

Student Activities

Student Judicial System

Student Code of Conduct

I.

Albany State University has an obligation to clarify those standards of behavior that it considers essential to its educational mission and its community life. The university to protect its educational purpose, to provide for orderly conduct of these activities, and to safeguard the interest of the university community has established these standards and procedures. These disciplinary procedures used by the university are considered part of its educational process and reflect the philosophy of peer education and evaluation. Hearings or appeals conducted as a part of the process provide due process and are not courts of law and they are not subject to many of the rules of civil or criminal hearings. Because some of the violations of these standards are also violations of law, students may be accountable to both civil authorities and to the university for their actions. Disciplinary actions at the university will normally proceed notwithstanding any civil or criminal proceeding. Except as expressly adopted by this code, the procedures of criminal and civil courts shall not govern disciplinary proceedings or decision, unless significant prejudice to an accused student or to the university may result.

II. AUTHORITY

The Board of Regents and the University have the responsibility to require acceptable conduct on the part of students at Albany State University. Vice President for Student Affairs had been charged with this responsibility with the assistance of the Assistant Vice President who serves as Judicial Officer for the university. The Vice President for Student Affairs or his/her representative may hold hearings and administer disciplinary penalties in accordance with these procedures.

III. STUDENT RIGHTS UNDER THE STUDENT JUDICIAL SYSTEM

A student and/or organization who has been charged with a violation and thus alleged to be involved in misconduct or inappropriate behavior will be granted the following in order to assure fundamental fairness in the university judicial process:

A. **Notice of Charges**- To be informed in writing of the specific violation and inappropriate behavior in which the student or organization is suspected of involvement.

B. **Procedures** - To be informed in writing of the student judicial process.

C. **Hearing** - To have an opportunity to be heard in person before a decision is made.

D. **Evidence** - To know the nature of the evidence and to be able to question witnesses except in extenuating circumstances.

E. **Witnesses** - To be able to offer a defense by having material and/or character witnesses speak on his/her behalf.

F. **Advisor** - To have an Albany State University faculty, staff, or student attend the hearing in the role of a friend, advisor, or counselor. If an accused student desires to have an

advisor/attorney present at the hearing, that advisor may not speak or represent the student. They are present for consultation purposes only.

G. Written Decision – To have a written response reporting the results of the hearing.

H. Appeal – To appeal a decision of a hearing officer or judicial board except when admitting guilt and a minimum sanction is given.

The Vice-President for Student Affairs has the right to overturn a decision of the Judicial Officer, the University Disciplinary Board; and/or Housing Review Board if he/she feels a decision undermined the integrity of the judicial process.

IV. DISCIPLINARY TERMS

A. Administrator, Faculty, Staff.

Any persons employed by the University to execute the required and day to day functions thereof in accordance with the University's and Board of Regents rules and regulations, as well as, the laws of the State of Georgia.

B. Business/Working Days

Standard working days of the week: Monday through Friday, excluding holidays.

C. Exoneration

To clear of any and all blame with all charges being dismissed or dropped.

D. Judicial Committees/Boards

The University Disciplinary Committee (UDC); The Academic Review Committee (ARC); and the Housing Review Board (HRB).

E. Interim Suspension

An order by the President, the Vice President for Student Affairs, Judicial Officer or appropriate designees prohibiting a student from entering the University's premises.

F. Pre-hearing Conference

A conference held prior to any formal hearing procedure where a student may waive their rights and accept disciplinary sanction or request formal procedures. The Vice President may choose to by-pass this step and forwards a case for formal procedures.

G. Sanction

The penalty, fine, or punishment for violation of the Student Code of Conduct.

H. University Community/Family

Any administrator, faculty, staff, or student of the University, as well as the environment, physical extremities or premises surrounding and/or within proximity of Albany State University.

I. Value

A principle or quality.

V. DISCIPLINARY PROCESS

In establishing a responsible community, it is imperative that students, faculty and staff assist in the enforcement of university regulations. Albany State University community members are accountable to both civil authorities and to the University for acts, which constitute violations of law and of the community. The University will refer matters to federal and/or state authorities for prosecution when appropriate.

Students accused of violating the value standards of conduct of this code shall be given prompt written notice of the allegations, and shall be entitled to an informal hearing before a student judicial body or person. There are three committees:

- A. University Disciplinary Committee** – Charged with hearing alleged violations of the Student Code of Conduct referred by the Office of the Vice President for Student Affairs. The Disciplinary Committee of the University shall consist of fifteen members of whom nine shall be members of the faculty and/or staff appointed by the President of the University. Six members shall be regularly enrolled students recommended by the Vice President for Student Affairs, and appointed by the President. Only five (5), two students, two faculty/staff and one faculty/staff chairperson will be needed per hearing.

The President shall appoint each year, several faculty or staff members to act as Chairpersons of the Disciplinary Committee. The Disciplinary Committee shall hear cases involving alleged violations of the Student Conduct Code. An audio taped record of the proceedings will be made.

- B. Academic Review Committee** - Charged with hearing alleged violations of the Academic Integrity Value, including but not limited to plagiarism, cheating, misrepresentation and/or fabrication of ones work and all other forms of academic dishonesty shall be referred to the **ARC** by the Office of the Vice President for Student Affairs. Cases involving academic dishonesty may initially be heard by bodies established by the university, or the faculty member who may offer the student a grade sanction.

The Academic Review Committee of the University shall consist of five members of whom three shall be members of the faculty appointed by the President of the University and two shall be regularly enrolled students recommended by the Vice President for Student Affairs, and appointed by the President.

The President shall appoint, each year, a faculty member to act as Chairperson of the Academic Review Committee. An audio taped record of the proceedings will be made.

- C. Housing Review Board** – Charged with hearing alleged violations of Residence Hall policies, rules and regulations, by residents and/or their guests. Incident reports are submitted to the Director of Residence Life for review.

The Housing Review Board of the University shall consist of five members of whom two shall be members of the Residence Life staff and two shall be regularly enrolled students who are Residential Assistants and one Chairperson appointed by the Director of Residence Life.

