

Georgia Southwestern State University Student Code of Conduct

MISSION OF THE OFFICE OF STUDENT RIGHTS AND RESPONSIBILITIES

It is the mission of the Office of Student Rights and Responsibilities to foster student engagement and success by promoting a campus culture of safety and well-being through education and awareness initiatives focused on individual responsibility, adherence to community standards of acceptable behavior, and civic virtues outlined in the Student Code of Conduct. The Office will help students understand the impact of their behavior on the global community and to assist them with making future decisions that lead to personal and professional success.

PURPOSE

Georgia Southwestern State University Office of Student Rights and Responsibilities aims to promote a campus environment that supports the overall educational mission of the University, to protect the University community from disruption and harm, to encourage appropriate standards of individual and group behavior, and to foster ethical standards and civic virtues. In order to achieve the environment and educational goals of the University and to protect the rights and privileges of its students, the University has adopted a Student Code of Conduct for individuals and organizations and has established a Student Conduct Process.

This Student Code of Conduct provides information to students and organizations about their rights and responsibilities as members of the University community. All procedures for responding to possible violations of policies, including specifics of the Student Conduct Process, a listing of possible sanctions, and the appeals procedures are included in the Student Code of Conduct. These procedures promote due process and fundamental fairness to all involved in the University's Student Conduct Process. The GSW Student Conduct Code ensures compliance with the procedural standards outlined the *University System of Georgia's Board of Regent's Policy Manual 4.6.5 Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings* and *6.7 Sexual Misconduct Policy*.

Office of Student Rights and Responsibilities

800 Georgia Southwestern State University Drive | Americus, Georgia 31709
PHONE (229) 931-2378 | LOCATION Student Success Center, Room 3436

STUDENT RIGHTS AND RESPONSIBILITIES

Students are not only members of the academic community, but are also members of the larger society. Students, therefore, retain the rights, guarantees, and protections afforded to and the responsibilities held by all citizens. A student is not immune to prosecution by local, state, or federal law enforcement agencies irrespective of whether the University initiates the Student Conduct Process. As members of the University community, students have a responsibility to know and follow the Student Code of Conduct. Violations of these regulations will result in action by the Office of Student Rights and Responsibilities.

Students' Rights

1. A student shall have the right to participate in a free exchange of ideas, and there shall be no University rule or administrative rule that in any way abridges the rights of freedom of speech, expression, petition and peaceful assembly as set forth in the U.S. Constitution.
2. Each student shall have the right to participate in all areas and activities of the University, free from any form of discrimination, including harassment, on the basis of race, color, national or ethnic origin, sex, disability, age, sexual orientation or veterans status in accordance with applicable federal and state laws.
3. A student had the right to personal privacy except as otherwise provided by law, and this will be observed by students and University authorities alike.
4. Each student subject to disciplinary action arising from violations of University Student Conduct Code shall be assured a fundamentally fair process.

Students' Responsibilities

1. A student has the responsibility to respect the rights and property of others, including other students, the faculty and University officials.
2. A student has the responsibility to be fully acquainted with the published University Student Rules and to comply with them, as well as federal, state and local laws.
3. A student has the responsibility to recognize that student actions reflect upon the individuals involved and upon the entire University community.
4. A student has the responsibility to maintain a level of behavior that is consistent in supporting the learning environment of the institution and to recognize the University's obligation to provide an environment for learning.

As would be expected, standards for Georgia Southwestern State University students are higher than those of communities not engaged in scholarly pursuits. Not every situation a student may encounter can be anticipated in a written document. Therefore, students are expected to act in a manner that demonstrates integrity and respect for others and the campus environment.

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UNIVERSITY AUTHORITY

Generally, policies contained in this Student Code of Conduct shall apply to conduct which occurs on University premises and to conduct which occurs while a student is attending or participating in any University-related activity, wherever that activity may take place. Additionally, as standards for University students and organizations are higher than those not a part of the University community, any behavior, on or off University premises, is subject to action under this Student Code of Conduct. Students and organizations are expected to abide by the conduct regulations in this Student Code of Conduct, both on and off campus, and acknowledge the University's authority to take action to address behavior incongruent with these policies, wherever that behavior may occur.

Each student shall be responsible for his/her conduct from the time of admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between semesters of actual enrollment. The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

Resolutions of the University's Student Conduct Process neither establish nor are based upon precedent. Matters of local, state or federal law are independent of the Student Conduct Process. Proceedings under this Student Code of Conduct may be instituted against students charged with a violation of a municipal, state, or federal law when the alleged conduct is also a violation of this Code. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

The Vice President for Student Engagement and Success (VPSES) or his/her designee is responsible for the Student Conduct Code development and administration. The VPSES's primary designee shall be the Director of Student Rights and Responsibilities. The Director of Student Rights and Responsibilities may designate hearing officer(s) as outlined in procedures. The Title IX Coordinator works in conjunction with the VPSES and Director of Student Rights and Responsibilities.

Decisions about the timing of specific actions will be made by the Director for Student Rights and Responsibilities or Title IX Coordinator based on the status of the evidence and other relevant case factors.

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DEFINITIONS

Hearing Officer refers to any person or persons authorized to preside over hearings

Advisor refers to the individual who assists a student or organization during the Student Conduct Process.

Business day refers to any day on which the Office of Student Rights and Responsibilities is open to the general public.

Charge indicates that there is sufficient evidence to warrant further consideration into possible violation of student conduct code.

Complainant is the student or student organization that brings forth a complaint against another student or student organization regarding a violation of the Student Code of Conduct. There is often a Complainant in a cases involving sexual misconduct or others cases where alleged actions of the Respondent have violated the rights of another student or organization. Some cases will not have a Complainant.

Director of Student Rights and Responsibilities is that person designated by the University to be responsible for administration of the University's Student Conduct Process.

Faculty member refers to any person hired by the University and any or all extended campuses to conduct classroom activities.

Hearing Officer refers to any person authorized by the Director of Student Rights and Responsibilities or Title IX Coordinator to conduct a hearing. The hearing officer may serve as a single administrator who hears a case or, or as an administrator presiding over a Hearing Panel.

Hearing Panel refers to the group of faculty and staff members who hear cases of alleged student misconduct within the formal hearing process. There are two hearing panels at GSW: Student Misconduct Hearing Panel and the Academic Integrity Board.

Investigator refers to any person or persons authorized by the Director of Student Rights and Responsibilities or the Title IX Coordinator to conduct investigations of alleged violation(s) of conduct regulation(s) prior to a formal hearing.

Joint hearing refers to a hearing in which two or more students or organizations are charged with violating one or more conduct regulations pertaining to the same incident.

May is used in the permissive sense.

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Member of the University Community includes any person who is a student, faculty member, University official or any other person employed by the University, as well as contractors, vendors, visitors, and guests. A person's status in a particular situation shall be determined by the Director of Student Rights and Responsibilities, or as applicable, the Title IX Coordinator.

Organization and **Student Organization** refer to any number of students who have complied with the requirements for University registration or any number of students who act as an organization as determined by the Office of Student Rights and Responsibilities. Student organizations that are referred to the Student Conduct Process will be represented by the president of that organization. The president may designate another active member to be the representative in their place.

Policy is defined as any written rule or regulation of the University.

Preponderance of the evidence means evidence that would lead a reasonable person to conclude that it is more likely than not that the act in question did occur.

Prior record refers to all information related to any Student Code of Conduct violations(s) that occurred and were resolved prior to the incident in question.

Respondent refers to the student or student organization that has been charged with an alleged violation of the Student Code of Conduct.

Shall and **will** are used in the imperative sense.

Student includes all persons registered at the University and all affiliated campuses pursuing undergraduate, graduate, or professional studies, individuals admitted to the University and all affiliated campuses that have attended orientation or otherwise been cleared to register, and individuals who are not registered but are eligible to register without applying for readmission. An individual who registers for a semester and then withdraws, or is withdrawn, is considered a student for that semester.

Title IX Coordinator is that person designated by the University to be responsible for monitoring and overseeing Title IX compliance at the University, to include coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students and other members of the University community.

University refers to the Georgia Southwestern and any or all extended campuses.

University official includes any person assigned administrative, professional or staff responsibilities for the University and any or all affiliated campuses.

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.

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STUDENT CONDUCT PROCEDURES

Georgia Southwestern State University utilizes the standards of *The University System of Georgia's Board of Regent's Policy Manual, 4.6.5 Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings* and *6.7 Sexual Misconduct Policy* for guidance on Student Conduct policies and procedures.

Filing a Report

Any member of the Georgia Southwestern University community or any person not affiliated with the University may submit a report or complaint involving a student for review of possible Student Conduct Code violations. Any complaint should be submitted as soon as possible.

Reports or complaints should be directed to the Office of Student Rights and Responsibilities. Reports can be made in person or in writing to student.rights@gsw.edu. Contact information for the Office of Student Rights and Responsibilities and links for reporting forms can be found at <https://www.gsw.edu/Campus-Life/CampusServices/JudicialAffairs/index>.

Reports alleging sexual misconduct should be reported directly to the Title IX Coordinator. Contact and report information can be found at <https://www.gsw.edu/resources/facultyandstaff/hr/titleixcompliance/index>.

A meeting can be arranged with the Director of Student Rights and Responsibilities or with the Title IX Coordinator, as appropriate, to discuss the Student Conduct Process.

Reports should contain as much information as possible, and where known to the reporting party, should provide:

1. The type of misconduct alleged;
2. The name and contact information of the student(s) and/or organization(s) involved in the alleged misconduct;
3. The date(s), time(s), and place(s) of the alleged misconduct;
4. The name(s) and contact information of any individual(s) with knowledge of the incident of alleged misconduct;
5. Whether any evidence has been preserved; and
6. Whether a criminal complaint has been made in connection with the alleged misconduct.

