated student in writing within two University business days (Monday-Friday) of the conclusion of the hearing.
- F. Information related to the student and the case will be kept on file in the Office of Student Affairs and/or in a secure Student Conduct Database.
- G. If a student is found not responsible for a violation of academic misconduct, the hearing body shall refer the paper, assignment, or test to the appropriate Dean. In consultation with the instructor, the Dean shall facilitate a resolution concerning a fair grade for the work in question. In such cases, no record of academic misconduct will remain on file.

BEHAVIORAL MISCONDUCT

- A. If the hearing body finds the charged student responsible for the violation, the Student Conduct Officer will read the finding and the sanctions into the audio recording and will forward the finding to the complainant.
- B. Copies of the finding and sanction may also be forwarded to other relevant offices (i.e. Campus Police, Residence Life, and Bursar's Office).
- C. The Student Conduct Officer will read the sanction into the audio recording and will be responsible for notifying the adjudicated student of the finding and the sanction in writing within two (2) University business days (Monday-Friday) of the conclusion of the hearing.
- D. Information related to the student and the case will be kept on file in the Office of Student Affairs and/or in a secure Student Conduct Database.
- E. If a student is found not responsible for a violation of behavioral misconduct, the hearing is adjourned and no official records will be kept in the Office of Student Affairs. Notations of the charge and outcome may be kept in a Student Conduct Database for reference purposes only.

Following a hearing, both the charged student and the complainant/alleged victim (where applicable) shall be provided a written decision via institution email of the outcome and any resulting sanctions. The decision should include details as to how to appeal (as noted 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 student conduct panel or an administrative hearing.

At the request of the adjudicated student, the Student Conduct Officer will meet with the student and provide clarification of the finding and sanction. At this time and at the student's request, information on and assistance with the appeal procedures as outlined in the Student Handbook will be provided. Adjudicated students are advised not to contact or communicate with members of the panel about the hearing or its outcome.

The finding and sanctions are considered final unless appealed by the adjudicated student.

In cases where no decision can be reached, the Student Conduct Officer may appoint another hearing panel or drop the charges.

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, and the institution's interests. The student conduct panel or hearing officer will determine sanctions and issue notice of the same, as outlined above.

The following are student conduct sanctions that may be imposed upon the student. This list is not exhaustive and the University reserves the right to modify or enlarge the list at any time depending on the nature of the violation(s).

Upon imposition of a sanction, the student is notified by email to his/her student email account (and by postal mail to the address listed in the Banner Student Identification System, upon request). In cases of suspension or expulsion, the student (and his or her parents, if the student is a minor) will be notified by certified mail.

A. Student Conduct Warning

A Student Conduct Warning is an official written reprimand.

2. Student Conduct Probation

- a. Student Conduct Probation is a period of time during which further violations of the rules and regulations of the University may result in suspension or expulsion. Probation may be imposed for a period of time ranging from the remainder of the semester in which the violation occurred to the remainder of the student's matriculation at the University. Restrictions may be imposed in conjunction with probation and may include:
 - i. *Community Service Hours* – Students may be required to complete work at a designated location for a specified number of hours and provide documentation of completed hours.
 - ii. *Educational Programs* – Students may be required to attend programs on special topics related to the offense. This does not include academic courses for credit.
 - iii. *Restricted presence on campus* – Students may be restricted on campus except to attend classes or complete coursework.
 - iv. *Special Projects* – Students may be required to write papers and/or present programs on topics related to the offense.

- v. *Substance Abuse Assessment* – Students may be required to submit to an assessment for substance abuse. Periodic drug testing, not to exceed two random tests per semester for a minimum of three semesters, may be required.
- vi. *Restitution* – Students may be required to reimburse the University or other persons, groups, or organizations for damages incurred as a result of a violation of the Student Code of Conduct.
- vii. *Confiscation* – The University reserves the right to confiscate goods used or possessed in violation of the Student Code of Conduct. Items confiscated by Campus Police will not be returned as those items may be used as evidence in any criminal proceedings.
- viii. *Fines* – Students may be required to pay a Student Conduct fine in relation to violations of alcohol and other drugs, or damage to property.
- ix. *Delays in obtaining administrative services and benefits from the institution* – The University may place administrative holds on student records which may prevent release of transcripts, delay registration, and prevent graduation or receipt of diploma.

3. Loss of Student Office/Leadership Position

Students in elected/appointed positions may lose the position as a result of a violation of the Student Code of Conduct.