The Director of Residence Life shall appoint a Hall Director to act as Chairperson of the Housing Review Board. If a violation of the code is established, punishment imposed by

the Board may include relocation, restitution, fines, Residence Hall probation and suspension or dismissal from the Residence Hall.

The Housing Review Board shall provide a brief written summary and tape of each case, along with written recommendations to the Director of Residence Life.

The Office of Student Life must also receive a copy of all paperwork for record purposes.

VI. ADMINISTRATIVE PROCEDURES:

Students Arrested for On-Campus/Off-Campus Infractions (Felony)

Obtain Official Police Records:

- a. ASU Director of Public Safety notified of arrest.
- b. Director of Public Safety will secure official report.
- c. Director of Public Safety notifies the Vice-President for Student Affairs.
- d. Vice-President for Student Affairs notifies the President.

The Vice-President for Student Affairs, Director of Public Safety and University Legal Advisor determine the nature and seriousness of charges.

The Office of the Vice-President for Student Affairs will initiate an institutional investigation in terms of an infraction of University rules, regulations and student code of conduct.

ENROLLMENT OPTIONS: SUSPENSION (See Interim Suspension)

READMISSION GUIDELINES: The student must notify the Office of the Vice-President for Student Affairs, in writing, of the disposition of the case before readmission to the University will be viewed and/or approved. The Office of the Vice-President for Student Affairs:

- a. Reviews on-campus and off-campus adjudication.
- b. Interviews student.
- c. Makes recommendation to the Disciplinary Committee and/or President.

VII. DISCIPLINARY PROCEDURES

All reports of alleged violations by a student shall be made in writing to the Office of the Vice-President for Student Affairs. Each complaint shall contain a statement of facts outlining each alleged act of misconduct and any witnesses to the alleged act.

The Office of the Vice President for Student Affairs shall make preliminary investigations of charges against a student and send a notice of charges to the student. The

Director of Student Life or designee holds pre-hearing conferences with the accused student or refers cases to the appropriate disciplinary committee. The Director of Student Life shall set the time and place for a hearing and shall notify other committee members, the accused student and any witnesses deemed necessary by the University to testify at the hearing.

A. Pre-hearing Conferences

1. **Notice of Charges:** The Director of Student Life shall issue a notice of charges to the accused student. The notice of charges shall contain at a minimum, the date of the alleged violation, evidence to be used in support of the alleged violation and the date and time of the pre-hearing conference. The notice will request that the accused student meet with the Director of Student Life or the Director of Student Life may refer the case for a formal hearing at his/her discretion.

The student shall be notified of the date and time of the pre-hearing conference via email or in writing at least two days prior to pre-hearing date and no longer than five days after the alleged violation.

At the pre-hearing conference the student will be given the opportunity to accept responsibility for the violation, waive their rights to all hearing and appeal and accept a disciplinary sanction or request formal hearing procedures.

Students who fail to attend the pre-hearing conference will be found in violation and a sanction imposed. Students sanctioned in their absence will be notified in writing and given five days to request a formal hearing before the sanction is imposed and the case considered closed.

Formal Hearing Procedures

1. The Office of the Vice-President for Student Affairs shall, at least three business days in advance of the hearing notify the student in writing. The notice shall be delivered by hand if reasonably possible and otherwise by certified mail to the last local address of the student registered with the University (Failure of the student to have a valid mailing address on file with the University shall not invalidate the notice). The notice of charges shall contain at a minimum:

- The date, time and place of the hearing. A statement of the specific charges, and
- Copies of all evidence and the names of witnesses that the University may call to testify at the hearing.

2. If a student fails to appear at the hearing and the student has been properly notified, the disciplinary committee may hold the hearing in the student's absence. After a review of the testimony and evidence the committee may dismiss the charges; find the student responsible and impose a disciplinary penalty.

3. Requests for continuance must be made by the student in writing and received by the Director of Student Life at least one day prior to the scheduled hearing. The Director of Student Life may reschedule the hearing if the request is timely and for good cause.

4. Any member of the Disciplinary Committee shall disqualify himself or herself if their personal involvement in the case does not allow them to be objective or is of such a nature as to be detrimental to the interest of the accused or of the Institution.

5. Deliberations are conducted in an executive session with a hearing panel only. The decision reached after deliberations shall be made by majority vote. A quorum shall consist of three members, two faculty and/or staff members and one student. One of the two faculty members must be the Chairperson who votes only in case of a tie. A written summary, recommendations and audio tape shall be forwarded to the either the Vice President for Student Affairs, Vice President for Academic Affairs or Director of Residence Life as appropriate who shall communicate the findings in writing to the student. The notice of findings will notify the student of their right to appeal.

6. While an appeal is pending, any action assessed by the hearing body shall be suspended pending the outcome of the appeal to the President of the University. The President's decision is final at this level. The final appellate level is the Board of Regents. Only a sanction of suspension or expulsion may be appealed at the Board of Regents level.

7. Due process shall be afforded the accused student at formal hearings and the student shall be entitled:

- _____ a. To be present at the hearing and hear all testimony presented.
- b. To examine prior to the hearing, evidence to be presented.
- c. To have an advisor of his/her choice.
 - a. To question witnesses in accordance with the rules.
 - b. To present evidence and/or witnesses in accordance with the rules.
 - c. To remain silent and have no inference of guilt drawn from such silence.
- h. To appeal if the committee imposes suspension or expulsion.
 - i. To attend classes and required college functions until a hearing is held and decision is rendered. *

* Exceptions to this would be made when the student's presence would create a clear and present danger of material interference with the normal operation and processes or the requirements of appropriate discipline at the University. In such cases, the Office of the Vice-President for Student Affairs may impose temporary protective measures, including suspension, pending a hearing, which may be reasonably necessary. It is understood that such temporary protective measures, if applied, will be without avoidable prejudice to the student.

A tape recording of the proceedings shall be kept and made available at the student's request for the sole purpose of appeal from a decision of suspension or expulsion.

