



Student Judicial System

2017-2018 Student Code of Conduct

Division of Student Affairs & Success
Office of Student Conduct and Academic Integrity

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PART I

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STUDENT CODE OF CONDUCT

PART I: STUDENT CODE OF CONDUCT

I. Office of Student Conduct and Academic Integrity Mission

The Office of Student Conduct and Academic Integrity supports Albany State University educational mission by enforcing regulations designed to promote an environment in which students can develop intellectually, morally and socially while exercising a balance of partnership and autonomy within the campus community. The mission of the Office of Student Conduct and Academic Integrity is to promote concepts of fairness and due process in conduct settings.

The Office of Student Conduct and Academic Integrity serves as a resource to the entire University community. Essential in the student conduct process is the commitment to serve all involved parties, equally, in an unbiased and fair manner while striking a balance between upholding our community standards and fostering educational opportunities for each individual student.

The Office of Student Conduct and Academic Integrity is commissioned with the task of detailing the rights and responsibilities of students, adjudicating matters and, when necessary, imposing sanctions for violations in accordance with the Student Code of Conduct.

II. Statement on Student Conduct

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 shall protect its educational purpose, provide for orderly conduct of these activities, and safeguard the interest of the University community. As a result, the University has established 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 and appeals conducted as part of the process provide due process; are not courts of law and 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. The responsibility to know and abide by the Student Code of Conduct ultimately lies with the student. The Student Code of Conduct supersedes all other means of disciplining or removing students for behaviors prohibited by the University.

III. Student Conduct Authority

The Board of Regents and the University have the responsibility to require acceptable conduct on the part of students at the University. Authority for student discipline ultimately rests with the University President (hereinafter "President") who delegates this authority to the Vice President for Student Affairs & Success

(hereinafter “Vice President”). The Vice President delegates this authority to the Coordinator for Student Ethics & Integrity/University Judicial Officer (hereinafter “University Judicial Officer”).

IV. Guiding Principles

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1. **Aspire to Excellence**

Albany State University will aspire toward excellence in teaching and learning, thus becoming the first-choice institution for students from southwest Georgia and garnering recognition as a premier southern regional university.

2. **Embrace Diversity**

As a historically black institution and led by a highly-diverse faculty and staff, Albany State University will embrace diversity in all its forms – including age, gender identity, race and ethnicity, country of origin, religion, ability level, sexual orientation, and veteran status – and seek to foster a similar acceptance and celebration of that diversity.

3. **Expand Access to Higher Education**

As an access institution, Albany State University will promote student success for all by welcoming students from varying levels of academic preparation, keeping costs low, offering flexible class times and instructional modalities, and pairing high student expectations with exceptional mentoring, advising, and tutoring.

4. **Elevate Historically Underserved Populations**

Albany State University will recognize and address the many challenges that face African Americans and other students of color, adult learners, first generation students, students from low socioeconomic backgrounds, and others from underserved populations, and form strong partnerships with K-12, government agencies, and community outreach organizations to increase access and success rates.

5. **Promote Economic Development**

As part of its commitment to teaching and learning, Albany State University will promote economic development in Albany and throughout southwest Georgia by engaging in applied research, aligning its resources in support of identified needs, developing and enhancing academic programs to meet evolving needs, forming broad strategic partnerships, supplying a trained workforce, and fostering a sense of entrepreneurship.

V. Academic Honor Code

Academic Honor Code Statement:

Student Academic Honor Code: The Albany State University Student Code of Conduct and the Academic Honor Pledge establish standards of conduct designed to foster the development of well-educated, mature, ethical, and responsible citizens. As a student of Albany State University, you are responsible for upholding these standards of conduct and living up to the principles of the Academic Honor Code.

Academic Honor Pledge:

As a student of Albany State University, I solemnly pledge to uphold the Academic Honor Code at all times. It is my responsibility to know and understand these rules of conduct. Lack of awareness is not a legitimate reason for failure to abide by the Student Code of Conduct. If I fail to uphold the principles of this Academic Honor Code, I will accept any penalty that may be imposed upon me following due process.

Student Responsibility:

- A. All students are responsible for reading, understanding, and complying with the Academic Honor Code Policy.
- B. If a student sees, knows, or hears of an act of dishonesty, he or she is encouraged to report this suspected violation to the instructor concerned, the course division dean, the Vice President and Provost for Academic Affairs or the University Judicial Officer.
- C. To remind student of their responsibility to uphold the Academic Honor Code, the following statement will be included in each course syllabus – “It is understood that all students are required to abide by the Albany State University Academic Honor Code as stated in the Student Code of Conduct.”
- D. In all fields of study the Academic Honor Code policy will be strictly enforced as per the Student Code of Conduct.

VI. Zero Tolerance Policy

A zero tolerance policy is one which requires a severe penalty to be imposed which is unbending in its imposition, and often does not give allowance for extenuating circumstances. It is, as it states, completely intolerant of the behavior for which it requires consequences, no matter what. As part of a “zero tolerance policy”, ASU will take disciplinary action for any and every alcohol, weapons, drug, sexual misconduct, hazing or gang activity related violation on campus. ASU will also take disciplinary action for many of the violations reported off campus, provided these violations have a connection to the campus. This would include violations that endanger students or may cause harm to the campus community.