After receiving a report, the Director of Student Rights and Responsibilities will review the circumstances of the incident and determine what conduct regulations, if any, are alleged to have been violated.

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Reports that describe alleged behavior that does not violate any conduct regulation(s) may result in no action being taken. Additionally, lack of sufficient information in a report may result in no action being taken.

If the Director of Student Rights and Responsibilities finds that the report alleges violations of the conduct regulations, he/she will initiate the Student Conduct Process.

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.

Mediation

Some reports submitted involve possible violations of conduct regulations, but clearly are the result of an unresolved, on-going dispute between students. Other reports do not involve violations of regulations, but they too reflect student disputes. In either of these situations, the students may be informed of the option to resolve the matter through mediation. Mediation is a voluntary process that utilizes an impartial, neutral third party who acts as a facilitator to help the parties reach a mutually acceptable outcome.

The procedures for mediation are:

1. Students must meet with the Director of Student Rights and Responsibilities, for a Preliminary Investigation Meeting. At that time, it will be determined if the case is appropriate for the mediation process.
2. Once the Director of Student Rights and Responsibilities determines that this case can be mediated, the student(s) choose a mediator from a list of university officials that have been trained in mediation or are assigned an off-campus mediator from the Consortium on Negotiation and Conflict Resolution.
3. Both students must agree in writing to participate in mediation.
4. The mediator and the students will sign a written contract outlining agreed upon behavior.
5. A violation of the contract may result in an investigation and further student conduct procedures.

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Reporting Parties

Incidents of alleged violations of conduct regulations may be reported by a variety of individuals or groups, including but not limited to students, faculty or staff, law enforcement, or other third parties. All reporting parties will be subject to the following:

1. **Limited Confidentiality:** Where a reporting party or Complainant requests that his or her identity be withheld or the allegation(s) not be investigated, the Director of Student Rights and Responsibilities should consider whether or not such request(s) can be honored while still providing a safe and nondiscriminatory environment for the university. The Director of Student Rights and Responsibilities will inform the requesting party (1) that the University generally cannot guarantee confidentiality, (2) that honoring the request may limit the ability to respond fully to the incident, and (3) that such request may limit the University's ability to carry out its Student Conduct Process. Requests for confidentiality for anyone reporting a possible student misconduct will be honored to the point that it does not impact the ability for the institution to provide a safe and non-discriminatory environment.
2. **Retaliation Prohibited:** Anyone who, in good faith, reports what he or she 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 Director of Student Rights and Responsibilities or Title IX Coordinator. Any student or organization alleged to have engaged in retaliation will be subject to the Student Conduct Process as outlined in this Student Code of Conduct.
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:** Individuals are encouraged to come forward and report student misconduct and/or participate in a student misconduct investigation notwithstanding such reporting individual's choice to consume alcohol or to use drugs. If an individual, voluntarily and in good faith, reports their use of alcohol or drugs, or the use by others, prior to or during an investigation, such information will not be used against any individual in a disciplinary 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. This amnesty provision shall not apply when an alleged violation is currently at issue in a pending case of investigation.

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Student Organization Responsibilities

To determine whether an organization is responsible for a violation of the Student Code of Conduct, all circumstances will be considered, including but not limited to:

1. Whether the misconduct was committed by one or more members of the organization;
2. Whether officers of the organization had prior knowledge of the misconduct;
3. Whether organization funds were used;
4. Whether the misconduct occurred as a result of an organization sponsored function; and
5. Whether members of the organization lied about the incident.

When an organization is alleged to have violated conduct regulations and the Director of Student Rights and Responsibilities decides to initiate the Student Conduct Process, the Director of Student Rights and Responsibilities will notify the chief officer of the organization. The chief officer will act as the representative of the organization throughout the Student Conduct Process. The chief officer may designate this responsibility to another active member of the organization by notifying the Director of Student Rights and Responsibilities in writing.

Interim Measures

Interim measures may be issued by the Director of Student Rights and Responsibilities, Title IX Coordinator, or a designee, at any point after the University becomes aware of an allegation of misconduct in order to protect any Complainant and/or the University community. 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 University community.

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Interim Suspension

In certain circumstances, the Director for Student Rights and Responsibilities, Title IX Coordinator, or a designee, may impose an interim suspension from the University at the outset of the Student Conduct Process and prior to a hearing. Interim suspension may be imposed upon individual students or organizations only where necessary to maintain safety, and should be limited to those situations where the student or organization against whom a report of alleged misconduct has been made poses a serious and immediate danger or threat to persons or property.

In determining whether to impose an interim suspension, the Director for Student Rights and Responsibilities, Title IX Coordinator, or a designee, shall 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.

During an interim suspension, the student may be denied access to the campus (including classes and residential buildings) and/or all other University activities or privileges for which the student might otherwise be eligible. During the interim suspension, the student will be permitted on campus for scheduled meetings with the Director of Student Rights/Title IX Coordinator and/or other meetings approved by the Director of Student Rights and Responsibilities/Title IX Coordinator.

If an organization is placed on interim suspension, it will be expected that all organization activities stop. Members of the organization are not suspended from the University unless individual suspensions have been imposed.

Notification of Interim Suspension

Upon receiving a report indicating any of the conditions that warrant interim suspension exist and upon an evaluation of the reliability of that report, the Director of Student Rights and Responsibilities, Title IX Coordinator, or a designee, must make all reasonable efforts to give the student or organization the opportunity to be heard on whether his/her/its presence on campus poses a serious and immediate danger or threat to persons or property. Thereafter, the Director of Student Rights and Responsibilities, Title IX Coordinator, or a designee, shall immediately notify the student or organization, in writing, of the interim suspension. The written notification will be hand delivered or sent via email. The following information will be contained in that notification:

1. The University conduct regulation(s) that are alleged to have been violated;
2. A description of the circumstances of the incident as reported;
3. An explanation of the Student Conduct Process;
4. An explanation of the restrictions placed on the student or organization while on interim suspension;

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5. Notification that an appeal of the interim suspension may be made to the Vice President of Student Engagement and Success, or his/her designee;
6. Contact information for the Director for Student Rights and Responsibilities, Title IX Coordinator, or designee, and the Vice President of Student Engagement and Success; and
7. Clarification that if no appeal of the interim suspension is made by the student or organization, the interim suspension and conduct charges will be resolved through the Student Conduct Process, either informally or formally, as established in the Student Code of Conduct.

The responding student or organization chief officer will have the opportunity to submit an appeal of the interim suspension. In order for the appeal to occur, the student or organization chief officer must submit a written appeal to the Vice President of Student Engagement and Success or designee. The written appeal should contain information that challenges or disputes the interim suspension. The challenge/dispute should be based on procedural error, the suspension is overly harsh based on the allegation(s), or other similar claims. The written appeal may be accompanied by any evidence the student or organization deems relevant (which may include but is not limited to witness statements, written reports, and applicable documentation). A hearing to determine whether the interim suspension should continue will be held within three (3) business days after the receipt of the appeal. The interim suspension will remain in effect until the appeal is submitted to the Vice President of Student Engagement and Success or his/her designee and decision regarding the interim suspension has been made. After hearing the appeal of the interim suspension, the Vice President for Student Engagement and Success or a designee may:

1. Overturn the interim suspension. The student/organization would be immediately reinstated and conduct charges would be handled through the normal Student Conduct Process as described in section VI (Conduct Procedures) of the Code of Conduct. The student or organization would schedule a meeting with the Director for Student Rights and Responsibilities, Title IX Coordinator, or a designee to begin that process.
2. Uphold the interim suspension and the Student Conduct Process will proceed. The restrictions placed on the student or organization during the interim suspension would remain in place pending the resolution of the Student Conduct Process. The student or organization would schedule a meeting with the Director of Student Rights and Responsibilities, Title IX Coordinator, or a designee to begin that process.

Following the decision of the Vice President for Student Engagement and Success or his/her designee, or if an appeal of the interim suspension is not submitted, the interim suspension and the conduct charges would be resolved through the Student Conduct Process, either informally or formally. If the criteria for Informal Resolution are met, the action will be resolved upon the completion of a resolution agreement. If the criteria for informal resolution are not met, the matter will be referred to the formal resolution process (investigation and hearing). Given the serious nature of the interim suspension, Formal Resolutions will take place as soon as possible and within a reasonable and practical time for all parties concerned.

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Preliminary Investigation Meeting

The Student Conduct Process begins when the Office of Student Rights and Responsibilities receives a notice of an incident or an alleged violation which may have been submitted as a complaint or report.

The Director of Student Rights and Responsibilities will review the information provided to determine if there is a possible violation of the Student Code of Conduct. If it is determined that there is a possible violation of the Student Conduct Code, the Director of Student Rights and Responsibilities will send the student(s)/organization involved an email request to meet for a Preliminary Investigation Meeting. If this alleged violation is related to Sexual Misconduct, it will be referred to the Title IX Coordinator.

The student has three business days to schedule a meeting for the Preliminary Investigation Meeting. If the student/organization responds and schedules a Preliminary Investigation Meeting, during that meeting the Director of Student Rights and Responsibilities will explain the Student Conduct Process and will gather information following up on the complaint or report. If the Director of Student Rights and Responsibilities determines there is enough information to allege that a violation of the Student Code of Conduct may have occurred, he/she will present the Respondent with a Notice of Allegation. A Notice of Allegation may be presented at the end of that meeting or sent to the student/organization via email at a later time. If applicable, the Complainant will be copied on the Respondent's Notice of Allegation.