Rules of Procedure in Formal Hearings:

1. In cases involving more than one student, the Director of Student Life may consolidate the cases for hearing, but shall make separate findings for each

- accused student.
2. If the student chooses to have an advisor present during the hearing, the advisor shall be present for consultation purposes only and shall not be permitted to speak on the students' behalf.
 3. Rules of common courtesy and decency shall be observed. Willful disrespect, to include, but not limited to use of profanity, threatening behavior, derogatory remarks, and or/gestures will not be tolerated.
 4. Any person may be dismissed from the hearing that interferes with or obstructs the hearing or who fails to abide by the rulings of the chairperson.
 5. The questioning of any person appearing before the hearing panel shall not be in a badgering, unduly repetitious, or irrelevant manner. It shall be at the discretion of chairperson to curtail a participant's further opportunity for questioning if such behavior occurs.
 6. The chairperson shall have the right to call additional witnesses, require the presentation of additional evidence, and/or require additional investigation.
 7. An audio taped record of the hearing shall be maintained and filed with the Director of Student Life. The record of the hearing shall be retained for five years. In cases of expulsion, the record should be retained permanently.
 8. All hearings will be **closed**.

Additional Procedures in Sexual Assault Cases

1. The accused shall not initiate any contact, directly or indirectly, with the accuser or any witness.
2. During the hearing, no evidence may be presented which pertains to the past sexual history of the accuser or of any witness.

3. During the hearing, unrelated past sexual history of the accused may not be entered as evidence nor discussed in the hearing.
4. The accused and the accuser will be notified in writing of the outcome of the hearing, any sanction imposed and of the final action taken by the University.
5. The accuser shall have the right to have an advisor accompany them at the hearing.
6. The accuser shall be informed of all witnesses to be called, to the extent known, during a hearing.
7. All proceeding in cases involving sexual assault will be treated confidentially, to the extent provided by law and the identities of any involved party will not be disclosed to anyone not directly involved with the University's disciplinary process.

E. Appeal Procedures

1. The accused student shall appeal in writing to the Vice President for Student Affairs within five business days after notification of the decision of the hearing panel.
2. A student may appeal on the following grounds:
 - a. A procedure was not followed.
 - b. A claim that the decision of the hearing panel was clearly erroneous.
 - c. A claim that the sanction(s) imposed was (were) overly harsh or inappropriate.
(only sanctions of suspension or expulsion may be appealed)
 - d. New evidence, not available at a previous hearing, could exonerate the student.
3. The Vice President for Student Affairs or his/her designee shall be given a tape recording and/or a written summary of the proceedings in the original hearing by the Director of Student Life and the student statement of grounds, which includes a summary statement that supports the grounds.
4. After viewing the appeal, the Vice President may decide to uphold a decision,

overturn a decision or modify a disciplinary sanction. The Vice President of Student Affairs shall render his/her decision in writing within fourteen business days from his/her receipt of the appeal.

5. In cases involving suspension or expulsion, should the student be dissatisfied with the decision of the Vice President, he/she shall have the right to appeal in writing to the President of the University with a copy to the Board of Regents. The decision of the President shall be final so far as the Institution is concerned.
6. An appeal to the Board of Regents shall be submitted in writing to the Executive Secretary of the Board within a period of five days after the President's decision and shall cite all reasons for dissatisfaction with the previous decision. In cases of suspension, the University will enforce the suspension until the Board reviews the appeal. The student cannot return to the campus after suspension for any reason unless written permission is received from the Vice-President for Student Affairs. The decision of the Board of Regents is final.

E. Appeal Procedure (Felony)

In accordance with Board of Regents Policy 407.01 (Appeals): Whenever an Albany State University student is expelled or suspended by the Vice-President for Student Affairs, Disciplinary Committee or the President pending disposition of a felony charge, the student shall have the right to appeal in accordance with the following procedures:

1. The person aggrieved shall appeal in writing to the President of the institution within five days after the action of which the person complains. The President of the institution, within five days, appoints a committee composed of three members of the faculty of the institution or utilizes the services of an appropriate

existing committee. This committee shall review all facts and circumstances connected with the case and shall, within five days, make its findings and report their findings to the President. After consideration of the committee's report, the President shall, within five days, make a decision, which shall be final, so far as the institution is concerned.

2. Should the aggrieved person be dissatisfied with said decision, application may be made to the Board of Regents, without prejudice, for review of the decision. The application for review shall be submitted in writing to the Executive Secretary of the Board within a period of twenty days. Following the decision of the President, this application for review shall state the decision complained of and the redress desired. A review by the Board is not a matter of right, but is within the sound discretion of the Board. If the application of review is granted, the Board or a committee of the Board, or a Hearing Officer appointed by the Board shall investigate the matter thoroughly and report its findings and recommendations to the Board. The Board shall render its decision thereon within sixty days from the filing date of the application for review or from the date of any hearing, which may be held thereon. The decision of the Board shall be final and binding for all purposes.

VIII.

A. Values Violation Process

The purpose of the value violation process is to give fundamental fairness and due process to a student who has possibly violated Albany State University's behavior value. Fundamental fairness and due process means that a student is given a notice of charges and evidence to be used in support of the alleged violation. Once notified, the accused student shall be given an opportunity to present evidence and/or witnesses and question the evidence which led to the alleged value violation before a decision is made and a sanction imposed.

Any student, faculty, staff, parent, or guest must present a written report of the facts regarding the alleged violation before the value violation process can formally begin. Written reports are referred to the Office of the Vice President for Student Affairs. When the Vice President for Student Affairs or appropriate designee, believes there is substantial evidence to support the alleged violation, a meeting with the student is arranged. The student will receive written notification of the alleged violation along with written evidence that supports the value violation.

If the student admits a violation of the value, the student will have an option to meet with the Director of Student Life for a pre-hearing conference. If the student denies the allegation, they may request a hearing. The Director of Student Life has the option of choosing to conduct an informal hearing or referring the incident to the University Disciplinary Committee for a formal hearing.

Minimum sanctions for the most value violations have been established. A

Student may appeal the decision and sanction of the Director of Student Life/
Judicial Officer or the Disciplinary Committee.