Exceptions: House Bill 280

Beginning on July 1, 2017, House Bill 280 (which amends O.C.G.A. 16-11-127.1) allows anyone who is properly licensed in the State of Georgia to carry a handgun in a concealed manner on property owned or leased by public colleges and universities, with some exceptions. It will not allow any other type of gun to be carried around campus; nor will it allow handguns to be carried openly. (House Bill 280 does not apply, however, to institution-sponsored events or excursions away from campus on property not owned or leased by a University System institution.). (See Part III, Section VII.pg. 66.)

VII. Disciplinary Terms

- 1) **Business Day** – A day of normal business operation as designated by the University.
- 2) **Community** - Students, faculty, and staff, as well as contractors, vendors,

visitors and guests.

- 3) **Complainant:** An individual lodging a complaint. The complainant may not always be the alleged victim.
- 4) **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.
- 5) **Consent** - Words or actions that show a knowing and voluntary willingness to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, intimidation or coercion; by ignoring or acting in spite of objections of another; or by taking advantage of the incapacitation of another where the respondent knows or reasonably should have known of such incapacitation. Minors under the age of 16 cannot legally consent under Georgia law.

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

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

- 6) **Consolidated Proceedings**— Means a hearing in which two or more students are charged with violating one or more University conduct regulations arising from the same set of circumstances or events.
- 7) **Hearing body** – Any person or persons who have been authorized by the Office of Student Conduct to determine whether a student has violated the Code and to recommend sanctions that may be imposed when a Code violation has been committed.
- 8) **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.
- 9) **Mediation** – The process in which all parties voluntarily agree to meet with an impartial mediator to communicate their concerns and needs to each other and to reach their own agreement on the resolution of the case. The participants are responsible for keeping their agreement or renegotiating if necessary. In the event the participants do not agree to mediate or mediate but do not reach a full and final resolution, the case will be referred back for disciplinary action. Breach of a mediated agreement may result in a follow up mediation session or the matter may be referred back through the conduct process.
- 10) **Mediator** – Any neutral member of the University community who has been

trained in conflict resolution to assist parties in reaching a mutual agreement to resolve their differences. The Mediator shall not have personal connections with either party or have prior knowledge of the disagreement.

- 11) **Preponderance of Evidence Standard** – The information presented supports the finding that it is more likely than not that the violation occurred.
- 12) **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.
- 13) **Receipt** -- means date sent to ASU email from the Maxient Student Conduct database.
- 14) **Respondent:** Individual who is alleged to have engaged in conduct that violates this Policy.
- 15) **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).
- 16) **Sanction** – A penalty imposed upon a student after the student has admitted that he/she is Responsible or has been determined responsible by the University Judicial Officer or a hearing body for violating a provision(s) of the Code.
- 17) **Student** – includes all persons taking courses at Albany State University. Persons who are not currently enrolled, but who were previously enrolled, would be considered to have a continuing relationship with the University so long as they are eligible to enroll. Individuals who are admitted, but whose degree is not yet conferred, are considered students. The term "student" also refers to New Student Orientation participants and student club/organizations.
- 18) **Value** – A principle or quality.
- 19) **Victim** -- refers to any person who has been directly impacted by behavior of a respondent which violates or allegedly violates the Student Conduct Code.

VIII. Student Code of Conduct Values

- **VALUE I, Respect for 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, assault, and disorderly conduct.

- **VALUE II, Respect for SELF-DISCIPLINE:** We value personal responsibility and recognize the individual's needs for physical, 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 using or distributing illegal drugs are just a few examples of behaviors which violate the value of self-discipline and will not be tolerated.
- **VALUE III, 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.
- **VALUE IV, 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.
- **VALUE V, 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, and playing a musical instrument or other electronic device loudly enough to disturb members of the university community. All of the above may constitute a student violating a city, state or federal crime.
- **VALUE VI, Respect for COMMUNITY, DIVERSITY, AND INCLUSIVENESS:** We value Community, Diversity and Inclusiveness by fostering an environment free from racism, sexism, ageism, heterosexism, homophobia, ableism and xenophobia. The University has a number of policies and statements that reinforce the campus community's commitment to diversity, civility, and equity.

IX. Student Code of Conduct Violations

The following list of violations of the Student Code of Conduct is an example of behaviors that may result in disciplinary action by the University. It is not to be regarded as all-inclusive. In the event ambiguity, inconsistency, or a need for further clarification arises regarding what constitutes a violation of the Student Code of Conduct, the University Judicial Officer shall make the final determination. Any student or student organization found responsible for misconduct is subject to sanctions.

VALUE I – WORTH OF THE INDIVIDUAL

Section 1. *Abduction and/or Kidnapping:* A person commits the offense of kidnapping when he abducts or steal away any person without lawful authority or warrant and holds such a person against his will. 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.

Section 2. *Assault:*

- a. Includes but is not limited to, any intentional physical contact of an insulting or provoking nature.
- b. Any physical abuse, intentional injury, or physical harm of another person is prohibited.
- c. 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, fighting and/or contact using a weapon of any sort for the purpose of physical abuse, or violence involving physical contact.

Section 5. *Dangerous Threatening and/or Unsafe Behavior/Terroristic Threats Acts and/or Gang Activity:* A person commits the offense of a terroristic threat when he or she threatens to commit any crime of violence, to release any hazardous substance. 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, kidnapping, and gang related activity.

Section 7. *Harassment (Verbal or Physical) and/or Bullying:* 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.

Section 8. *Hazing:*

- a. Includes; but is not limited to, any act which endangers the emotional, mental, financial, physical health or safety of a student, with or without their expressed

- permission, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization; or,
- b. Any act intended to or actually cause physical discomfort, embarrassment and/or ridicule of another person for the purposes mentioned above participation in hazing, either by facilitating or encouraging the act; or,
 - c. **Those who willfully submit to hazing are also in violation of hazing as well and will be adjudicated.** Any form of hazing, whether committed on or off of the premises of the University is prohibited.