4. Forced Withdrawal

Students may be withdrawn from the academic course(s) within which the violation of the Student Code of Conduct occurred or from the institution as a whole without receiving academic credit for course(s), fees, or refund.

5. Change of Grade

Students found in violation of the Student Code of Conduct may receive a change in grade for the course, test, paper, or work in which an academic irregularity occurred.

6. Removal from the Residence Life Program

Students found in violation of the Student Code of Conduct may be removed from the Residence Life Program with no refund of fees. Additionally, these students may be responsible for payment of any remaining costs associated with the housing contract. Removal from the Residence Life program does not necessarily equal suspension or expulsion from the University.

7. Temporary or Permanent separation of the Parties

Students may receive a change in classes, reassignment of residence, no contact orders (issued either by the court system or by the Student Conduct Officer), limiting geography of where parties can go on campus. If a student is temporarily suspended from a particular course, not to exceed two (2) class meetings, the student is still responsible for any material covered during the temporary suspension.

8. Interim Suspension

Interim suspensions – that is, suspensions while the investigation and adjudication process are proceeding – should only occur where necessary to maintain safety, and should be limited to those situations where the charged student 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 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 charged student 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 shall take effect immediately. When requested by the charged student, a hearing to determine whether the immediate suspension should continue will be held within three (3) business days of the request.

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 these additional, minimum safeguards:

- a. The charged student shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice shall also include the identity of any investigator(s) involved. Notice shall be provided via University email. Where applicable, a copy shall also be provided to any and all alleged victims via the same means.
- b. Upon receipt of the written notice, the charged student shall have three (3) University business days to respond in writing. In that response, the charged student shall have the right to admit or deny the allegations, and to set forth a defense with facts, witnesses, and documents – either written or electronic – in support. A non-response will be considered a general denial of the alleged misconduct.
- c. Based on this response, the investigation shall consist of interviews of the charged student, any alleged victims (where applicable) and witnesses, and the collection and review of documents or other physical or electronic information, as well as other steps as appropriate. The investigator should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any proffered witnesses not interviewed, along with a brief, written explanation.
- d. The investigation shall be summarized in writing in an initial investigation report and provided to the charged student and any alleged victims (where applicable) in person or via email. This summary 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.
- e. To the extent the student is ultimately charged with any violation, he or she shall also have the opportunity to respond in writing. The charged student's written response to the charge(s) shall be due within three (3) University business days from the date of the initial investigation report. The charged student's written response should outline his or her acceptance or denial in response to the charge(s), and where applicable, his or her defense(s), and the facts, witnesses, and documents – whether written or electronic – in support. A nonresponse to the charge(s) by the charged student will be interpreted as a denial of the charge(s).
- f. The investigator shall conduct further investigation and update the investigative report as warranted by the charged student's response.
- g. A copy of the final investigative report will be provided to charged student and any alleged victims before any hearing. The final investigative report will be provided to the Student Conduct Board panel or hearing officer during the 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.

9. Suspension

A decision of suspension terminates the student's status as an enrolled student for a specific period of time and prohibits the student from attending classes. A suspended student may not participate in University sponsored activities or be present on campus without specific authorization from the Student Conduct Officer. The Student Conduct Officer may further impose a summary suspension in cases where a suspended student chooses to violate the terms of his/her suspension. Suspended students may not receive academic credit of any kind from another institution if earned during their period of suspension from the University. Students may not receive a refund of fees.

10. Expulsion

A decision of expulsion constitutes a permanent severance of the student's relationship with the University. An expelled student may not enter any part of the campus without specific authorization from the Student Conduct Officer and/or Campus Police. Students shall not receive a refund of fees. Students shall receive the grade of "F" in any classes that he or she is enrolled.

11. Revocation of Admission and/or Degree

Admission to or a degree awarded by the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

12. Withholding Degree

The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code, including the completion of all sanctions imposed, if any.

A student responsible for any type of violation of the Student Code of Conduct will not be permitted to avoid sanction by withdrawing from a class or the University. An administrative hold may be placed on any student who does not respond to requests to adjudicate alleged violations. Students who withdraw from a class before adjudication occurs may be added back to the class and the appropriate sanction applied.

Other than expulsion or revocation or withholding of a degree, sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's conduct record.

Students expelled or suspended for any behavioral reason will be entered into the University System of Georgia's Student Disciplinary Actions Reporting System (SDARS) and are subject to review by other institutions within the University System.