The Director of Student Rights and Responsibilities may also use his/her discretion to dismiss the case following the Preliminary Investigation Meeting if there is not enough information that supports an allegation of a violation of the Student Code of Conduct.

If the student fails to schedule an appointment for a Preliminary Investigation Meeting, the Director of Student Rights and Responsibilities will use the information already provided and proceed to the next step of the Student Conduct Process, which is a Notice of Allegation sent via email.

Notice of Allegation

The Notice of Allegation will explain the Student Conduct Process, list any student conduct policies that the student has allegedly violated, proposed sanctions for alleged violations, an electronic link to the Student Code of Conduct, information regarding the choice to bring an advisor and/or family member to any meetings, any support resources available to the student or organization, and all options for resolving the matter.

Upon receipt of the Notice of Allegation, the student/organization shall be given three (3) business days to respond in writing. The response may be a signed copy of the Student Conduct Response Form or in the form of an email from the student email account.

For all alleged violations where the proposed sanctions do not include separation from the institution, the student/organization has the right to:

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1. Accept responsibility for the alleged violations and to accept the proposed sanctions. This would conclude as an Informal Resolution.
2. Accept responsibility for the alleged violations, but not accept the proposed sanction. This would result in a Formal Resolution with a Sanctioning Hearing with the Director of Student Rights and Responsibilities serving as the Hearing Officer.
3. Not accept responsibility for the allegations, which would result in a Formal Resolution with an investigation and hearing with the Director of Student Rights and Responsibilities serving as the Hearing Officer.

For all alleged violations where the proposed sanctions include separation from the institution including suspension or expulsion (even if such sanctions were to be held “in abeyance,” such as probationary suspension or expulsion), the student/organization has the right to:

1. Accept responsibility for the alleged violations and to accept the proposed sanctions. This would conclude as an Informal Resolution.
2. Accept responsibility for the alleged violations, but not accept the proposed sanctions. This would result in a Formal Resolution with a Sanctioning Hearing with a Hearing Panel or assigned Hearing Officer.
3. **Not** accept responsibility for the allegations, which would result in a Formal Resolution with a Formal Investigation and Hearing with a Hearing Panel or assigned Hearing Officer.

Any case that involves Sexual Misconduct or a Title IX policy will be assigned to the Student Misconduct Hearing Panel.

Failure to respond to a Notice of Allegation will be considered a general denial of the allegations and result in proceeding with an investigation and hearing.

Informal Resolution

In order to resolve the case informally, the following criteria must be met:

1. The Director of Student Rights and Responsibilities and the student or organization agree that informal resolution is a reasonable option given the circumstances;
2. The student or organization must accept responsibility for the violation(s) of the specified conduct regulation(s);
3. The student or organization must agree with the sanctions resulting from the violation(s); and

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4. If applicable, the Complainant should agree with the sanctions issued for the violation(s) and may propose sanctions that are reasonable and in accordance with the Student Code of Conduct.

Cases that do not meet all four criteria for the Informal Resolution will be referred to a Formal Resolution.

If the student or organization decides to resolve the conduct charges informally, and all conditions for such resolution are met, the Respondent will receive a written copy of the decision. The decision will be completed by the Director of Student Rights and Responsibilities, and upon review, the student will sign the decision indicating agreement with the method of resolution. When applicable, the Complainant will be copied on the written decision.

Formal Resolution

If the Respondent accepts the responsibility for the violation of the Student Code of Conduct but does not accept the proposed sanctions resulting from the violation, a Sanctioning Hearing will be held to determine the sanction(s) for the violation.

If the student or organization does not accept responsibility for a violation of the Student Code of Conduct, there will be an investigation and a hearing.

Right to an Advisor

The Respondent student/organization and Complainant (where applicable), as parties to these proceedings, 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, and guidance on responses to any questions of the advisee, but shall not participate directly. Students who are charged in the same fact pattern, or who are not in good standing with the University are not eligible to serve as an advisor at conduct proceedings.

The Respondent student/organization and Complainant (where applicable), are responsible for presenting their own information. Therefore, a student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the student conduct conference. Student conduct conferences will not typically be delayed due to scheduling conflicts of an advisor. There is no restriction on who a student may consult or seek advice from, the restriction pertains to the conduct conference only.

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Formal Investigation

The Respondent may set forth a defense with facts, witnesses, and documents – whether written or electronic – in support. Based on the response, the investigation may consist of interviews of the student(s)/ organization, the Complainant and Respondent (where applicable), the witnesses, and the collection and review of documents or other physical or electronic information, as well as other steps as appropriate. The investigator(s) will retain written notes and/or obtain written or recorded statements from each interview. The investigator(s) will also keep a record of any proffered witnesses not interviewed, along with a brief, written explanation of why the proffered witness was not interviewed.

If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of sanctions, then the complaint should be dismissed. Additionally, if the Respondent admits responsibility, the investigation may conclude and the process may proceed to a Sanctioning Hearing or may be resolved through an Informal Resolution, if appropriate. If any charge is dismissed by the investigator due to insufficient evidence, the Complainant (if applicable) may appeal the decision to dismiss to the Vice President of Student Engagement and Success, or his/her designee. The appeal must be in writing and submitted within three (3) business days of the Complainant's notification of the decision to dismiss. The Vice President of Student Engagement and Success, or his/her designee, shall either uphold the dismissal or determine that the charge or complaint must be resolved through the Student Conduct Process, and the decision of the Vice President, or his/her designee, is considered final.

The investigation shall be summarized in writing in an Initial Investigation Report and provided to the Respondent, as well as the Complainant (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. A charge is not a finding of responsibility, but indicates that there is sufficient evidence to warrant further consideration and adjudication.

To the extent the Respondent is ultimately charged with any violation(s), he/she will also have the opportunity to respond in writing. The Respondent's written response to the charge(s) shall be due three (3) business days following the date of the Initial Investigation Report and should outline any additional information the student or organization feel should be included in the report. The investigator(s) shall conduct further investigation and update the Initial Investigation Report as warranted by the student's/ organization's response.

Once the investigation is complete, the Final Investigation report will be provided to the Hearing Panel or Hearing Officer for consideration in adjudicating the charges brought against the Respondent. A copy shall also be provided to the Respondent, as well as the Complainant (where applicable).

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Hearing Panels

The Hearing Panels of the University are the Student Misconduct Hearing Panel and the Academic Integrity Board.

1. The Student Misconduct Hearing Panel shall consist of a Hearing Officer and three or more faculty and/or staff members. The investigator(s) of the case shall not serve on the panel nor shall any students. This hearing panel will be used in all cases that have any sexual misconduct.
2. The Academic Integrity Board will consist of five teaching faculty appointees, one appointed by the dean of each College or School, and three students and three alternates, appointed by the Student Government Association. The Vice President of Academic Affairs will appoint one academic administrator from dean or lower rank to act as committee chair. Serving on the AIB is a serious commitment that may require significant time and training. Faculty members will serve a term of 3 years, and will agree to complete training in judging academic integrity violations and recommending additional sanctions annually. Student members will serve a term of one year, as long as they maintain a GPA of at least 2.75 and are not on any sanction (higher than Warning) resulting from any type of conduct code violation, and will agree to complete training in judging academic integrity violations and recommending additional sanctions annually. The Chair of the AIB will serve in that capacity for a one-year period with the possibility of yearly renewal.
3. Any member of a Hearing Panel shall disqualify himself/herself if his/her personal involvement in the case is of such a nature as to prevent a fair and impartial hearing.
4. All board members shall receive training and advisement.

Notice of Hearing

A written Notice of Hearing shall be delivered to the student/organization, as well as the Complainant (where applicable). The Notice of Hearing shall include:

1. The specific Student Code of Conduct policy(s) the student/organization has been charged with violating following the investigation;
2. The alleged factual circumstances supporting the charge(s)
3. The date, time, and place of the hearing;
4. A list of potential witnesses that will be called by the investigator as well as a request for a list of any additional potential witnesses that the Respondent and Complainant may be inviting to attend. A deadline will be given for the submission of additional witnesses and must be approved by the Hearing Officer.

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5. The names of the members of the Hearing Panel and/or the Hearing Officer.

The Notice of Hearing must be received by the Respondent and Complainant at least five (5) business days prior to the hearing date. The Respondent, with the consent of the Director of Student Rights and Responsibilities or a designee, may waive the minimum notice requirements as long as the waiver is in writing.

The Respondent and Complainant are deemed to have received notice when it is either emailed or is personally delivered.

Joint Hearings

Two or more students/organizations may be scheduled to participate in a joint hearing if they are alleged to have taken part in the same incident, act, event, or series of related acts. The conduct regulation(s) alleged to have been violated and/or the alleged factual circumstances of the violation need not be identical for participation in a joint hearing.

Any student/organization required to participate in a joint hearing may file a request for a separate hearing, citing specific reasons that a joint hearing would unfairly prejudice the case. A request for a separate hearing must be submitted in writing to the Director of Student Rights and Responsibilities or a designee within three (3) business days after receipt of the Notice of Hearing. The Director for Student Rights and Responsibilities or a designee will make the decision regarding the request and notify the student/organization.

Standard of Review

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. Formal civil rules of evidence do not apply to the Student Conduct Process, including during the investigatory and hearing phase.