Section 9. 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 victim of retaliation for reporting, participating or cooperating in, or otherwise being associated with an investigation should immediately contact the appropriate department or individual(s) for that institution. Any person found to have engaged in retaliation in violation of the student conduct policy shall be subject to disciplinary action.

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.

Section 11. Bad-Faith or False Complaints: Individuals who intentionally give false statements to University official, or who submit false complaints or accusations, including during a hearing, in violation of policy shall be subject to disciplinary action pursuant to the institution's policy.

Section 12. 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.

Section 13. 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.

Section 14. 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.

Section 15. 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.

Section 16. 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.

Section 17. 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.

Section 18. 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.

VALUE II – SELF DISCIPLINE

Section 1. Alcoholic Beverages:

- It is prohibited for anyone to have alcohol on campus;
- It is illegal for anyone under the age of 21 to drink;
- It is illegal for anyone to buy or provide alcohol for someone under 21;
- It is illegal for anyone to be intoxicated in public or to drive while intoxicated, on or off campus;
- It is illegal for anyone to sell alcohol beverages without a license. By law, the sale of alcoholic beverages includes any situation in which there is a charge for entertainment or service and alcohol is freely available (including through common source or selling in a cup);
- It is a violation of University policy for a student to disturb someone else's ability to study, sleep, or live peacefully. (This means that other people's

inappropriate behavior should not disturb your study, sleep, or ability to live peacefully);

- It is a violation of University policy for a student to hurt or endanger another student through drinking;
- Unlawful sale of alcoholic beverages to, and unlawful purchase and possession, of alcoholic beverages by any person under 21 years of age.

The use, consumption, possession, 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.

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.

Section 3. Disorderly Conduct/Obstruction/Disruption and/or Unlawful Gathering: A person commits the offense of disorderly conduct when such a person commits any of the following:

1. Acts in a violent or tumultuous manner toward another person which can cause fear or damage to a person's life, limb or health.
2. Acts of violence that may cause damage to person's property.

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.

Section 4. Drugs (illegal) and/or 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 restriction or a loss of the normal use of his/her mental and/or physical faculties.

Section 5. Gambling: A person commits the offense of gambling when he or she makes a bet upon partial or final result of any game or contest or upon the performance of any participant in such game, contest, etc. Gambling and games of chance, including but not limited to betting card games, video games, or betting of any kind, are prohibited. If a faculty/staff/security officer encounters what appears to be a game of chance, they will confiscate any materials associated with the event (cards, poker chips, money, etc.).

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.

Section 7. Indecent, Obscene, Immoral Behavior, and/or Profanity: Conduct which is disorderly, lewd 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, being naked, stripping, wearing clothing with revealing language that offends, wearing abnormal clothing, vulgar language to or in the vicinity of other students, administrators, faculty, staff members, administrators or visitors of the University.

Section 8. Misuse of Electronic or Social Media: Engaging in inappropriate or irresponsible conduct using any ASU affiliated webpage, email, and/or social media resource is strictly prohibited. The use of social media sites (Facebook,

MySpace, Instagram, Vine, Twitter, LinkedIn, YouTube, Flickr, Snap Chat, etc.) to harass, cause bodily and/or mental harm or used to violate the law is also prohibited. Students who are alleged to be in violation of misuse of electronic or social media sites will be subject to criminal or civil penalties, as well as university disciplinary actions. Some examples include but are not limited to the following:

- Derogatory language or demeaning statements about or threats to any third party;
- Inappropriate or incriminating images depicting hazing, sexual harassment or sexual misconduct, vandalism, fighting, stalking, underage drinking, illegal drug use pornography or any other inappropriate behavior; or inappropriate language;
- Content that violates state or federal law;
- Partisan political activity other than campaigning for ASU Class Elections or SGA Elections or Royal Court Elections under the Student Handbook, Student Code of Conduct and officer election guidelines (SGA Constitution);
- Online gambling;
- Information or images that could be considered obscene or untrue;
- Content that harasses third parties;
- Selling goods or services for personal financial profit; or,
- Personal social relationships unrelated to ASU business.

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. When the instructor has sufficient evidence of cheating or plagiarism, he or she may impose disciplinary actions such as assigning a failing grade to the student's assignment, quiz, paper, or test. If the plagiarism or cheating involves major course work such as plagiarizing a research paper or cheating on a final exam, the instructor may fail the student in the course. Academic Dishonesty includes, but is not limited to cheating, plagiarism, and fabrication.

- **Definition of Cheating:** Cheating can be, but is not limited to, a student using electronic technology, notes, or other written materials not permitted by the instructor; looking at other students' papers without the instructor's permission; requesting answers from other students, alteration of grades or marks by the student in an effort to change the earned grade or credit; or working with other students when independent work is required. Situations where cheating may occur are during tests, exams, quizzes, or other similar methods of evaluation.
- **Definition of Plagiarism:** Plagiarism is the appropriation of language, thoughts, or ideas of another author and claiming that as one's own. Plagiarism is work not produced by the student, or work that does not credit borrowings from the original source(s). Plagiarism can also be viewed as submitting substantially the same work to satisfy requirements for one course or academic requirement that has been submitted in satisfaction of requirements for another course or academic requirement, without permission of the instructor of the course for which the work is being submitted or

supervising authority for the academic requirement.

