



Student Conduct Investigation and Disciplinary Proceedings

Reports of Student Misconduct:

Complaints of student misconduct may be reported to any member of the Albany State University community online at:

Non-Academic

https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout_id=1

Academic

https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout_id=14

or to the appropriate department and/or person(s) and should include as much information as possible.

Review:

The Office of Judicial Affairs will review the complaint to determine whether the allegation(s) describe conduct which may be in violation of Albany State University's policies.

1. If the reported conduct would not be in violation, the report will be dismissed or followed up with appropriately.
2. If the reported conduct would be a violation, a review will be conducted to determine whether charges against the respondent (accused) should be brought.

Notice:

The respondent will receive notice of the alleged misconduct that will include: (1) the possible charges, (2) notice of a right to an advisor, and (3) a link to the Student Conduct Investigation and Disciplinary Proceedings. This notice will be delivered via Albany State University email. Additionally, the respondent will be given the opportunity to meet with the Coordinator for Student Ethics & Integrity to discuss all procedures.

Informal Process:

If the respondent admits responsibility to the violation(s), the respondent may choose to participate in an informal process, which includes:

1. the student being given notice of the alleged violations(s),
2. an explanation of the charges,
3. and an opportunity to be heard by an appropriate Hearing Officer who will assign an appropriate sanction(s).
4. In certain student misconduct cases where they mutually agree, the alleged victim (where applicable) and respondent may have the option of selecting mediation as a possible resolution, except where deemed inappropriate by the Office of Judicial Affairs.

Hearing Standards:

If the respondent indicates that they contests the charges, the case will be set for hearing. The following standards will apply to any hearing:

1. The respondent will have the option of having the charges heard either by an administrator (Hearing Officer) or a student conduct panel.

2. Notice of the date, time, and location of the hearing will be provided to the respondent and alleged victim (where applicable) at least five (5) business days prior to the hearing via Albany State University email.
3. The respondent and alleged victim (where applicable), shall have the right to use an advisor (including an attorney) of their choosing with the purpose of providing advice and counsel.
4. The respondent will have the right to present witnesses and evidence to the Hearing Officer or panel, as well as to ask questions to any witnesses.
5. The standard of review will be a preponderance of the evidence, which means that it was more likely than not to have occurred. However, any decision to suspend or to expel a student must also be supported by substantial evidence at the hearing.
6. The University will maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings and/or video recordings.
7. Following a hearing, both the respondent and alleged victim (where applicable) will be provided a written decision with a summarization of the evidence in support of the sanction, via Albany State University's email.
8. The decision will include details on how to appeal the decision.

Formal Process:

If the potential sanctions for the alleged misconduct may involve suspension or expulsion from the University, a formal process will be followed, which includes the following steps:

1. The respondent will be provided with written notice of: (a) the complaint/allegations, pending investigation, (b) possible charges, (c) possible sanctions, (d) identity of any investigator(s) involved, and (e) available support services. Where applicable, a copy will also be provided to the alleged victim.
2. Upon receipt of the written notice, the respondent will be given three (3) business days to respond in writing. In that response, the respondent will have the right to admit to or deny the allegations and to set forth a defense with facts, witnesses, and documents — whether written or electronic — in support. A non-response will be considered a general denial of the alleged misconduct.
3. Based on this response, the investigation will consist of interviews of the respondent, the alleged victim (where applicable) and witnesses, and the collection and review of documents or other physical or electronic information, as well as other steps as appropriate. The investigator will retain written notes and/or obtain written or recorded statements from each interview.
4. The investigation will be summarized in writing in an initial investigation report and provided to the respondent and the alleged victim (where applicable) in person or via email. This summary will clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions.
5. If the respondent is ultimately charged with any violation, they will again have the opportunity to respond in writing. The respondent's written response to the charge(s) will be due three (3) business days following the date of the delivery of the initial investigation report. The respondent's written response should outline their plea in response to the charge(s), and where applicable, their defense(s), the facts, witnesses, and documents — whether written or electronic — in support. A nonresponse to the charge(s) by the respondent will be interpreted as a denial of the charge(s).
6. The investigator will conduct further investigation and update the investigative report as warranted by the respondent's response.
7. The final investigative report will be provided to the student misconduct panel or hearing officer for consideration in adjudicating the charges brought against the respondent. A copy will 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 will otherwise have no part in the hearing process.

Sanctions:

In determining the severity of sanctions or corrective actions the student conduct panel or hearing officer will consider the following:

1. The frequency, severity, and/or nature of the offense,
2. History of past conduct,
3. Offender's willingness to accept responsibility,
4. Previous institutional response to similar conduct, and
5. The institution's interests.

The broad range of sanctions includes:

1. Expulsion – permanent forced withdrawal from the University
2. Suspension - for an identified time frame and/or until the satisfaction of certain conditions
3. 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 orders
4. Required participation in sensitivity training/awareness education programs
5. Required participation in alcohol and other drug awareness and abuse prevention programs
6. Assessment Fee
7. Referral, such as but not limited to counseling, evaluation, treatment, or mentoring;
8. Volunteering/community service
9. Delays in obtaining administrative services and benefits from the institution (e.g., holding transcripts, delaying registration, graduation, diplomas)
10. Additional academic requirements relating to scholarly work or research
11. Forced withdrawal from a course and/or department within which the offense occurred, either with or without credit for the course, as may be adjudged
12. Financial restitution or fees, which may be associated with specific violations
13. Fine (\$50.00 - \$500.00)
14. Reprimand, a written admonition which would be placed in an individual's file
15. An appropriate grade change
16. Revocation of privileges, loss of right or denial of privileges to participate in campus functions or have access to campus or University facilities including parking or housing. This may include revoking the charter or official recognition of an official organization.
17. Any other discretionary sanctions directly related to the violation or conduct.

Appeals:

The University will entertain appeals from students that have been suspended or expelled from the University, removed from housing, removed from class, or forced to withdraw from a course and/or department. Other cases may be reviewed in regard to policy and procedural accuracy upon the request from the student. Appeals should be submitted online at https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout_id=5, within five (5) business days of the date of the final written decision. The alleged offender will have the right to appeal the outcome on any of the following grounds:

1. To consider new information, sufficient enough 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.