Delay in Hearing

The Respondent or Complainant (where applicable), may request a delay in the hearing. Such a request must be in writing and submitted to the Director for Student Rights and Responsibilities no later than one (1) business day prior to the hearing. Reasons for a delay and the proposed length of the delay must be included in the request, and a delay is not guaranteed. The Director for Student Rights and Responsibilities or a designee will consider the request and determine whether a delay will be granted. If the reason given for the request includes the need for more time to prepare for the hearing AND it is determined that adequate notice of hearing was given in accordance with the Student Code of Conduct, a delay will not be granted. If it is determined that the reasons for requesting the delay show it to be

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necessary and a delay is granted, the student/organization, Complainant (where applicable), and the Hearing Panel or Hearing Officer will be notified no less than one (1) business day prior to the hearing. The student/organization, as well as the Complainant (where applicable), will receive written notification of the new hearing date, time and location at least five (5) business days prior to the new hearing.

Procedures for Hearings

1. If a student/organization fails to attend a scheduled hearing, the Hearing Panel may hear the case at its discretion. Decisions will be made based on the evidence presented and statements made at the time of the hearing.
2. The Hearing Panel and/or Hearing Officer, the Respondent, the Complainant (where applicable), the investigator, one advisor per party, and approved University officials are allowed to be in the hearing room during Formal Hearing proceedings. Additionally, and upon request, the Respondent student and complainant are allowed to have up to two (2) supporters attend the hearing as observers. The Complainant and Respondent must notify the Office of Student Rights and Responsibilities of any such request in writing prior to the hearing. If a supporter will also be a witness, that individual must wait outside the hearing room until called for their presentation. Once the supporter is excused by the conduct board, they may remain in the hearing room as an observer. Witnesses will be invited at the designated times as specified in the order of the hearing, defined in the Student Code of Conduct. All formal hearings are closed to the public unless the student or organization requests an open hearing and all requirements necessary to open the hearing are satisfied.
3. Witnesses may not be present in the hearing room until called for their presentation. Each witness will be advised by the Hearing Officer to refrain from discussing with any other witness what transpired in the hearing room during his/her presentation. Failure to respect this request may result in witnesses being charged with a violation of the Student Code of Conduct. Witnesses will be expected to remain available in the event they are recalled or until they are excused by the Hearing Panel or Hearing Officer.
4. All questions presented to the investigator, Complainant, Respondent, or any witnesses during the hearing will be done so by the Hearing Officer. The Hearing Officer will ask the Complainant, the Respondent, and members of the Hearing Panel at the appropriate times if they have any questions. Time will be provided for any of the parties to write and submit questions.

The Hearing Officer will ask the questions as written and will limit questions only if they are unrelated to determining the veracity of the charge leveled against the student or organization. In any event, the Hearing Officer will err on the side of asking all submitted questions, and must document the reason for not asking any particular questions.

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5. Regardless of whether the Respondent or Complainant attends the hearing, the Hearing Panel and/or Hearing Officer has discretion to allow the Respondent or Complainant to ask questions of witnesses through the submission of written questions to the Hearing Officer to be for consideration.
6. If the Complainant, Respondent, or witness is unavailable and unable to attend the hearing due to extenuating circumstances, the Hearing Panel or Hearing Officer has discretion to allow that individual the opportunity to provide testimony from a separate location. The Hearing Panel or Hearing Officer will assess whether there is a valid basis for the unavailability and make a determination that the manner in which the testimony is provided will not unfairly disadvantage any party. If it is reasonably believed that a party or witness who is not physically present has presented tainted testimony, the Hearing Panel or Hearing Officer will disregard or discount the testimony.
7. The Hearing Officer may allow a Complainant to participate in the student conduct hearing from a separate location due to extenuating circumstances. In such instance, reasonable measures will be in place to ensure either party is unfairly disadvantaged by the separation.
8. The Hearing Officer may, at the beginning of the hearing, announce times when they shall break for meals and announce the time the hearing shall conclude or be continued. The Hearing Officer shall set the date and time for the hearing to resume while all parties are present.
9. Any individual participating in the hearing may request a break. Breaks should be kept short and to a minimum. If they become excessive in number or in length, the person asking for a recess may be asked to provide a reason for their request. The Hearing Panel or Hearing Officer may approve or deny a request for a recess.
10. All hearings will be recorded. A copy of the record may be requested. The original will be considered the official record of the hearing. Recesses and deliberations are not recorded.

A Formal Hearing

A formal hearing that has also include a formal investigation will be conducted in the following order:

- A. The Hearing Officer introduces everyone present.
- B. The Hearing Officer explains and reviews all procedures for the hearing.
- C. The Hearing Officer reads and explains all charges and confirms that appropriate notice of all charges were given.
- D. The Hearing Officer explains the order of the hearing.

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- E. The Hearing Officer reviews the witness and evidence list for changes to the list or the order in which witnesses will be called. The Hearing Officer and/or Hearing Panel will consider the addition of witnesses and/or evidence that were not previously submitted according to procedure as well as the reason for the late addition(s). The decision to allow the addition(s) is at the discretion of the Hearing Panel and/or Hearing Officer.
- F. The Hearing Officer summarizes witness and evidence information to be presented at the hearing.
- G. The Investigator presents the evidence, including but not limited to, the Final Investigation Report.
- H. The Complainant, Respondent, and the Hearing Panel (in that order) may present questions in writing to the Hearing Officer for the Investigator regarding the evidence presented.
- I. The Hearing officer asks the Complainant to make an opening statement followed by questions from any party.
- J. The Hearing Officer will call in the Complainant's witnesses. Each witness may make a statement.
- K. The Complainant, Respondent, and the Hearing Panel are given an opportunity to present questions to each witness. When the questioning is concluded, the Hearing Officer will ask if anyone may want to recall the witness later in the hearing. If such is not the case, the witness is excused from the hearing.
- L. The Hearing Officer will ask the Respondent to make a statement followed by questions from any party.
- M. The Hearing Officer will call in the Respondent's witnesses and follow the same procedure as described with the Complainant's witnesses.
- N. After all witnesses sharing information regarding an alleged violation have made statements and/or answered questions, the Complainant, the Respondent, and the hearing panel are allowed to recall any witnesses for further questions.
- O. The Hearing Officer will again ask each side if they have additional witnesses or information to add to the witness and evidence list. The Hearing Panel and/or Hearing Officer will consider the addition of witnesses and/or evidence that were not previously submitted according to procedure as well as the reason for the late addition(s). The decision to allow the addition(s) is at the discretion of the Hearing Panel or Hearing Officer.

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- P. After all witnesses and evidence have been presented, the Hearing Officer will ask the Complainant and the Respondent to make closing statements.
- Q. The Hearing Officer dismisses the Complainant and Respondent after giving them further instructions regarding the next step of the process.

A Sanctioning Hearing

A sanctioning hearing will be conducted in the following order:

- A. The Hearing Officer introduces everyone present.
- B. The Hearing Officer explains reviews all procedures for the hearing.
- C. The Hearing Officer reads and explains all charges and confirms that the Respondent has accepted responsibility for those charges.
- D. The Hearing officer asks the Complainant to make a statement followed by questions from any party.
- E. The Hearing Officer will ask the Respondent to make a statement followed by questions from any party.
- F. The Hearing Officer dismisses the Complainant and Respondent after giving them further instructions regarding the next step of the process.

Decisions for Formal Resolution

At the conclusion of a hearing that involves a Hearing Panel, the Hearing Officer will call for a break so that the Hearing Panel can deliberate. All deliberation sessions are closed and are not recorded. After deliberation and by majority vote the Hearing Panel will determine with respect to each charge brought before the Hearing Panel whether or not a preponderance of the evidence presented at the hearing indicates that a violation occurred with respect to such charge. If no violation occurred, the Hearing Panel will indicate that the student or organization was found not in violation of the charge(s).

If the Hearing Panel finds that a violation(s) did occur deliberations will then move to a discussion concerning appropriate sanctions. If the Hearing Panel has made the decision that the Respondent was in violation of the charge(s) they will then have access to prior record information. Prior record will be considered when determining sanction(s). Additionally, a decision to issue a sanction of suspension or expulsion must be supported by substantial evidence at the hearing.

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The decision, including whether or not the Respondent committed a violation(s) as well as any sanction(s), will be recorded on a written Formal Hearing Decision Form and will include a summary of evidence in support of the sanction(s). A copy of the decision will be sent via email to the Respondent and Complainant (where applicable).

Sanctions

When a student or organization has violated a policy of the Student Code of Conduct, the Director of Student Rights and Responsibilities and the Respondent will agree on one or more sanctions through an informal resolution, or the Hearing Panel or Hearing Officer will assign one or more sanctions following a formal hearing. The findings of fact, any particular circumstances, and prior record of the student or organization will be the factors considered by the Hearing or Hearing Panel when determining any appropriate sanctions.

Sanctions for Individuals

The following sanctions may be imposed for the violation of the Student Code of Conduct. This list is neither exhaustive nor in order of severity and may be enlarged upon or modified to meet the particular circumstances of any given situation.

1. Expulsion: Permanent severance of the student's relationship with the University.
2. Suspension: Temporary severance of the student's relationship with the University for a specific period of time. The period of time and any requirements that must be satisfied prior to eligibility for readmission or registration are to be specified.

Students who are suspended from the University for any length of time should be aware that this action may have an impact on tuition, residence hall costs and fees, student financial, athletic participation and eligibility, University housing, meal plan, use of University resources, access to University facilities; immigration status for international students; status and benefits of veterans and dependents of veterans, internships, assistantships, study abroad, and class withdrawal.

3. Probation: Notice that further finding of responsibility for the violation of any policy of the Student Code of Conduct may result in suspension or expulsion from the University. The period of probation shall be specified.
4. Warning: A written reprimand regarding behavior that violates the Student Code of Conduct or University policy, which can include restriction, restitution or community service as defined above. This sanction is assigned a specified period of time.
5. Restitution: Reimbursement for a loss caused by the student's actions.