CODE OF VALUES

Statement of Values Preamble

We, as the Albany State University community, affirm the value of a peaceful and purposeful community, founded on the moral and ethical integrity of students, staff and faculty. We commit ourselves to the spiritual values on which Albany State University was founded. We expect that our commitment to mutual responsibility and spirit of cooperation will create a community that is orderly, caring and just.

The purpose of this statement is to affirm those basic principles that underlie the rights and responsibilities of the university community.

Respect for the: WORTH OF THE INDIVIDUAL

We value the intrinsic worth of every individual in the community. Our respect for other individuals includes an appreciation of cultural backgrounds different from our own, an understanding of different attitudes and opinions, and an awareness of the consequences of our actions on the broader community. Those values can be violated by behaviors such as harassment, hazing, sexual misconduct and assault.

Respect for: SELF-DISCIPLINE

We value personal responsibility and recognize the individual's needs for physical, intellectual, spiritual, social and emotional wholeness. We value the full development of every student in terms of a confident and constructive self-image, of a commitment to self-discipline, and of a responsible self-expression. Gambling, disorderly conduct; possessing, consuming, or distributing alcohol; intoxication; and possessing, using and distributing illegal drugs are examples of behaviors which violate the value of self-discipline.

Respect for: ACADEMIC INTEGRITY

We value a campus community that encourages personal growth and academic development in an atmosphere of positive influence. We affirm the necessity of academic standards of conduct that allow students, staff and faculty to live and study together. We value the fair and efficient administration of these standards of conduct. Academic dishonesty and fraud can violate these values.

Respect for: PROPERTY AND THE ENVIRONMENT

We value the rights and privileges of owning and using property, both personal and University, and the benefits of preservation and maintenance of property and of our

natural resources. In our stewardship of property, we recognize the accountability of our actions to the future of the Albany State University community. Stealing and being in the possession of stolen or lost property, vandalism, setting a fire and arson, tampering with fire and safety equipment, possessing firearms or weapons on campus, possessing or using fireworks on campus and unauthorized entry are examples of behaviors which violate this value.

Respect for: COMMUNITY AUTHORITY

We value our privileges and responsibilities as members of the University student community and as citizens of the community beyond the campus. We value the community standards of conduct expressed in our system of laws and value the fair administration of those laws, including university, municipal, state or federal laws. These values are violated by: aiding, abetting or conspiring to engage in value violations; violating residence hall guidelines; reckless behavior; lewd and indecent conduct; insubordination; unauthorized and/or unruly demonstrations; driving while impaired; habitually offending motor vehicle rules and regulations; creating a nuisance by talking, yelling, singing, playing a musical instrument, electronic device, etc., loudly enough to disturb members of the university community; and committing a city, state or federal crime.

IX. VALUE VIOLATIONS AND POSSIBLE SANCTIONS

Inappropriate behavior refers to personal or group behavior on or off campus, which violates values that guide and govern behavior. Please refer to that page for more complete definition of the value. The following are examples of inappropriate behavior. This listing is not inclusive but is intended to give a student an idea of the types of behavior that may result in sanctions. The sanctions listed below may be imposed if the student is found guilty of a value violation. Additional sanctions will be imposed when circumstances warrant as determined by the university disciplinary office or hearing body.

A. VIOLATIONS

VALUE I. WORTH OF THE INDIVIDUAL

Section 1. Abduction and/or Kidnapping

Enticing, persuading or forcible seizing and carrying of any student, faculty, staff or University official from one place to another without that person's consent.

Sanctions: Suspension; Indefinite Suspension; Expulsion

Section 2. Assault

Assault is the intentional harassment, degradation, threat or intimidation of another in an attempt to commit a battery or the intentional placing of another in reasonable apprehension of receiving a battery. This includes Engaging in, attempting or intending to engage in any form of verbal or mental abuse, coercion that is directed toward another person or group of people which creates an intimidating, fearful or offensive environment in the classrooms, offices, or dormitories and the University premises, in general. **Physical contact is not required.**

Sanctions: Restitution (if required) + Fine [\$50 - \$200]; + Probation
and/or Counseling; and/or Campus/Community Services; Suspension

Section 3. Attempted Offenses

An attempt to commit an act, on University property, or involving members of the University community (that is faculty, staff, student, or campus visitor) in an offense that would be in violation of any law, code of conduct, rule, regulation of local, state or federal criminal code.

Sanctions: Fine [\$50 - \$200] + Probation and/or Campus/Community
service; Suspension

Section 4. Battery

Battery is the intentional use of force or violence which is directed upon another. Violence, involving physical abuse of contact which includes, but is not limited to the intentional administration of a poison or other noxious substances, slapping, punching, pushing, and or contact using a weapon of any sort for the purpose of physical abuse, or violence involving physical contact. *Physical contact is required.*

Sanctions: Restitution (if required) + Fine [\$50 - \$200] + Probation +
Campus/Community Service + Counseling; Suspension; Indefinite
Suspension

Section 5. Dangerous Threatening and/or unsafe behavior

Any conduct or behavior that threatens or endangers the health or safety of any person in the University environment, including oneself. This includes, but is not limited to, verbal threats to injure or harm another, horse playing, practical jokes, abductions and kidnapping.

Sanctions: Probation; and/or Campus/Community Service; and/or Counseling; and/or Removal of Privileges; Suspension

Section 6. Falsification

Falsifying one's identity or that of another, or refusing to show student identification upon request to any properly identified official of Albany State University staff member. Knowingly furnishing false information to the University.

Sanctions: Probation + loss of privilege and/or Campus/Community Service

Section 7. Harassment (Verbal or Physical)

The excessive physical annoyance of or the use of verbally abusive language by any person on University-owned or controlled property

or while on the premises of, or while in attendance of University-sponsored or supervised events is considered to be harassment and is prohibited. The scope of any form of harassment includes language and/or physical acts which degrades, insult, taunt, or challenges another person by any means of communication, verbal, so as to provoke a violent response, communication of threat, defamation of character, use of profanity, verbal assaults, derogatory comments or remarks, sexist remarks, racist remarks or any behavior that places another member of the University community in a state of fear or anxiety.

Sanctions: Fine [\$50-\$200] + Probation and/or Campus/Community Service; Suspension.