- **Definition of fabrication:** Fabrication is the falsification of data, information, or citations in any formal academic exercise. This includes making up citations to back up arguments or inventing quotations. Some other examples of fabrication would include making up data, changing data to support your hypothesis, claiming to have consulted sources that one really did not use.

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, misuse of university computer systems, laboratories, equipment, or software in violation of university computer use policies; unauthorized access, distribution, alteration, or use of electronic materials including, but not limited to, information, images, text, or software; recklessly or maliciously interfering with or damaging computer or network resources or computer data, files, or other information; engaging in or attempting to engage in a denial of service; failing to comply with laws, license agreements, and contracts governing network, software and hardware use; using University computing resources for unauthorized commercial purposes or personal gain; using any account or password without authorization; allowing or causing to be used an account number or password by any other person without authorization; accessing or causing to be accessed, downloading or causing to be downloaded, pornographic or obscene materials.

Section 3. Cooperative or Collaborative Effort in Coursework: Without acknowledgement or explicit permission of the instructor (including digital media); knowingly helping or attempting to help another violate any provision of the Honor Code. Examples include, but are not limited to the following:

- a. Working together on a take-home exam;
- b. Working together on assignments without instructor permission.

Section 4. Abuse of Academic Materials: Intentionally or knowingly destroying, stealing, or making inaccessible any resource material. Examples include, but are not limited to:

- a. Stealing, destroying, or hiding any reference materials needed for common

academic requirements.

- b. Stealing exams, grade books, books, papers, computer equipment and data, and laboratory materials.
- c. Destroying computer files or programs needed for academic works
- d. Damaging computer equipment (including removable media such as disks, CDs, flash drives, etc.) or laboratory equipment in order to alter or prevent evaluation of academic work, unauthorized use of another's computer password, disrupting the content or accessibility of an internet site, or impersonating another to obtain computer resources.
- e. Purchasing and/or using an instructor edition of any textbook in place of the student edition for any course.

Section 5. Submitting Work for Multiple Purposes: Submitting without prior permission, any work submitted to fulfill another academic requirement. This includes work first produced in connection with classes at either Albany State University or other institutions attended by the student.

Section 6. Theft: Stealing, taking or obtaining in any unauthorized manner information related to any academic work. Examples include, but are not limited to: stealing exams, grade books, books, papers, computer equipment and data, and laboratory materials.

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 service animals and comfort therapeutics animals, 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 comfort therapeutic service, is prohibited.**

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.

Section 3. Damage to Property/Destruction of Property/Vandalism/: Damage, vandalism or destruction of property owned or leased by the University or personal property belonging to an individual. This includes, but is 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, etc.

Intentionally damages any property of another without consent of that other person and the damage thereto is interfering with the possession or use of the property of another person without consent of that person. In addition, damaging university property such as light fixtures, ceiling fans, walls, and pictures are prohibited. A violation of this policy includes, but is not limited to:

- Broken or damaged furnishings;
- Damages to the kitchen/living area of residence halls; or,
- Damages to other University (i.e. University vehicles, landscaping, golf carts, etc.).

Section 4. Weapons and Firearms:

- a.** Except where allowed by law or specifically authorized by the administration or as part of a University-sanctioned event, no student shall keep, use, possess, display, or carry any rifle, shotgun, handgun, or other lethal or dangerous device capable of launching a projectile by air, gas, explosion, or mechanical means (including BB guns, air-soft guns, and paintball guns) on any property owned, controlled, or leased by the University;
- b.** No student shall use, possess, display or carry any toy weapon which resembles a real weapon;
- c.** No student shall use, possess, display or carry any swords, any illegal knives, any explosives (including fireworks and sparklers), any martial arts weapons or any devices which are used to threaten the safety and well-being of a person on any property owned, controlled, or leased by the University unless specifically authorized by the administration or as part of a University-sanctioned event;
- d.** Anything used to injure, attempt to injure, or harass another person is considered a weapon;
- e.** Illegal or unauthorized possession of weapons that include, but are not limited to: firearms, explosives, other weapons, or dangerous chemicals;
- f.** any violation of federal or state Law against carrying a weapon and/or firearm;
- g.** In unclear cases of definition, the context in which a particular object was used or attempted to be used will determine whether it is a weapon.

Section 5. Possessing Using Fireworks and/or Explosives on Campus:

Possession or use of fireworks and explosive devices on campus (of any kind) is prohibited. This includes but is not limited to manufacturing of the materials used to make devices.

Section 6. Tampering and/or Destroying of Safety Devices /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.

In addition, it is a violation of university policy to tamper with fire equipment, such as fire alarms, fire extinguishers, sprinkler systems, exit signs, and smoke detectors. Violations of this policy include, but are not limited to:

- Removing and/or tampering with a fire extinguisher from its approved location;
- Activating an alarm lacking an emergency situation;
- Removing and/or tampering with the covers on fire alarm pull stations;
- Removing and/or tampering with common area and room sprinkler systems;
- Discharging a fire extinguisher for any purpose other than putting out a fire; etc.

Section 7. Theft/Misappropriation: Theft or attempted theft of the property or services of the University, any organization, or any individual by means of taking, selling, deceiving, misappropriating, or misusing, as well as receiving and or

possessing such stolen property is a violation of the Code. Theft is defined as the wrongful taking of, or the attempt to take money or property without the consent of the owner. Examples may include but is not limited to the theft of credit or debit cards, social security cards, driver's license, university I.D., keys, etc. Theft may also include stealing from another person, agency, institution, or the University; the taking of property belonging to another, with the intent of converting the property for 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. 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.