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6. **Community Service:** Assignment to work a specific number of hours at a community service site approved by the Office of Student Rights or Responsibilities or Title IX Coordinator, as applicable.
7. **Restrictions:** Terms of suspension or probation restricting privileges during the pendency of the suspension or probation. Such restrictions may include, but are not limited to, barring from University property, no-contact directives, identification card privileges and/or parking privileges.
8. **Housing Restrictions:** Terms of a sanction indicating the loss or restriction of the student's privilege to live in University-owned residences. Such restrictions include, but are not limited to, expulsion (permanent separation) from University housing; suspension (time-specific separation) from University housing; University housing probation (notice that further finding of responsibility could result in housing suspension or expulsion), and/or University housing relocation.
9. **Other Educational Sanctions:** Projects or assignments designed to educate a student in connection with the effect of his/her behavior. Educational assignments include, but are not limited to, Social Responsibility Class, Judicial Educator, Wellness Counseling, follow-up meetings/consultations, and/or alcohol/drug education programs.

Sanctions for Alcohol- or Drug-Related Violations

Georgia Southwestern State University is committed to support and comply with the Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101-226, Section 22, subpart B) as an Institution of Higher Education. The law under this act now covers both drugs and alcohol, and relates to faculty, staff and students. Therefore, the entire campus community of Georgia Southwestern State University is under the mandate to comply.

Any student violating any policy of the Student Code of Conduct that relates to alcohol, tobacco, or drugs or that the use alcohol, tobacco, or drugs contributed to or was related to that student's violation will be assigned sanctions as outlined:

First offense: The student will be required to sign up for and successfully complete the GSW Social Responsibility Education Program at the next available offering. In addition, the student may be required to attend workshops presented by Health and Counseling Services or the Office of Student Rights and Responsibilities, complete online training sessions, write a response paper following the program, and complete a student conduct evaluation form.

Second offense: The student will be required to repeat all sanctions described as part of the first offense, with some additional requirements. The additional requirements may include an appointment with Health and Counseling Services or Wellness Counseling with the Office of Student Rights and Responsibilities, and an extended curriculum version of the Social Responsibility Education Program. A clinical assessment may be necessary to determine if addiction counseling or other treatments may be

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recommended. If the student is under the age of 21, the Office of Student Rights and Responsibilities may choose to notify the student's parents of this second violation of the Student Code of Conduct.

Third offense: The student may be suspended for a minimum of one semester. A required evaluation from a licensed alcohol and drug professional may be required. In addition, the student may be required to attend other educational programs.

This is the plan created by the Alcohol, Tobacco, and Other Drugs Task Force as a guideline for the minimum amount of student conduct sanctioning and educational support to be provided for a student for any violation of the Student Code of Conduct as it relates to alcohol, drugs, or tobacco. It does not supersede a student's judicial status when the student is on a probationary status for any previous violations.

Sanctions for Student Organizations

The following sanctions may be imposed against an organization for the violation the Student Code of Conduct policy. This list is neither exhaustive nor in order of severity and may be enlarged upon or modified to meet the particular circumstances of any given situation.

1. Recommendation for Charter Revocation: An official request to a national office that the local chapter's charter be revoked.
2. Revocation of University Recognition: Permanent severance of the organization's relationship with the University.
3. Suspension of University Recognition: Temporary severance of the organization's relationship with the University for a specific period of time. The period of time and any requirements, which must be satisfied prior to re-registration, must be specified.
4. Probation: Notice that further finding of responsibility for the violation of any policies of the Student Code of Conduct will likely result in suspension or revocation of University Recognition. The period of probation shall be specified.
5. Warning: A written reprimand regarding behavior that violates the Student Code of Conduct or University policy, which can include restriction, restitution or community service as defined above. This sanction is assigned a specified period of time.
6. Restitution: Reimbursement for a loss caused by the organization's actions.
7. Community Service: Assignment to work a specific number of hours at a community service site approved by the judicial body and/or the Office of Student Rights and Responsibilities.

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8. Restrictions: Restriction of some or all of the organization's activities or privileges, including, but not limited to, social privileges and recruitment privileges.
9. Other Educational Sanctions: Projects or assignments designed to educate an organization in connection with the effect of its members' actions. Educational assignments include, but are not limited to, alcohol awareness programs and/or risk management programs.

Appeals of Formal Hearings

The Respondent or Complainant may appeal the decision from a formal conduct hearing. Appeal information will be included with the decision issued to a student or organization. Appeal forms are available in the Office of Student Rights and Responsibilities (insert link here). All appeals must be in writing and submitted to the Vice President of Student Engagement and Success within five (5) University business days of receipt of the decision.

The purpose of appeal procedures is to provide the student with the opportunity to bring forward questions regarding substantive or procedural errors that occurred during the process. The appeal process is not intended to grant a new hearing at a higher level. Dissatisfaction with a decision is not grounds by itself for an appeal.

All levels of appeal described in these procedures involve written appeals only. Students or organizations neither meet with nor make oral presentations to the appellant officer. The appeal shall consist of a review of the record only, other than in the case of the availability of new information not known or knowable to the student or organization appealing during the time of the hearing.

Grounds for Appeal

The Respondent and Complainant 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 should be submitted in writing to the Vice President for Student Engagement and Success or his/her designee for review. Once a written appeal has been received, the Office of Student Rights and Responsibilities will also provide the following information to the Vice President for Student

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Engagement and Success or his/her designee the recording of the hearing, all documents and evidence presented at the hearing, the written Notice of the Hearing, the Hearing Panel's decision, and any other documents in the record of the hearing or that are otherwise relevant to the student's grounds for appeal.

The Vice President of Student Engagement and Success or his/her designee shall determine the method of reviewing these materials and make one of the following determinations within a reasonable time period:

1. Affirm the original decision.
2. Affirm the original finding(s) but issue a new sanction(s) of lesser severity.
3. Remand the case back to the Hearing Panel or Hearing Officer 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 Vice President of Student Engagement and Success or his/her designee will notify the Respondent and the Complainant, if applicable, in writing, of the decision. The case materials, including a copy of the decision, will be returned to the Office of Student Rights and Responsibilities. The decision of the Vice President for Student Engagement and Success or his/her designee is considered final and all imposed sanctions take effect after the Vice President for Student Engagement and Success or his/her designee issues the decision, unless the sanction includes a suspension, expulsion, or organization revocation.

Further Review for Cases Resulting in Suspension, Expulsion, Charter Suspension or Revocation

The responding student or organization may make further appeal to the President of the University within only if one of the following sanction(s) was issued by the original Hearing Panel or Hearing Officer:

1. Suspension from the University (individual student)
2. Expulsion from the University (individual student)
3. Charter Suspension/Revocation (organization)
4. Revocation of University Registration (organization)

If these conditions exist, the responding student or organization may submit a written appeal for further review to the Office of the President within five (5) business days of receiving the decision of the Vice President for Student Engagement and Success or his/her designee.

Any appeal for Presidential review must be based solely on one or more of the three grounds described for the first phase of appeal and must involve one of the four sanctions listed above. The President may affirm the original decision; affirm the original finding(s) but issue a new sanction(s) of lesser severity;

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remand the case back to the Hearing Panel or Hearing Officer 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 issued in writing to the responding student or organization and the Complainant, if applicable, within a reasonable time period. This is the final appeal at the institution and, if applicable, all imposed sanctions take effect after the President issues his/her decision.

Application for Review by the Board of Regents

Following the decision of the President, a student or organization may apply to the Board of Regents' Office of Legal Affairs ("Legal Affairs") for a further review of the decision pursuant to Board of Regents' Policy Manual 8.6. The application for review shall be submitted in writing to Legal Affairs within twenty (20) calendar days of the date of the President's decision. A review is not considered a matter of right, but is within the sound discretion of Legal Affairs. If the application for review is granted, a Committee shall review the decision of the President. Said Committee shall consist of the Vice Chancellor for Legal Affairs or his or her designee, the Vice Chancellor for Academic Affairs or his or her designee, the Vice Chancellor for Human Resources or his or her designee, and any other person or persons deemed appropriate by the Committee. Legal Affairs may issue guidelines governing the process for review.

The decision of the Committee shall be final and binding for all purposes. Nothing within the Policy shall be construed to extend to any party substantive or procedural rights not required by federal or state law. The Policy shall not be construed to extend to any party any expectation of employment, admission, or additional due process rights. The Policy is not part of the due process rights afforded to students or employees of the University System; those rights have been fully afforded upon the decision of the President.

Recusal/Challenge for Bias

Any party may challenge the participation of any institution official, employee or Hearing Panel member in the process on the grounds of personal bias by submitting a written statement to the Vice President for Student Engagement and Success, or his/her designee, setting forth the basis for the challenge. 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 Vice President for Student Engagement and Success will determine whether to sustain or deny the challenge, and if sustained, the replacement to be appointed.

Parental Notification

The Family Educational Rights and Privacy Act (FERPA) has given colleges/ universities the option to notify parents or guardians about specific types of information from a student's conduct record. The Office of Student Rights and Responsibilities may notify parents or guardians when a student is found to have violated Code of Conduct policies on the use or possession of alcohol or other drugs when he/she is under the age of 21.

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Confidentiality of Records

A student may authorize the release of his/her disciplinary record to any party by making a written request.

Destruction of Records

All records of cases in the Office of Student Rights and Responsibilities shall be maintained in a location designated by the Office of Student Rights and Responsibilities until such time as they are destroyed in accordance with the destruction schedule established by the Board of Regents of the University System of Georgia.