Section 8. Hazing

Hazing is against Georgia State law and will not be a part of any initiation practices, whether for new students, social clubs, athletic teams or Greek-letter organizations. Hazing in any form is illegal and prohibited in accordance with law as established by the State of Georgia. The scope includes activities that are planned and unplanned on or off the campus, and sponsored by fraternities, sororities, social fellowships, and other student organizations/groups recognized by the University. Examples of hazing include, but are not limited to paddling, physical, mental, psychological shocks, morally degrading or humiliating activities or games, post-midnight sessions of any kind, excessive physical activities, activities which interfere with one's scholastic pursuits, holding another against his/her will, activities which involve the removal of any property (personal or private) while in the possession of another without the proper authorization. Hazing also include activities which destroys property (personal or private) for the purpose of, initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. *Those who willfully submit to hazing are also guilty of hazing as well and will be adjudicated.* Any form of hazing, whether committed on or off of the premises of the University, will not be tolerated.

Sanctions: Suspension; Indefinite Suspension; Expulsion

Section 9. Rape

Forcing or coercing another, regardless of sexual gender, personal affiliation, and/or affiliation with the University to engage in the act of sexual intercourse without that person's consent, or because the person (victim) is incapable of understanding the nature of the act by reason of stupor or abnormal condition of the mind produced by an intoxicating or narcotic agent.

Sanctions: Suspension; Indefinite suspension; Expulsion

Section 10. Representation Without Consent

Representing the University or any recognized student organization or chartered group without the specific prior consent of the officials of that group. Representation without consent also includes joining a suspended organization (i.e. fraternity or sorority) or attempting to join an organization through improper membership procedures.

Sanctions: Suspension; Expulsion

Section 11. Sexual Assault

The forcing of, or attempting to force another person, regardless of sexual gender, personal affiliation, and/or affiliation with the University, to participate in sexual intercourse and/or other sexual activities such as touching of the breasts, buttocks or genitalia against his/her will is prohibited. Such misconduct includes verbal coercion threats and physical restraint and will not be tolerated.

Sanctions: Fine [\$200-\$500]; + Probation and/or Campus/Community

Service + Counseling; Suspension; Indefinite Suspension; Expulsion;

Incarceration

Section 12. Sexual Battery

The forcing of, or forceful intention of, engaging in sexual misconduct by physical contact and/or excessive force (with or without a weapon)

Sanctions: Suspension; Indefinite Suspension; Expulsion; Incarceration

Section 13. Sexual Harassment

Regardless of sexual gender, personal affiliation, and/or affiliation with the University, sexual harassment is defined as unwelcome and unsolicited sexual advances, request for sexual favors or other verbal, visual or physical conduct or communication with sexual overtones that the victim deems offensive. Sexual harassment includes, but is not limited to unsolicited, deliberate, or repeated sexual flirtation, advances or propositions; verbal abuse of a sexual nature; display of sexually suggestive pictures or objects; and/or offensive or abusive physical contact of a sexual nature is strictly prohibited.

Sanctions: Fine [\$200-\$500] + Probation and/or Campus/Community

Service and Counseling; Suspension; Indefinite Suspension;

Expulsion; Incarceration

Section 14. Stalking

Repeatedly contacting, following or remaining in the physical presence of another person when the contacting person knows or should know that the contact is unwanted; or the contact causes the other person reasonable expectation of imminent physical harm; or the contact causes substantial impairment the other person's ability to person the activities of daily life. The contact includes but is not limited to telephoning, transmitting letters or notes, or contacting through the use of electronic media.

Sanctions: Probation and/or counseling, Suspension or Expulsion.

VALUE II. - SELF- DISCIPLINE

Section 1. Alcoholic Beverages

The use, consumption, possession, purchase, sale, and/or distribution of alcoholic beverages on University property, in cars or other vehicles, or at any of the University activities (whether on or off-campus) are prohibited.

Sanctions: Fine [\$50-\$200] and/or Probation and/or Campus/Community Service; Suspension

Section 2. Alcoholic/Drug

Intoxication

Appearing in public on the University premises while intoxicated or under the influence of alcohol or illicit drugs, is strictly prohibited. This includes any disorderly conduct regardless of whether such conduct results in injury to person or property, as a result of intoxication shall be considered a violation.

Sanctions: Fine [\$50-\$200] and/or Probation and/or Campus/Community Service; Suspension

Section 3. Disorderly Conduct; Obstruction and/or Disruption

Disorderly Conduct is any offensive or annoying act that disrupts the peace. It includes but is not limited to conduct which is offensive or annoying to others or is disruptive to the rights of others. It includes excessive noise, noise after quiet hours, misuse of musical instruments, noise producing devices, talking excessively loud, failure to properly dispose of trash or food trays, shouting, loud stereo or radio sets; horseplay, practical jokes, and general annoyances; throwing any dangerous objects in a University facility or from the window of a University facility or onto the premise of the University. Breaking lines, such as in the cafeteria, during registration, at campus events and activities, and so on, is deemed disorderly conduct. The scope of these activities includes University-owned or controlled property and students are responsible for the behavior of

their guests, students may receive sanctions if they permit their guest to behave disorderly on campus.

The intentional obstruction, interruption, hindrance, or disruption of teaching, research, administration, ceremonies, disciplinary proceedings, or other tasks and activities; interfering with duties of a student, faculty/staff member or University official; withholding information vital to any investigation carried out by an authorized agent of the

University; creating excessive noise which can be heard in other areas of the campus and which interferes with the normal operations of the University; creating excessive noise which interferes with another's campus demonstration which disrupts the normal operations of the University community; leading or inciting others to disrupt scheduled and/or ordinary activities within the University premises.

Sanctions: Fine [\$50-\$200] and/or Probation and/or Campus/Community

Service; Suspension

Section 4. Drugs (illegal) and Drug Paraphernalia

The consumption, sale, distribution, manufacturing, purchase, passing of, or being in the presence of or the vicinity of illegal drugs, narcotics, the accessory to, or aiding and abetting or any controlled substances, are strictly prohibited from all locations of the University, and beyond the premises according to all local state and federal laws. Illegal drugs also include all prescription drugs without a valid medical prescription.