Students who are suspended or expelled from the University for any length of time should be aware of the impact this action may have on the following:

1. Tuition, Residence Hall costs and fees (suspension does not forgive financial obligations)
2. Student financial aid including HOPE scholarship and institutional scholarships
3. Athletic participation and eligibility
4. Health insurance
5. Participation in the Residence Life program
6. Meal plans
7. Use of University resources and access to University facilities/campuses
8. Immigration status for international students
9. Veterans and dependents of veterans
10. Internships, co-ops, and study aboard opportunities
11. Class withdrawal

This is not an exhaustive list.

ADMINISTRATIVE WITHDRAWALS

Students may be administratively withdrawn from classes and/or the University, after consultation with appropriate University personnel, when it is determined that because of physical, mental, emotional, or psychological health conditions, the student:

- a. poses a significant danger or threat of physical harm to the student or to the person or property of others, or
- b. the student interferes with the rights of other members of the University community or with the exercise of any proper activities or functions of the University or its personnel, or
- c. the student is unable to meet institutional requirements for continued enrollment as defined in this Student Code of Conduct or other publications of the University.

Students may make a request in writing for an appropriate hearing prior to the final decision concerning continued enrollment.

APPEALS

Students adjudicated under the Student Code of Conduct have the right to appeal decisions of the Student Conduct Officer and Student Conduct Board panel, and the Vice President of Student Affairs provided specific relevant grounds for appeal are cited.

APPEAL PROCEDURES

Where the sanction imposed includes a suspension or expulsion (even for one held in abeyance), the following appellate procedures will be provided to the charged student. The charged student 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 original 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, whether the decision was tainted by bias, or whether there was a violation of the student's due process;
3. To allege that the finding was inconsistent with the weight of the information.

Appeals may be made by the charged student for the above reasons in any case where sanctions are issued by a hearing panel or administrative officer – even those in which 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 (5) University business days of the date of the final written decision.

The appeal should be made to the Chief Student Conduct Officer, as designated by the Vice President of Student Affairs. The appeal shall be a review of the record only, and no new meeting with the charged student or any alleged victim(s) will be held.

The Chief Student Conduct Officer will convene an Appeals Panel comprised of three members (one faculty, one staff, and one student) of the Student Conduct Board, who were not involved in the original hearing. Appeal proceedings will be held within five (5) University business days of the receipt of the written notification from the charged student.

The Appeals Panel will make one of the following decisions:

1. Affirm the original finding and sanction;
2. Affirm the original finding but issue a new sanction of lesser severity;
3. Remand the case back to the original decision-maker to correct a procedural or factual defect;
4. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

The Chief Student Conduct Officer shall then issue a decision in writing to the charged student and any alleged victim(s) within five (5) University business days of the Appeal Panel’s decision.

The Appeal Panel’s decision may be appealed in writing within five (5) University business days (as determined by the date of the decision letter) to the President of the institution solely on the grounds set forth above.

The President will make one of the following decisions:

1. Affirm the original finding and sanction;
2. Affirm the original finding but issue a new sanction of greater or lesser severity;
3. Remand the case back to the original decision-maker to correct a procedural or factual defect;
4. 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 issued in writing to the charged student and any alleged victim(s) within (5) University business days. The President’s decision shall be the final decision of the institution.

Should the charged student wish to appeal the President’s decision, he or she may appeal to the Board of Regents in accordance with the Board of Regents Policy 8.6, which can be found at <http://www.usg.edu/policymanual/section8/C2363>.

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 Vice President of Student Affairs, the institution’s designee setting forth the basis for the challenge, as the Vice President of Student Affairs is not responsible for the investigation or adjudication of any alleged violation. The written challenge should be submitted within a reasonable time after the individual reasonably should have known of the existence of the bias. The Vice President of Student Affairs will determine whether to sustain or deny the challenge, and if sustained, appoint a replacement.

RECORDS MANAGEMENT

Student conduct records (including, but not limited to written findings of fact, transcripts, audio recordings, and/or video recordings), except those pertaining to suspension or expulsion, will be maintained for a minimum of five (5) years after the student’s date of graduation or last date of attendance. Records involving suspension or expulsion will be retained permanently.

INTERPRETATION AND REVISION

Any question of interpretation or application of the Student Code shall be referred to the Student Conduct Officer or his or her designee for final determination, unless otherwise determined by the President.

The Student Code shall be reviewed at least every three (3) years under the direction of the Vice President of Student Affairs. Any revisions shall be subject to the approval of the President.

This Student Code of Conduct was adapted with the permission of Edward N. Stoner II and John Wesley Lowery from "A Twenty First Century Model Student Conduct Code."

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