Adoption and Amendments

Procedures to be followed in conjunction with University conduct hearings and appeals are developed through the efforts of the Office of Student Rights and Responsibilities in conjunction with the Vice President of Student Engagement and Success. These procedures, and any amendments to the procedures, are formally adopted when recommended by the Director for Student Rights and Responsibility and approved by the Vice President for Student Engagement and Success. Those wishing to propose new procedures or amendments to existing procedures should contact the Director of Student Rights and Responsibilities.

ACADEMIC INTEGRITY PROCEDURES

Responsibility the Faculty Member

Students do not always come to the GSW community knowing the principles of academic integrity and therefore teaching students to exercise these principles is the duty of the faculty. Given that the parameters of academic integrity are defined by the goal of an assignment or activity, the type of assessment being used, and the standards of the particular discipline, faculty members should be explicit about their expectations of students. To that end, faculty members should state in their syllabi the expectations for 1) attribution of ideas, 2) collaboration on assignments, 3) collection of data, and 4) quizzes, tests and examinations.

Responsibility of the Student

As partners in their own learning, students are responsible for making themselves aware of how the principles of academic integrity apply in each academic setting they enter. While the faculty member is responsible for setting expectations, it is the student's responsibility to seek guidance from the faculty

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member, especially when unsure of how to apply the principles in a particular situation. When in doubt, seek guidance from the instructor.

Instances of academic dishonesty are a serious violation of community standards for academic integrity and may result in suspension or expulsion from GSW. While faculty members have the primary responsibility for establishing the parameters of academic integrity in the academic situations they supervise, it is the responsibility of all members of the GSW academic community to report suspected instances of academic dishonesty. Therefore, any member of the GSW academic community can lodge an academic dishonesty complaint with the Office of Student Rights and Responsibilities.

Any member of the academic community who has evidence of academic dishonesty should report his or her suspicion and evidence to the faculty member of the student(s) believed to be in violation of the policy. The faculty member is then responsible for responding, and if she or he has adequate evidence, may file an Academic Dishonesty Violation Report with the Office of Student Rights and Responsibilities.

Process for Resolving Academic Dishonesty or Integrity Issues

Instances of academic dishonesty are a serious violation of community standards for academic integrity and may result in suspension or expulsion from GSW. While faculty members have the primary responsibility for establishing the parameters of academic integrity in the academic situations they supervise, it is the responsibility of all members of the GSW academic community to report suspected instances of academic dishonesty. Therefore, any member of the GSW academic community can lodge an academic dishonesty complaint with the Office of Student Rights and Responsibilities.

Any member of the academic community who has evidence of academic dishonesty should report his or her suspicion and evidence to the faculty member of the student(s) believed to be in violation of the policy. The faculty member is then responsible for responding, and if she or he has adequate evidence, may file an Academic Dishonesty Violation Report with the Office of Student Rights and Responsibilities.

Faculty Reporting

If an instructor discovers a case of academic dishonesty, he or she may impose whatever penalty is deemed appropriate by the faculty member, given the standards and expectations shared with students in that course (including but not limited to rewriting assignments, failure on the assignment, or failure in the course). The faculty member's syllabus policies will establish how the violation will be handled in his or her own classroom if the student does not contest that a violation has occurred. In addition, the faculty member's syllabus policies will establish how the violation will be handled in his or her own classroom if the Academic Integrity Board confirms that a violation has occurred.

All incidents of academic dishonesty will be reported to the Office of Student Rights and Responsibilities using the Academic Integrity Violation Report Form which asks for a description of the incident, a copy of the faculty member's written policy on academic dishonesty, evidence that a violation has occurred, the penalty imposed by the faculty member, and the student's signature indicating the faculty member met with the student about the incident and explained the consequences.

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The Director of Student Rights and Responsibilities will keep on file all Academic Integrity Violation Report forms. When a new report is received, the Director of Student Rights and Responsibilities will review the record to determine if the student has any other academic integrity violations on file. A first violation will be filed, but no action will be taken by the University unless the student chooses to dispute that a violation has occurred. If a student disputes that a first violation of this policy has occurred or the student has more than one violation on file, the Director of Student Rights and Responsibilities will call for a hearing of the Academic Integrity Board, and the faculty member may be asked to submit further documentation of the violation. All hearings of the Academic Integrity Board will be held in accordance with the due process procedures as specified in GSW's Student Code of Conduct.

The Academic Integrity Board's first responsibility in a hearing is to determine if a violation of the academic integrity policy has occurred. In cases where a student is exonerated of accusations of academic dishonesty by the Academic Integrity Board, the student may appeal the faculty member's penalty through the regular grade appeal process. If the Academic Integrity Board determines the student to be in violation of the academic integrity policy and it is the student's first violation, no further action will be taken by the Director of Student Rights and Responsibilities. If the Academic Integrity Board determines the student to be in violation of the academic integrity policy and the Director of Student Rights and Responsibilities informs the Board that the student has previously violated the academic integrity policy, then the Board may consider recommending further sanctions. Recommended sanctions may be educational, such as assignments which require the student to research the topic of academic integrity or speaking to the UNIV 1000 classes about academic integrity, or may include probation, suspension, or expulsion. The Academic Integrity Board will provide in writing its recommendations on the case and sanction recommendations to the Vice President for Academic Affairs within five business days of the hearing.

The Vice President for Academic Affairs will notify the faculty member, who referred the case, of the Academic Integrity Board's recommendations, including any University sanctions imposed, within five business days, excepting any days when the Vice President of Academic Affairs is travelling on university business. After this communication with the faculty, the Vice President for Academic Affairs will issue the final outcome letter to the student, with a copy to the faculty, as well as any other appropriate academic records file, within five (5) days following the communication with the faculty. If sanctions include suspension or expulsion, the student's Department Chair or Dean will also be notified. A student may not withdraw from the course in which an accusation has been made during the student conduct process. Students accused of academic dishonesty are entitled to the due process rights outlined in the Conduct Policy. A student has the right to appeal the Vice President of Academic Affairs' decision to the President of the University.

Academic Integrity Board Responsibilities (AIB)

This board hears all matters relating to academic integrity violations and oversees the procedures and appeals associated with referred Academic Dishonesty cases. The responsibilities of the Academic Integrity Board (AIB) would be:

1. To determine whether violations of the Academic Integrity Policy have occurred;

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2. To investigate violations when the student disputes that a violation occurred;
3. To make recommendations to the Vice President of Academic Affairs for further sanctions when a student has been found to have committed two or more violations of the Academic Integrity Policy;
4. To review periodically the functioning of the Committee, including Standards of Academic Integrity and Procedures and Appeals to determine if changes are needed.

Academic Integrity Board Membership

The AIB will consist of five teaching faculty appointees, one appointed by the dean of each College or School, and three students and three alternates, appointed by the Student Government Association. The Vice President of Academic Affairs will appoint one academic administrator from dean or lower rank to act as committee chair. Serving on the AIB is a serious commitment that may require significant time and training. Faculty members will serve a term of 3 years, and will agree to complete training in judging academic integrity violations and recommending additional sanctions annually. Student members will serve a term of one year, as long as they maintain a GPA of at least 2.75 and are not on any sanction (higher than Warning) resulting from any type of conduct code violation, and will agree to complete training in judging academic integrity violations and recommending additional sanctions annually. The Chair of the AIB will serve in that capacity for a one year period with the possibility of yearly renewal.

Academic Integrity Board Hearings

Hearings may be conducted by a quorum comprised of the AIB Chair, three faculty members, and two student members. A member of the AIB may be excused from a particular hearing when a conflict of interest is disclosed to the chair. In the event that an academic integrity violation is filed against a senior just prior to graduation and the student disputes that a violation has occurred, the chair of the AIB is empowered to convene an emergency hearing with all due speed.

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STUDENT CODE OF CONDUCT POLICIES

I. Academic Integrity

Georgia Southwestern State University students are expected to uphold standards of the highest level of integrity. Students are also responsible for making themselves aware of how the principles of academic integrity apply in each academic setting they enter.

The following actions are prohibited and constitute a violation of the Student Code of Conduct:

- A. Plagiarism--Plagiarism includes, but is not limited to, asking someone to write part or all of an assignment, copying someone else's work (published or unpublished), inadequately documenting research, downloading material from electronic sources without appropriate documentation, or representing others' works or ideas as one's own.
- B. Cheating on Examinations--Cheating on an exam includes, but is not limited to, giving or receiving unauthorized help before, during, or after an in-class, out-of-class, or online exam. Examples of unauthorized help include using unauthorized books or notes in either hard copy or electronic form, viewing another student's exam, taking pictures of exams with cell phones or other electronic devices, accessing unauthorized browsers or software programs during an exam, allowing another student to view one's exam, and discussing an exam or sharing information on an exam's content with other students after the exam has occurred in one section but not in another.
- C. Unauthorized Collaboration--Unauthorized collaboration includes giving or receiving unauthorized help for work that is required to be the effort of a single student, such as the receiving or giving of unauthorized assistance in the preparation of a laboratory or writing assignment, on-line exams, etc.
- D. Falsification--Falsification includes, but is not limited to the fabrication of citations or sources, of experimental or survey results, and of computer or other data.
- E. Multiple Submissions--A student may not submit substantial portions of the same work for credit more than once without the explicit consent of the faculty to whom the work is submitted for additional credit. If a work product is to be substantially revised or updated, the student must contact the faculty member in advance to discuss necessary revisions. In cases where multiple submissions are approved, faculty members will require copies of the original documents for comparison.

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II. Acts of Dishonesty

Georgia Southwestern State University students are expected to be a part of a community that creates a campus climate that supports excellence in teaching and learning, personal growth and development, and an atmosphere that is safe for, and respectful to, all students, faculty, and staff.