Drug paraphernalia is strictly prohibited from the University. Paraphernalia is defined as all equipment, products, and material of any kind used to facilitate planting, propagating, cultivating, growing, manufacturing, converting, processing, preparing, packaging, storing, concealing, playing with injecting, ingesting, inhaling, or otherwise introducing a controlled substance into the body. Scope includes being on the person or in the possession of a student on property owned or controlled by the university and/or at events and activities sponsored by the University, and involves related incidents that are subject to prosecution under local, state, and federal laws. The illegal possession of and/or use of drugs, or drug paraphernalia, includes, but is not limited to roach clips, bongs, masks, scales, balances, sandwich bags or plastic bags and their corners, sifters, syringes, spoons, chamber pipes, homemade pipes, film canisters, diluents, spray cans, carburetor pipes, paint, pipes, using screens, water pipes, hollowed cigars, rolling papers and any other equipment, products and materials that can be directly linked to the usage of controlled substances.

Improper behavior or conduct on the campus which is a result of the use

of illegal drugs which means that one who, having consumed or used drugs, experiences a loss of the normal use of his/her mental and/or physical faculties is restricted.

Sanctions: Fine [\$200-\$500] + Probation and/or Counseling and/or Campus/Community Service; Suspension; Indefinite Suspension; Expulsion

Section 5. Gambling

Gambling and games of chance, including but not limited to betting card games, or betting of any kind, are prohibited. If a faculty/staff/Security Officer encounter what appears to be a game of chance, they will confiscate any materials associated with the event (cards, poker chips, money, etc.).

Sanctions: Fine [\$50-\$200] and/or Probation and/or removal of Privileges and/or Campus/Community Service

Section 6. Identity Disclosure/Identification Cards

Failure to carry a valid University student identification card (when possession is in reason) while on the University property or failure to present it to an University Official, including residence hall staff, police officers, administration, and staff members upon request will not be tolerated. Fraudulently obtaining, transferring, selling, loaning, fabricating, manufacturing, falsifying, altering, misusing or attempting or intending to misuse one's ID card is prohibited. Presenting a false name or other identification, including false or invalid ID card, to a University official, while in the performance of their duties is prohibited.

Sanctions: Fine [\$50] + Probation and/or Removal of Privileges

Section 7. Indecent, Obscene, Immoral Behavior, and/or Profanity

Conduct which is disorderly, lewd, indecent and/or portrayed on the premises of the University or University sponsored or supervised activities will not be tolerated. Such acts include the use of obscene gestures, improper body exposures, stripping, vulgar language to or in the vicinity of other students, administrators, faculty, staff members, administrators or visitors of the University.

Sanctions: Fine [\$50-\$200] + Probation and/or Community/Campus service and Counseling.

VALUE III. ACADEMIC INTEGRITY

Section 1. Academic Dishonesty

The intentional misrepresentation of one's work to deceive for personal gain, when in fact said work is not that person's or assisting another to do the same. Academic Dishonest includes, but is not limited to cheating plagiarism, and fabrication.

Sanctions: Probation and a recommended grade of "F" in the course, University suspension for not less than on year.

Section 2. Forgery, Dishonesty, Fraudulent Acts and/or

Misrepresentation

Forgery of names, signatures, documents (personal, public, and/or private) will not be tolerated. Forgery, deceptive acts, misrepresentation and/or dishonest acts include, but are not limited to materials, alteration, misuse of University documents, records, or student identification cards, or documents and records belonging to another, cheating, plagiarism, or other forms of academic dishonesty; tampering with the election of any University recognized student organization; malfeasance of misuse of elective or appointive office student organization, its members, or the welfare of the University community; representing one's self as a member of a fraternity or sorority through the use of letters, paraphernalia, gestures, etc. without being a nationally initiated member who is acknowledged as an official member by documents from the national organization, including a membership card and certificate/shingle; and fraudulently issuing worthless checks to the University. Lying, knowingly furnishing false information to the University or its officials, other forms of dishonesty in University-related affairs is also prohibited. The scope includes but is not limited to the following; lying, fraudulently obtaining, altering, falsifying, transferring, loaning, selling or misusing or attempting intended misuse of ID card, validation sticker, or any University document or service.

Sanctions: Restitution (if required) + Probation and/or Community/

Campus Service; Suspension + Restitution (if required); Indefinite

Suspension + Restitution

Value IV. - PROPERTY AND THE ENVIRONMENT

Section 1. Animals (Pets)

Having pets or other animals (dogs, cats, snakes, birds, hamsters, etc.) are prohibited **with the exception of seeing-eye dogs, when accompanied by their owner**, and tropical fish in an aquarium or other approved containers in buildings, including student residences, classrooms, and offices, **except when needed in connection with a handicap, is prohibited.**

Sanctions: Removal of animal(s) + Fine [\$50-\$200] and/or Probation;

Suspension

Section 2. Arson/Fire Setting

The malicious fraudulent, and/or intentional burning of property on the University premises. Such acts include, but are not limited to, creating fires, setting a personal fire, open flames, and/or igniting flammable materials.

Sanctions: Suspension; Indefinite Suspension; Expulsion

Section 3. Damage to Property/Destruction or Property; Vandalism

Damage, vandalism or destruction to property owned or leased by the University or personal property belonging to an individual. This includes, but not limited to, car vandalism, walking on roofs of a university building, defacing structures, and facilities, littering, unauthorized biking, skating and/or skate boarding in inappropriate areas, marking, egging, keying, painting, spraying, the painting of authority.

Sanctions: Restitution of Property + Probation: Suspension; Indefinite Suspension

Section 4. Firearms/Weapons

The use, possession (whether open or concealed), consumption, or displays of weapons, firearms, or explosives are strictly prohibited on the premises of the University. Weapons include but are not limited to the following: rifles, shot guns, ammunition, handguns, air guns, BB guns, bowie knives, daggers, switchblade knives, butcher knives, metallic or brass knuckles, explosives (including dangerous chemicals), water guns, play guns, firecrackers, propelled missiles, fireworks, throwing stars. The possession or use of items that resemble guns, knives, or other weapons are also strictly prohibited. When classroom assignments require the use of such items, prior written approval should be obtained from the President and/or the Vice President for Student Affairs.