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.

Section 9. Unauthorized 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, occupying and/or improper exiting of University facilities; 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.

Section 10. Unlawful Entry

- a. Includes but is not limited to breaking into and entering a building, unit, or property owned or operated by the University (including residence halls) as a trespasser with the intent of committing a crime; or,
- b. Entry on or into any University building, office, residence hall, parking lot, motor vehicle, or other facilities; or,
- c. Remaining in any building after normal closing hours without proper authorization; or,
- d. Remaining overnight in public areas of the residence hall or surrounding areas without approval from University Housing staff.

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.

Section 2. Violation of Sanction: A violation of sanction is defined as failure to comply with disciplinary actions as sanctions imposed by a judicial body or judicial

administrative officer or staff person. Failure to comply with the terms and actions of a sanction may require the student to pay a disciplinary fine in addition to the imposition of additional sanctions.

Section 3. 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. Using University resources to illegally distribute copyrighted material is also prohibited.

Section 4. Failure to Comply: Failure to comply with the directions of University officials (including Resident Assistants) 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.

Section 5. 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.

Section 6. 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 and Success. 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; failure to register a vehicle as required by the ASU Police Department; unauthorized use of a decal or permit; operation on the campus of a vehicle in violation of an imposed ban; flagrant or repeated violation(s) of the ASU Police Department Rules and Regulations. Moreover, applicable local, state, and federal traffic laws are enforced. Dangerous behavior is also applicable.

Section 7. 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 are prohibited.

Section 8. 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 9. Solicitation: Unauthorized selling, collection of monies, and promotion on campus or within University buildings is not permitted without permission of the Vice President for Fiscal Affairs, Senior Vice President for Administration, Director for Housing & Residence Life, Dean of Students/Director for Student Life & Activities or the Vice President for Student Affairs & Success or designee. Students may not act as agents for promotion companies or business firms which

entail solicitation for parties or other unauthorized events 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 & Success. Use of any residence hall room, building, grounds, or parking lot for business purposes of any kind, (i.e. the selling of food, tickets, clothing, jewelry, hair, eye lashes, merchandise, favors, etc.) whatsoever is prohibited.

Section 10. Unlawful Conduct:

- a. Any act that violates a provision of the laws of the United States, the laws of any State in which such act occurs, the ordinances of any county, city, municipality, or other political subdivision, or the laws of another nation or political subdivision thereof in which such act occurs, is deemed to be a violation of the Student Conduct Code when that act:
- b. Occurs on the campus of the University, Including all property owned, leased, licensed, or otherwise controlled by the University;
- c. Occurs in the context of any event planned, presented, sanctioned, or made available by the University, any affiliate of the University, or any student organization;
- d. Occurs at any intercollegiate athletic event in which one of the University's teams is participating, home or away; or,
- e. Involves more than one member of the University community; or otherwise adversely affects the University.

Section 11. Tobacco Use: The use of all forms of tobacco products on property owned, leased, rented or belonging to the University, or in any way used by the University or its affiliates, is expressly prohibited. "Tobacco Products" is defined as cigarettes, cigars, pipes, all forms of smokeless tobacco, clove cigarette and any other smoking devices that use tobacco such as hookahs or simulate the use of tobacco such as electronic cigarettes. Smoking in the residence halls is also prohibited.

X. Student Notification Process for Student Conduct Violations

When a student is charged with a violation of the Student Code of Conduct the student will be notified to report for a meeting with a Student Conduct Officer to respond to the charges as described below:

- i. An e-mail will be sent to the student's University email account with detailed instructions for the respondent to respond to the charges on or before a specific date.
- ii. If a student does not respond to this correspondence as directed, a formal hearing will be held in the student's absence and action will be taken as warranted by the facts in the case, which may include disciplinary probation or other sanctions. The decision from a hearing held in a student's absence may be appealed to the appropriate appellate officer (see appeals section).
- iii. Students will not be permitted to enroll in subsequent semesters until their disciplinary case is resolved.

XI. Student Misconduct Withdrawal Policy (SUSPENSION OR EXPULSION)

Albany State University allows a student to withdraw from a total of 16 hours with a “W”. After 16 hours, all withdrawals are automatically given a grade of “WF”. In the case of suspension or expulsion, a student will receive a “W” for each course in which he or she is enrolled. However, a student will receive a “WF” for course withdrawals identified after the 16 hour limit regardless of the time of the infraction. A student will also forfeit the right to a refund of any fees (i.e. tuition, mandatory fees, housing, etc.). This also includes any zero tolerance infractions.

A student may not voluntarily withdraw from the University without penalty if a decision of suspension or expulsion is rendered against the student. In addition, all students who are suspended or expelled from the university may have their name reported in the **BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA STUDENT DISCIPLINARY ACTIONS REPORTING SYSTEM**.

The University may, in its sole discretion, place a hold on the student’s academic records at the time of the incident, which will affect access to transcripts, re-entry to the University and/or other educational records until the disciplinary process is complete. Financial aid is not guaranteed for students who are involved in disciplinary proceedings.