The following actions are prohibited and constitute a violation of the Student Code of Conduct:

- A. Furnishing false information to any University official, office, or other law enforcement officer.
- B. Forgery, alteration, or misuse of any document, record, or instrument of identification, or possession of any false identification or identification belonging to another person with dishonest intent.
- C. Lending, selling, or otherwise transferring a student identification card or any official University materials.
- D. The use of a student identification card by anyone other than its original holder is prohibited.
- E. No student or student group shall obtain under false pretenses any official University materials or student identification cards.
- F. Causing, condoning, or encouraging the completion of any University record, document, or form dishonestly, including but not limited to omitting facts which are material for the purpose of which the record, document, or form is submitted.
- G. Offering or causing to be offered any bribe or favor to a University official, office, or other law enforcement officer in order to influence a decision.
- H. Tampering with the election of any University-recognized organization.
- I. Casting or attempting to cast more than one ballot in any election or referendum on campus.

III. Alcohol & Other Drug Related Misconduct

Georgia Southwestern State University students are expected to make responsible decisions regarding alcohol and drugs and contribute to positive and healthy campus environment.

The following actions are prohibited and constitute a violation of the Student Code of Conduct:

- A. Use or possession of alcoholic beverages except as permitted by law or university policy.
- B. Providing, distributing, selling, or facilitating the use or possession of alcoholic beverages except as permitted by law and university policy.

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- C. Disruptive or disorderly conduct caused by the influence of alcohol and/or other drugs.
- D. Use or possession of narcotic or other controlled substances except as permitted by law and university policy.
- E. Providing, distributing, selling, or facilitating the use or possession of narcotic or other controlled substances except as permitted by law and policy.

IV. Hazing

Georgia Southwestern State University student organizations are expected to value philanthropic, educational, personal development, and social aspects of membership in an organization and to respect the rights of all individual members.

Participating in, condoning, encouraging, requiring, or allowing any opportunity for hazing is prohibited and constitute a violation of the Student Code of Conduct

Hazing is defined as any intentional, negligent or reckless action, activity or situation which causes another pain embarrassment, ridicule or harassment, regardless of the individual's willingness to participate. Such actions and situations include, but are not limited to, the following:

- A. Forcing or requiring the drinking of alcohol or any other substance.
- B. Forcing or requiring the consumption of food or any other substance.
- C. Calisthenics (push-ups, sit-ups, jogging, runs, etc.)
- D. Treeing
- E. Paddle swats
- F. Line-ups
- G. Theft of any property
- H. Road trips
- I. Scavenger hunts
- J. Causing fewer than six (6) continuous hours of sleep per night
- K. Conducting activities which do not allow adequate time for study
- L. Nudity at any time
- M. Running personal errands for the members (driving them to class, cleaning their individual rooms, serving meals, etc.)
- N. Forcing or requiring the violation of University, Federal, State, or local law.
- O. Any Physical Contact

V. Disorderly Conduct

Georgia Southwestern State University students are expected to show respect and civility for each other and to adhere to community standards.

The following actions are prohibited and constitute a violation of the Student Code of Conduct:

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- A. Intentional or reckless disruption or obstruction of teaching; research; administration; or other University activities, including its public service functions on or off campus or other authorized non-University activities taking place on University property with the exception of constitutionally protected freedom of speech and expression.
- B. Conduct that intentionally or recklessly causes or provokes a disturbance that disrupts the academic pursuits, or infringes upon the rights, privacy, or privileges of another person.
- C. Conduct that threatens or endangers the health or safety of another person, including but not limited to physical violence, abuse, intimidation, and/or coercion; or violation of a legal protective order.
- D. Failure to comply with directions of any University official, including student staff members, acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- E. Participation in a campus demonstration that violates the University's Policy on Freedom of Expression, intentionally or recklessly disrupts the normal operations of the University or infringes on the rights of other members of the University community.
- F. Intentional or reckless obstruction, which unreasonably interferes with the freedom of movement of an individual or group.
- G. Entering an athletic contest, dance, social or other event without the proper credentials for admission (ticket, identification, or invitation).
- H. Circulation of any advertising media that violates the University's Policy on Freedom of Expression, intentionally or recklessly disrupts the normal operations of the University or infringes on the rights of other members of the University community.
- I. Discriminatory harassment against any person. Discriminatory harassment is defined as any unwelcome verbal or physical conduct based on race, color, sex (including sexual harassment and pregnancy), sexual orientation, gender identity, ethnicity or national origin, religion, age, genetic information, disability, or veteran status. Harassment sufficiently severe, persistent or pervasive to unreasonably interfere with the individual's work or educational performance; create an intimidating, hostile, or offensive working or learning environment; or unreasonably interfere with or limits one's ability to participate in or benefit from an institutional program or activity.
- J. Any unauthorized use of electronic devices to make an audio or video recording of any person while on University premises without his/her prior knowledge or without his/her effective consent when such a recording is likely to cause injury or distress is prohibited. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, restroom, residence hall room, or other locations.

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- K. The use, possession, or storage of the following or similar devices is prohibited on ALL Georgia Southwestern property and in ALL GSW facilities: Hover boards, Segways, Swagways, IO Hawks, Skywalkers, and other similar personal mobility devices (PMD's).
- L. Conducting, organizing, or participating in any activity involving games of chance or gambling except as permitted by law.
- M. Violation of local, state and federal law, on or off campus, is prohibited. Violations will be adjudicated through the university student conduct system at the discretion of the Vice President of Student Engagement and Success or his/her designee.

VI. Personal Safety

Georgia Southwestern State University students are expected to respect each other and the personal safety of all members of their community.

The following actions are prohibited and constitute a violation of the Student Code of Conduct:

- A. Physical abuse - Any attempt to cause injury or inflict pain or causing injury or inflicting pain. Also causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. It is not a defense that the person, group, or organization against whom the physical abuse was directed consented to, or acquiesced to, the physical abuse.

The physical abuse rule is not intended to prohibit the following conduct:

- Customary public athletic events, contests, or competitions that are sponsored by the University or the organized and supervised practices associated with such events; or
 - Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program as defined and approved by the University.
- B. Harassment—Behavior that is severe, pervasive or persistent to a degree that a reasonable person similarly situated would be prevented from accessing an educational opportunity or benefit. This behavior includes, but is not limited to, verbal abuse, threats, intimidation, and coercion. In addition, harassment may be conducted by a variety of mediums, including but not limited to, physical, verbal, graphic, written, or electronic.
 - C. Stalking - Behavior in which an individual willfully, maliciously, and repeatedly engages in a knowing course of conduct directed at a specific person, reasonably and seriously alarms,

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torments, and/or terrorizes the person; or substantially interferes with the opportunity of other students to obtain an education.

D. Threatening Behavior -

- Threat - Extreme written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
- Intimidation - Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.

E. Bullying - Defined as the use of repeated or severe verbal and/or non-verbal means in order to coerce or force a person to do something or to degrade a person, including, but not limited to, the use of taunting, teasing, or coercive language, pushing, punching, or creating threatening notes/letters/signs.

F. Cyberbullying - Defined as an act of bullying that takes place using different kinds of technology and social media. Using various types of electronic devices to inflict emotional and/or mental pain, and to degrade another person.

VII. Sexual Misconduct

Georgia Southwestern State University students are expected to show respect and civility for each other and to adhere to community standards.

The following actions are prohibited and constitute a violation of the Student Code of Conduct:

- A. 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.

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- B. 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.
- C. Sexual Misconduct: Includes, but is not limited to, such unwanted behavior as dating violence, domestic violence, non-consensual sexual contact, sexual exploitation, sexual harassment, and stalking.
- D. 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.

VIII. Tobacco and Smoke-Free Policy

Georgia Southwestern State University students are expected to create an environment that respects the health and wellbeing of all other members of the community.

In accordance with Board of Regents' Tobacco and Smoke-Free Campus Policy for all University System of Georgia institutions:

- A. The use of all forms of tobacco products on property owned, leased, rented, in the possession of, or in any way used Georgia Southwestern State University is expressly prohibited. "Tobacco Products" is defined as cigarettes; cigars; pipes; all forms of smokeless tobacco; clove cigarettes; and any other smoking devices that use tobacco, such as hookahs; or devices that simulate the use of tobacco, such as electronic cigarettes and vapor devices.
- B. The use of tobacco products is prohibited in all vehicles—private or public—located on GSW properties.
- C. Advertising, sale, or free sampling of tobacco products on GSW properties, unless specifically stated for research purposes, is prohibited. This prohibition includes, but is not limited to, all areas indoors and outdoors and buildings and parking lots owned, leased, rented, or otherwise used by GSW.

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- D. All events hosted by a GSW shall be tobacco-free. All events hosted by outside groups on behalf of GSW shall also be tobacco-free.
- E. This policy applies to all persons who enter the areas described above, including but not limited to: students, faculty, staff, contractors and subcontractors, spectators, and visitors.

IX. Theft, Damage & Disregard for Property

Georgia Southwestern State University students are expected to respect the property and belongings of the university and of all members of that community.

The following actions are prohibited and constitute a violation of the Student Code of Conduct:

1. Taking, attempting to take, or keeping in one's possession any property or item, including but not limited to any tangible possession, information, or account, without proper authorization.
2. Malicious or unwarranted damage or destruction, or attempted damage or destruction, of any property or item, including but not limited to any tangible possession, information, or account.
3. Selling or attempting to sell a textbook unless the seller is the owner of the textbook or has the permission of the owner to do so.
4. Taking, attempting to take, or keeping items belonging to the library or items placed in the library for display.