Sanctions: Suspension; Indefinite Suspension; Expulsion

Section 5. Possessing or using Fireworks on Campus

Possession or use of fireworks on campus.

Sanctions: Fine [\$50] + Probation

Section 6. Safety Procedures

Tampering with safety equipment is a serious violation of the Student Code of Conduct. Turning in a false fire or bomb alert, by any means including a telephone call, via electronic media or by a warning device, theft, removal of, or tampering with fire extinguishing or safety equipment, exit signs, smoke alarms and detectors, fire hoses, sprinkler systems, hoses, fire mischief, or violation of University guidelines regarding fire safety, or standard safety (e.g., failure to follow evacuation procedures or obstructing the evacuation of a building during a fire, fire drill, or any other type of emergency) is strictly prohibited.

Sanctions: Fine [\$50 - \$200] + Probation and/or Community/Campus

Service and/or Counseling and/or Removal of Privileges; Suspension

Section 7. Theft/Misappropriation

Theft is defined as the wrongful taking of, or the attempt to take, money or property (personal, private, etc.) without the consent of the owner and/or the secreting of anything stolen, regardless of where it occurred: stealing from another person, agency, institution, or the University; the taking of property belonging to another, with the intent of converting the property on one's personal use; the unauthorized use of another's credit or debit card; and failure to return another's personal property upon request or within a reasonable period of time. Misappropriation is the taking of property belonging to another by mistake and/or without the owner's permission, but with no intent to convert the property to one's personal use is not permitted. This includes unauthorized moving or relocation of University furniture to one's own room or to some other area, illegal and/or unauthorized possession or sale of any property without the proper authorization, and property which has been reported lost or stolen.

Sanctions: Fine [\$50 - \$200] + Restitution (if required) + Probation

and/or Community/Campus Services and/or Counseling; Suspension

+ Restitution (if required); Suspension

Section 8. Trespassing

Unauthorized presence on, in or within any building or property owned or operated by the University (including residence halls), or the unauthorized entry into or remaining in a facility, or in a private room or office under the control of another, after having been asked to leave.

Sanctions: Fine [\$50] + Probation

Section 9. Unauthorized Entry or use of University Facilities

Unauthorized use of equipment, occupancy of, or unauthorized entry into or exiting from University facilities is prohibited. Unauthorized entry/exiting includes the entering and/or occupying and improper exiting of University facilities, by its entry or exiting into and from residence halls, without proper permission into living quarter or other building and/or structure or University premises, or the aiding and assisting of such is prohibited.

Sanctions: Fine [\$50-\$200] + Probation

Value V. - COMMUNITY AUTHORITY

Section 1. Aiding and/or Inciting

Aiding, abetting, persuading, and/or procuring another person or persons to commit any act of misconduct in the University community or environment; the persuading or aiding of another person to breach the peace on University premises or at functions sponsored, approved by, or participated in by any member of the University. Gathering or groups of students on or off of the premises in such a manner which causes damage to public or private property, causes injury to persons, or interferes with orderly functioning of the University or with the normal flow of traffic or ordinary procedures.

Sanctions: Suspension; Indefinite Suspension; Expulsion

Section 2. Coed Visitation/Curfews

While the University does not generally impose a curfew on residential students, all residence halls close at midnight (or at other times as announced), and all visitors are required to be out of the residence halls by closing time and off the campus by midnight, except for approved events. In emergency situation, the University may impose a residence hall and/or campus curfew to safeguard persons and property.

Being in areas of the residence halls that are not open to the public and/or in the company of a member of the opposite sex, or in a residence hall assigned to members of the opposite sex without specific permission or when visitation privileges are not in effect. Scope includes all hallways, stairways, study rooms, bathrooms, auxiliary rooms, or other residential units owned or administered by the University, including but not restricted to motels when they are serving as residence areas.

Sanctions: Fine [\$100] + Probation and/or Removal of Privileges;

Removal from Residence Hall.

Section 3. Violation of Sanction

Failure to comply with disciplinary conditions as sanctions imposed by a judicial body or judicial administrative officer or staff person. Failure to comply with the terms and conditions of a sanction may require the student to pay a disciplinary fine in addition to the imposition of additional sanctions.

Sanctions: Fine [\$100 - \$250] + Probation and/or Community Service;

Suspension

Section 4. Distribution of Printed Materials

Distribution of printed material that are libelous, derogatory, scurrilous, sexually explicit, pornographic, or that encourages violations of public laws or University regulations is prohibited.

Sanctions: Fine [\$50 - \$250] + Probation and/or Community/Campus Services, Suspension

Section 5. Failure to Comply

Failure to comply with the directions of University officials (including Resident Advisors) acting in the performance of their duties; Failure to promptly identify oneself to University officials when requested; failure to comply with disciplinary sanctions. This includes direct disobedience of a lawful order of a University official, as well as failure to evacuate a building during a fire alarm, drill or when otherwise so ordered by a University official, fire department staff or law official.

Sanctions: Fine (\$50 - \$250) and/or Probation and/or Removal of Privileges

and /or Community/Campus Services.

Section 6. Guest Behavior

Students are responsible for the behavior of their guests whom they invite to the campus or permit to visit on the campus. If a guest is found to be in violation of the Code of Conduct while in the company of the student host or with the student host's knowledge, applicable charges will be brought against the guest, as well as against the student host or the host student organization.

Sanctions: Fine [\$50 - \$200] + Restitution (If required) + Probation and/or Removal of Privileges

Section 7. Health and Safety Violations

This means any behavior which creates a risk or danger to others of the University community, including but not limited to propping doors to residence hall, throwing objects from windows or balconies, failure to keep one's room in a condition which is safe and sanitary, or failure to maintain reasonable standards of cleanliness and safety as defined by the University.