**** If a student is suspended or expelled from the university and receives financial aid, it is imperative that the student contact the Office of Financial Aid. Students who receive financial aid funds should consult with the Office of Financial Aid regarding any required return or repayments of grant or loan assistance received for that academic term or payment period. If a recipient of student financial aid funds withdraws from the institution during an academic term or a payment period, the amount of grant or loan assistance received may be subject to return and/or repayment provisions.**

XII. 4.1.7 Student Sexual Misconduct Policy

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

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

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

4.1.7.2 (A) Institutional Reports Complainants of sexual misconduct who wish to file a report with the institution should notify a Responsible Employee or the

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

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

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

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

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

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

6. Videos.

4.1.7.2 (C) Anonymous Reports

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

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

4.1.7.2 (E) False Complaints

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

4.1.7.2 (F) Amnesty

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

4.1.7.3 Handling Reports of Sexual Misconduct

4.1.7.3 (A) Support Services

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

Information on support services will be provided regardless as to whether an individual elects to go forward with filing a formal complaint of sexual misconduct or with notifying law enforcement. Information on support services

will also be provided to students and employees, regardless of where the alleged misconduct occurs.

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

4.1.7.3 (B) Interim Measures

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

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

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

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

4.1.7.3 (E) Informal Resolutions Allegations of sexual misconduct may be resolved informally, without a determination of misconduct, if all of the following are met:

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

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

4.1.7.3 (F) Timeframe

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

4.1.7.4 Investigations

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

4.1.7.5 Hearings, Possible Sanctions and Appeals

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

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

XIII. 4.6.5 Reporting All Other Student Misconduct

1. The University will provide a clear notice to students and other campus community members as to how to file complaints of misconduct.
2. Any person may file a complaint against a student alleging a violation of the Student Conduct Code. The complaint should be in written form and filed as soon as possible after the incident occurs. Persons filing complaints should do so in a timely manner in order to avoid unnecessary delays in the student conduct process. 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.
3. 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.
4. Where appropriate, complainants may file a law enforcement report along with an institutional report, but are not required to file both.
5. **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.
6. **Retaliation:** Anyone who, in good faith, reports what she or he believes to be student misconduct participates or cooperates in, or is otherwise associated

with any investigation, shall not be subjected to retaliation. Anyone who believes he or she has been the target of retaliation for reporting, participating or cooperating in, or otherwise being associated with an investigation should immediately contact the appropriate department or individual(s) for that institution. Any person found to have engaged in retaliation in violation of the student conduct policy shall be subject to disciplinary action, pursuant to the institution's policy.

7. **False Complaints:** 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.
8. **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.
9. 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.
10. Not all matters covered under this policy will necessarily involve alleged victims; however, where they are involved, it should be noted that a complainant will not always be the alleged victim but instead may be a third-party witness. The institution may also respond to issues raised by third-party complaints (such as referrals by police) or discovered by staff or through its own investigations.
11. Complaints which may result in suspension or expulsion shall progress in accordance with the provisions of Part I, Section XVII. pg. 30 – Investigations; complaints involving allegations of academic integrity shall proceed in accordance with provisions of Part I, Section XXVI.pg. 45 – Disciplinary Process for Academic Integrity Cases; all other complaints shall proceed as outlined in Part I, Section XIV, pg. 29 – Initial Evaluation of Student Conduct Complaints.

XIV. Initial Evaluation of Student Conduct Reports

Regardless of how the University becomes aware of misconduct, the University will 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 University will review the complaint to determine whether the allegation(s) describes conduct in violation of the University's policies and/or code of conduct. If the reported conduct would not be a violation of the University's policies and/or code of conduct, even if true, then the report will be dismissed. Otherwise, a prompt, thorough, and impartial investigation, and review will 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 University. 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 University 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 will 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 will only occur where necessary to maintain safety and will 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 University will 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 University will 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 (3) business days in order to determine whether the interim suspension should continue.

XV. Non-Academic Disciplinary Procedures Overview

Reports of alleged misconduct shall be made in writing to the University Judicial Officer or his/her designee. Respondents accused of misconduct will be provided a prompt, fair, and impartial review and resolution. Throughout the investigation and resolution process the respondent will receive written notice of the alleged misconduct, will be provided an opportunity to respond, and will be allowed to remain silent during the investigation and resolution process, without an adverse inference resulting. If the respondent chooses to remain silent the investigation may still proceed and a policy violation may result, and may be resolved against the respondent.

A. Investigation:

- i. Any case where the potential sanctions for the alleged misconduct may involve a suspension or expulsion from the University will be assigned to a student conduct investigator.
- ii. Notice will be sent via University email. It is the student's responsibility to ensure that he/she has a working University email. Failure to have a valid email address on file with the University shall not invalidate the notice.
- iii. The final investigative report will be provided to the student conduct panel or University Judicial 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).
- iv. A nonresponse to the charge(s) by the respondent will be interpreted as a denial of the charge(s).

B. Resolution:

Pre-Hearing Conference (Administrative Hearing):

- i. The University Judicial Officer or his/her designee shall issue a written notice of charges to the respondent. Notice will be sent via University email a minimum of three (3) business days prior to the scheduled meeting.

- ii. It is the student's responsibility to ensure that he/she has a working University email. Failure of the student to have a valid email address on file with the University shall not invalidate the notice.
- iii. During this meeting the respondent will be given the opportunity to accept responsibility for the charge(s), waive their rights to all formal hearing and appeal proceedings, and accept a disciplinary sanction or request formal hearing procedures.
- iv. A nonresponse to the charge(s) by the respondent will be interpreted as a denial of the charge(s) and a formal hearing will be scheduled in absentia.