X. Fire Safety & Sanitation

Georgia Southwestern State University students are expected to behave as informed members of a community working together to provide a safe environment for everyone.

The following actions are prohibited and constitute a violation of the Student Code of Conduct:

- A. Misusing, damaging or tampering with fire safety equipment.
- B. Setting or causing to be set any unauthorized fire.
- C. Possessing or using fireworks, explosives or other incendiary devices without authorization.
- D. Making or causing to be made a false fire alarm.
- E. Intentionally or recklessly obstructing a fire exit in any University building.

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- F. Failure to exit a University building when the fire alarm sounds.
- G. Failure to maintain an organization's facilities and/or surrounding property creating a potential danger to the health or safety of the occupants or other individuals.

XI. Weapons

Georgia Southwestern State University students are expected to respect the safety of their campus community and follow all federal, state, and system policies regarding weapons.

Possessing a weapon on property owned or leased by GSW, except as specially provided by federal or state laws, is a violation of the Student Code of Conduct.

All exceptions to this policy are included in the University System of Georgia's Board of Regents Policy Manual 6.11.1 and can be found at the following link:
<https://www.usg.edu/policymanual/section6/C2675/>

XII. Unauthorized Entry or Use

Georgia Southwestern State University students are expected to be appropriately use campus facilities, resources, and services.

The following actions are prohibited and constitute a violation of the Student Code of Conduct:

- A. Unauthorized entry or attempted entry into any property, including but not limited to any building, office, or other facility, automobile, backpack, or account.
- B. Making or attempting to make unauthorized use of any building, office, or other facility, information, or accounts.
- C. Unauthorized possession, use, or duplication of keys or other methods of controlled access (card, codes, etc.)

XIII. Residential Living

Georgia Southwestern State University students are expected to actively engage in a community that fosters success by promoting a campus culture of safety and well-being.

GSW residency requirement is four (4) semesters (fall/spring) for first-time and transfer students under 30 credit hours of undergraduate coursework.

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Residential contracts and policies apply to the Student Conduct Code.

Any violation of the Policies of Residential Living prohibited and constitute a violation of the Student Code of Conduct.

XIV. Computer Use

Georgia Southwestern State University students are expected to appropriately use all computer and networks owned or operated by Georgia Southwestern. Appropriate use includes actions that are legal, ethical, reflect academic honesty, reflect community standards, and show restraint in the consumption of shared resources.

Any violation of the Computer and Network Acceptable Use Policy found at <https://www.gsw.edu/resources/facultyandstaff/iit/abuseandpolicydocuments/usagepolicy> is prohibited and constitute a violation of the Student Code of Conduct:

XV. Interference with the Orderly Operation of the Student Conduct Process

Georgia Southwestern State University students are expected to adhere to community standards of acceptable behavior and civic virtues outlined in the Student Code of Conduct.

The following actions are prohibited and constitute a violation of the Student Code of Conduct:

- A. Unreasonably delaying the Student Conduct Process by failing to schedule or appear for a meeting as requested any staff member serving any role in the Student Conduct Process.
- B. Intentionally providing false, distorted, or misrepresented information to any staff member serving any role in the Student Conduct Process or knowingly initiating a false complaint.
- C. Disrupting the orderly operation of a conduct proceeding.
- D. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct Process.
- E. Harassing, intimidating, and/or retaliating against any staff member serving any role in the Student Conduct Process., Hearing Panel Member, reporting party, or any other individual associated with any report, investigation, informal or formal resolution, or proceeding under the Code of Conduct.
- F. Failure to comply with the sanctions imposed under the Student Code of Conduct.

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- G. Repeated violations of published rules or regulations of the University, cumulatively indicating an unwillingness or inability to conform to the institution's standards for student life.

XVI. Complicity

Georgia Southwestern State University student organizations are expected to behave collectively and individually in ways that uphold the mission of the University.

- A. Acting in concert to violate University conduct regulations.
- B. Knowingly condoning, encouraging, or requiring behavior that violates University conduct regulations.
- C. Allowing, condoning, permitting or providing opportunity for a guest to violate University conduct regulations.

XVII. Violations of any University Rules or Procedures

Georgia Southwestern State University students are expected to follow all University policies, contracts and regulations. Such rules include, but not limited to, residence hall contracts and policies, NCAA regulations, rules relating to entry and use of university facilities, university motor vehicle rules, and rules governing intramural sports, and dining hall contract.

XVIII. Retaliation

Georgia Southwestern State University students are expected to respect the Student Conduct process and the rights of all others as a part of the process.

Retaliation is prohibited and constitutes a violation of the Student Code of Conduct.

Retaliation is any adverse action taken against a person who files a complaint and/or a person who supports, assists, a person who files a complaint, and/or provides relevant information to the complaint. Retaliatory actions include, but are not limited to, threats or actual violence against the person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying or ostracism.

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Appendix A.

Board of Regents Policy Manual Official Policies of the University System of Georgia

4.6.5 Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings

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

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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

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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.

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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.

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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

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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

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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.

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Appendix B.

Board of Regents Policy Manual Official Policies of the University System of Georgia

6.7 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.

6.7.1 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

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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.

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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:

Invasion of sexual privacy;

Prostituting another individual;

Non-consensual photos, video, or audio of sexual activity;

Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity was consensual;

Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;

Knowingly transmitting an STD or HIV to another individual through sexual activity;

Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or

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

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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.

6.7.2 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.

6.7.2 (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

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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.

6.7.2 (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:

Clothing worn during the incident including undergarments;

Sheets, bedding, and condoms, if used;

Lists of witnesses with contact information;

Text messages, call history, social media posts;

Pictures of injuries; and/or

Videos.

6.7.2 (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.

6.7.2 (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.

6.7.2 (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.

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6.7.2 (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.

6.7.3 Handling Reports of Sexual Misconduct

6.7.3 (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.

6.7.3 (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.

6.7.3 (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.

6.7.3 (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.

6.7.3 (E) Informal Resolutions

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

When complainant(s) and respondent agree to an informal resolution;

When the initial allegation could not result in expulsion;

When the complainant(s) and respondent(s) agree to the terms of the informal resolution; and

When the investigator concludes that informal resolution is in the best interest of the parties and the institution's community.

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.

6.7.3 (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.

6.7.4 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.

6.7.5 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.

Appendix C.

Board of Regents Policy Manual Official Policies of the University System of Georgia

6.11 Weapons

The University System of Georgia (USG) prohibits all weapons on property owned or leased by the USG and its institutions, except as specifically provided herein or as provided in federal or state law.

6.11.1 Exceptions

Prohibited weapons do not include sporting equipment possessed for legitimate use in formal or informal athletic or exercise activities.

Law enforcement officers, active military personnel, and other similar personnel may possess weapons as authorized by federal or state law to do so.

Any person who is 18 years of age or older or currently enrolled in classes in a USG institution may possess an electroshock weapon on the campus(es) of that institution but may only make use of such electroshock weapon in defense of self or others.

Weapons carry license holders may possess weapons while under the license holder's physical control in a motor vehicle, in a locked compartment in a motor vehicle, in a locked container in a motor vehicle, or in a locked firearms rack in a motor vehicle.

A weapons carry license holder may carry a handgun in any building or on any real property owned or leased by the USG and its institutions; provided, however, that such exception shall:

- (i) Not apply to buildings or property used for athletic sporting events or student housing, including, but not limited to, fraternity and sorority houses;
- (ii) Not apply to any preschool or childcare space located within such buildings or real property;
- (iii) Not apply to any room or space being used for classes related to a college and career academy or other specialized school as provided for under Georgia Code Section 20-4-37;
- (iv) Not apply to any room or space being used for classes in which high school students are enrolled through a dual enrollment program, including, but not limited to, classes related to the "Move on When Ready Act" as provided for under Georgia Code Section 20-2-161.3;
- (v) Not apply to faculty, staff, or administrative offices or rooms where disciplinary proceedings are conducted;

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(vi) Only apply to the carrying of handguns which a licensee is licensed to carry pursuant to subsection (e) of Georgia Code Section 16-11-126 and pursuant to Georgia Code Section 16-11-129; and

(vii) Only apply to the carrying of handguns which are concealed.

6.11.2 Definitions

The terms listed below are defined for purposes of this Policy as follows:

“Weapon” means and includes any pistol, revolver, or any instrument designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any instrument of like kind, and any stun gun or taser as defined in subsection (a) of Georgia Code Section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the faculty member.

“Handgun” means a firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged by an action of an explosive where the length of the barrel, not including any revolving, detachable, or magazine breech, does not exceed 12 inches; provided, however, that the term “handgun” shall not include a gun which discharges a single shot of .46 centimeters or less in diameter.

“Electroshock weapon” means a stun gun or taser or similar commercially available device that is powered by electrical charging units and designed exclusively to be capable of incapacitating a person by electrical charge.

“Concealed” means carried in such a fashion that does not actively solicit the attention of others and is not prominently, openly, and intentionally displayed except for purposes of defense of self or others. Such term shall include, but not be limited to, carrying on one’s person while such handgun is substantially, but not necessarily completely, covered by an article of clothing which is worn by such person, carrying within a bag of a nondescript nature which is being carried about by such person, or carrying in any other fashion as to not be clearly discernible by the passive observation of others.

“Preschool or childcare space” means any room or continuous collection of rooms or any enclosed outdoor facilities which are separated from other spaces by an electronic mechanism or human-staffed point of controlled access and designated for the provision of preschool or childcare services, including, but not limited to, preschool or childcare services licensed or regulated under Article 1 of Chapter 1 of Title 20 of the Georgia Code.

Office of Student Rights and Responsibilities

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