Sanctions: Fine [\$50- \$200] +Restitution (if required) + Probation and/or Community/Campus Services; Suspension

Section 8. Motor Vehicle, traffic, Parking Violations

Violations of properly constituted rules and regulations governing the use of motor vehicles (automobiles, motorcycles, etc.) on University-owned or controlled property or at University sponsored or supervised activities. This also includes driving and parking on grass and sidewalks. Failure to obey traffic and parking regulations is punishable by the University Public Safety department and/or the Office of the Vice President for Student Affairs. This includes, but is not limited to, operating or attempting to operate a motor vehicle on campus while under the influence of alcohol or illicit drugs, wreck-less driving, and parking in improper zones. Moreover, applicable local, state, and federal traffic laws are enforced. Dangerous behavior is also applicable.

Sanctions: Required fine or fines + Probation; Suspension

Section 9. Nuisance with Noise

Talking, yelling, singing, car music, playing a musical instrument, CD player, electronic device, and other noise makers that are loud enough to disturb members of the University community.

Sanctions: Fine [\$50] + Reprimand

Section 10. Repeat Violations

Repeated violations of published rules and regulations of the University, which cumulatively indicate an unwillingness or inability to conform to the standards of the University for student life, are prohibited.

Section 11. Solicitation

Unauthorized selling, collection of monies, and promotion on campus or within University building is not permitted without permission of the Vice President for Fiscal Affairs. Students may not act as agents for business firms which entail solicitation or the receiving of business offers or goods on University property. Also, students may not solicit on behalf of the University without permission from the Vice President for Student Affairs. Use of any residence hall room for business purposes of any, (the selling of food, clothing, jewelry, merchandise, favors, etc.) whatsoever is prohibited.

Sanctions: Fine [\$50-\$500] + Probation and/or Community/Campus Service; Suspension

Section 12. Unlawful Conduct

Conduct deemed unlawful by the criminal statutes of the State of Georgia or the United State of America and/or conduct that endangers or threatens the security of the University community.

Sanctions: Fine [\$50 - \$500.00] + Probation and/or Community Service, Suspension, immediate Interim Suspension, Expulsion.

JUDICIAL DISCIPLINARY SANCTIONS

Terms and Definitions

Admonishment- A warning to the student to deter from any disciplinary matters with no additional sanctions given until the student violates the University's rules and regulations or Student Code of Conduct. Admonishment may be given orally or in writing.

Community Service - Services provided by the student, due to violations of the Student Code of Conduct, to a specified area or department of the University (on campus) or a local community

agency/school (off campus) without pay, for a specific amount of hours as required by judicial bodies of

Fine - A mandatory payment of money by the student made payable to the University for violations of the Code of Conduct.

Probation - A specified amount of time involving restrictions, after which University authorities will determine if the student's behavior has improved; Conditions of probation may include attendance at educational activities designed to redirect negative behavior. During the probationary period, the student may receive more severe disciplinary sanctions, which may involve suspension, if he/she is involved in the violations of any type of the University Code of Conduct and/or the breaking of any laws. Probation may be for a fixed period of time or be indefinite.

NOTE: Probationary statuses range from one (1) semester through matriculation. A Violation of probation may result in the student being immediately suspended from the University.

Loss of Privileges - A student who received this sanction shall be notified in writing as to the privileges, which he/she has lost. The privileges may consist of removal from housing. This written notification shall indicate the time period for which the student has lost certain activities.

Research Assignments/Papers - Based on the nature of the offense, students may be required to complete a research assignment on a topic related to the offense committed. The research assignment must be typed and completed by the deadline specified, must thorough, comprehensive, and scholarly. The complete project must also conform to other specifications given by the Judicial Officer or body.

Suspension - Dismissal from the University for a specified period of time following severe acts of violation of the Student Code of Conduct or violation of a present probationary status. Suspensions are recorded on the student's permanent record. Students suspended from the University are required to return their student identification card and room keys. They may not return to campus for the duration of their suspension, except to conduct official business with an administrative officer or faculty member, and then only with prior permission of the Judicial Officer and/or the Vice President for Student Affairs.

If a student returns to the campus without permission during the period of suspension, his or her eligibility to return to Albany State University will be threatened and he/she will be subject to arrest. During the period of suspension, the student is not eligible or entitled to receive any University services. His or her name is deleted from the roster of enrolled

students and from the faculty's class roll. The student will not get credit for course assignments papers; projects, make-up work, or other course related work during the period of suspension. That is, during the period of suspension, the students' relationship with the university is terminated, and he or she is, in fact persona non-gratis. If a student is suspended from the University, a letter is sent to their parents.

The types of suspension are as follows: Suspension; Interim Suspension; Indefinite

Suspension; Expulsion. They are explained below:

1. **Suspension (regular)** - Suspension period begins with an existing semester and continues throughout that particular semester, however, suspension may become in effect at the beginning of a specified semester (usually the following semester) and continues throughout the semester.

2. **Interim Suspension** - Suspension is placed in effect until after a disciplinary hearing is held for the student who has alleged charges against him. This type of suspension is usually released pending the outcome of the disciplinary hearing. Suspension of this type is usually temporary unless the student is found guilty of violations, which require continued or immediate suspension.

3. **Indefinite Suspension** - Dismissal or suspension from the University to be served for a period of not less than one (1) year.

Expulsion - Permanent dismissal from the University. Expulsion is the most severe sanction, which can be imposed upon a student for violations. The student, who receives a sanction of expulsion, is not eligible to apply for readmission to the University. When a student is expelled from the University, the student's relationship with the University is permanently severed and he or she is in fact persona non-gratis.

Workshop Presentation/Participation - In some instances, students may be required to present or assist in developing, coordinating, and evaluating special workshops related to the nature of the offense which the student has committed. Students may also be required to participate in special workshops to enhance their own knowledge and understanding of a particular topic related to the offense committed. In such instances, students are required to be prompt, attentive, and to present a well-written, typed summary of the activity to the judicial administrator or body within 24 hours of the event.

X. PARENTAL NOTIFICATION

In accordance with the Family Educational Right and Privacy ACT (FERPA) the university will notify the parents/guardians of students found responsible for any violation of any Federal, State or local Law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance (illegal drugs). Parents will also be notified in the event of serious physical injury or illness.