C. Formal Hearing Proceedings:

- i. The University Judicial Officer or his/her designee shall issue a written notice of charges to the respondent and alleged victim (where applicable). Notice will be sent via University email a minimum of five (5) business days prior to the scheduled hearing.
- ii. It is the student's responsibility to ensure that he/she has a working University email. Failure of student to have a valid email address on file with the University shall not invalidate the notice. If a student fails to appear at the hearing and the student has been properly notified, the student conduct panel may hold the hearing and render a decision in the student's absence.
- iii. Any member of the student conduct panel 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 to be detrimental to the interest of the accused and the University.
- iv. Deliberations are conducted in an executive session with the student conduct panel only. The decision reached after deliberations shall be made by a majority vote. A committee shall consist of five (5) members, three (3) faculty and/or staff members and two (2) students. One of the three faculty/staff members must be the Chairperson who votes only in the case of a tie.
- v. In the case of a sexual misconduct hearing, deliberations are conducted in an executive session with the sexual misconduct panel only. The decision reached after deliberations shall be made by a majority vote. A quorum shall consist of five (5) members, faculty and/or staff members (only). One of the five (5) faculty and/or staff members must be the Chairperson who votes only in the case of a tie.
- vi. A written summary including recommendations, rationale, and audio recording shall be forwarded to the student conduct officer, as deemed appropriate, who shall communicate the findings and the right to appeal (if applicable) in writing to the student.

D. Appeal:

- i. The student has the right to appeal any decision provided the relevant grounds for an appeal is cited or supported by documentation (see Part I, Section XXII. pg. 42 – Appeal Guidelines).

XVI. Hearing/Resolution

1. All formal charges shall be presented to the respondent in written form via their University email account. A time will be set for a pre-hearing conference (administrative hearing) which normally will not be less than three (3) business days and will not be more than 20 calendar days after the student has been presented with the charges. Maximum time limits for scheduling of meetings may be extended at the discretion of the University Judicial Officer. Students may waive the right to the three (3) business day notice of charge(s) in writing.
2. Distance learning students who are not able to attend an in-office hearing must have their case adjudicated either through e-mail correspondence or through video chat. A follow-up letter with sanctions (if applicable) will be emailed to the student upon completion of the hearing. Failure of the distance learning student to set up a meeting will result in the case being heard and decided in the student's absence.
3. Between semesters and summer sessions or when the student conduct panel cannot meet, an investigator may be assigned to the case and request to meet with the respondent.
4. In order to expedite the process, the hearing officer may conduct an initial review to determine if the complaint can be resolved administratively. The accused student and the hearing officer must agree to an administrative decision. An administrative decision will be final and there will be no subsequent proceedings. If the complaint cannot be adjudicated administratively, the case will be resolved in a formal hearing.
5. Training for formal hearings boards and appellate body members will not be completed by those tasked with investigating allegations of student misconduct. For cases which may result in suspension or expulsion see the expanded investigative process below (see Part I. Section XVII, pg. 37. – Investigations).
6. A student cannot drop a course or withdraw from the University to avoid being charged with a violation of the Student Code of Conduct. If the student chooses not to participate in the process, the case will be heard in the student's absence which may result in suspension or expulsion see the expanded investigations process below (see Part I. Section XVII, pg. 30. – Investigations).
7. Students charged with a violation of the Student Code of Conduct, other than academic integrity (see Part I. Section XXVI, pg. 45 – Disciplinary Procedures for Academic Integrity Cases), can have their case heard in the following manner:
 - a) Before a hearing officer (administrative decision);
 - b) Before a student conduct panel;
 - c) The hearing officer may at his/her discretion refer any case to the student conduct panel for formal hearing proceedings.
8. In cases where the sanction may include suspension or expulsion a hearing to resolve the charge(s) of student misconduct will not take place before an investigative report has been finalized.
9. 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.

10. 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.
11. Notice of the date, time, and location of the formal hearing, will be provided to the respondent and alleged victim (where applicable) at least five (5) business days prior to the formal hearing. Notice shall be provided via University issued email where applicable. Additionally, hearings for alleged violations other than academic integrity will have the following standards apply to any such hearing:
 - a. 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.
 - b. 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.
 - c. Normally a formal hearing will be conducted in private.
 - d. Where the hearing officer or panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the University Judicial Officer or panel may establish special procedures for providing testimony from a separate location. In doing so, the hearing officer or panel must determine whether there is a valid basis for the unavailability, ensure proper sequestration in a manner that ensures testimony has not been tainted, and make a determination that such an arrangement will not unfairly disadvantage any party. Should it be reasonably believed that a party or witness who is not physically present has presented tainted testimony, the hearing officer or panel will disregard or discount the testimony.

In sexual misconduct cases, the hearing officer reserves the right to allow a party to testify in a separate room, so long as no party is unfairly disadvantaged by this procedure. A party must still give testimony in the

presence of the Panel, and the opposing party must have the opportunity to view the testimony remotely and to submit follow-up questions.

- e. The hearing officer will make an audio recording of formal hearings. No other recording devices or court reporters are permitted to record or transcribe a formal hearing. The audio recording is the property of the University. However, students can make a request for access to their judicial record.
- f. Admission of any person to a formal hearing shall be at the discretion of the University Judicial Officer or Chairperson of the formal hearing. Respondents and victims (where applicable) participating in the formal hearing may be accompanied by a family member, at their request (two (2) maximum per party to the hearing), this is in addition to an advisor.
- g. The respondent and victim (where applicable) shall have the right to be assisted by an advisor. The advisor will be of the individual's own choosing (this may be an attorney), 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 University will not prohibit family members of a party from attending the hearing if the party requests such attendance, but will limit each participant to having two (2) family members present.
- h. The University Judicial Officer will present the case for the victim and the University. The accused student will be responsible for presenting his or her case and may be assisted by an advisor. The advisor may advise his or her advisee in any manner including providing questions, suggestions, and guidance on responses to any question of the advisee, but shall not participate directly. Advisors, including attorneys, are not permitted to represent accused students in any portion of the formal hearing. Advisors, may address only the accused student during formal hearing proceedings. Advisors, may not question or examine witnesses, and may not act as witnesses in any capacity.
- i. Procedural questions are subject to the final decision of the hearing officer or Chairperson of the student conduct panel.
- j. After a formal hearing, a decision will be made by the student conduct panel. The committee along with the Chairperson will go into closed session. The Chairperson may participate in the deliberations of the board. After deliberations, a finding of the fact and a recommendation will be forwarded to the University Judicial Officer.
- k. Formal civil rules of evidence do not apply to the investigatory or resolution process.
- l. 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.

- m. The University will maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings, and/or video recordings.
- n. Following a hearing, both the respondent and alleged victim (where applicable) will be simultaneously provided a written decision via University email (where applicable) of the outcome and any resulting sanctions. The decision will include details on how to appeal as outlined below. Additionally, the written decision will summarize the evidence in support of the sanction.
- o. The same form will be completed, regardless of whether the respondent opts for a hearing panel or an administrative proceeding.
- p. Should an accused student fail to appear for his/her hearing or choose to limit or withhold a response to charges against him or her, the Chairperson shall nevertheless proceed with the hearing as if the student had responded not in violation to the charge(s). An accused student shall not be found responsible for a violation of the Student Code of Conduct solely because he/she chooses to remain silent.

XVII. Rules of Procedure in Formal Hearings

- 1. In cases involving more than one student, the University Judicial Officer 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 student's behalf. In addition, student who would like to have an advisor present will need to notify the University Judicial Officer of the person's name and contact information at least three (3) days prior to the scheduled hearing. This prior notification will provide the opportunity for the University Judicial Officer to request the University Counsel's presence at the hearing, if needed.
- 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 the 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 presentation of additional evidence, and/or require additional investigation.
- 7. An audio taped record of the hearing shall be maintained and filed with the University Judicial Officer. The record of the hearing shall be maintained for seven (7) years. In cases of suspension or expulsion, the record will be retained permanently.

8. All hearings will be closed.

XVIII. Investigations

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 will also include the identity of any investigator(s) involved. Notice should be provided via institution email to the address on file.
2. Upon receipt of the written notice, the respondent shall have at least three business days to respond in writing. In that response, the respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A non-response will be considered a general denial of the alleged misconduct. Any alleged victim shall also be provided three business days to respond to or to supplement the notice.
3. If the respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
4. If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of discipline, then the complaint should be dismissed.
5. An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any party’s proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.

6. The initial investigation report shall be provided to the respondent and the alleged victim (where applicable). This report should clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions. For purposes of this Policy, a charge is not a finding of responsibility, but indicates that there is sufficient evidence to warrant further consideration and adjudication.
7. The final investigation report should be provided to the misconduct panel or hearing officer for consideration in adjudicating the charges brought against the respondent. A copy shall also be provided to the respondent and alleged victim (where applicable) before any hearing. The investigator may testify as a witness regarding the investigation and findings, but shall otherwise have no part in the hearing process and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing.
8. Students facing charges which may result in suspension or expulsion can have their case heard in the following manner:
 - i. Before a student conduct officer (administrative decision);
 - ii. Before the University Disciplinary Committee;
 - iii. The student conduct officer may at his/her discretion refer any case to the University Disciplinary Committee for formal hearing proceedings.
9. At any time during the investigative process for charges which may result in suspension or expulsion a respondent can choose to waive their rights to the formal process along with appeals and accept the proposed sanctions. This would result in the administrative decision noted as option i. in the previous step.

XIX. Possible Sanctions

- A student or student organization found responsible for violating the Student Conduct Code other than academic dishonesty may receive one or more of the sanctions listed below.
- In determining the severity of sanctions or corrective actions the following will be considered: the frequency, severity, and/or nature of the offense; history of past conduct; an offender's willingness to accept responsibility; previous University 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. (See Part I, Section XV. pg.33 – Hearing/Resolution).
- When a student organization engages in an act of misconduct, the University reserves the right to take action not only against the organization but also against the individual student members of the organization.
- The following list of sanctions is intended to show the range of sanctions that may be imposed on a student or student organization, either individually or in combination.

- This list is not to be regarded as all-inclusive but rather as a sample of sanctions that may be imposed. Other University policies and regulations may impose specific penalties for specific violations, and nothing in this section is intended to limit the imposition of those specific sanctions.
 1. Additional academic requirements relating to scholarly work or research
 2. **Campus Volunteering and/or 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 without pay, for a specific amount of hours as required.
 3. **Counseling and/or Mentoring:** In some instances, this requirement may be imposed when a student is found responsible of engaging in disruptive or uncivil behaviors. In such case, the student may be required to provide evidence to the Judicial Officer of attendance and completion of counseling by professional counseling services.
 4. **Delays in obtaining administrative services and benefits from the University** (e.g., holding transcripts, delaying registration, graduation, diplomas)
 5. **Disciplinary Warning:** An official written reprimand stating that unacceptable behavior has occurred and any further inappropriate behavior or other violations of the Student Conduct Code may result in more serious student conduct actions by the University.
 6. **Disciplinary Probation:** Disciplinary Probation is a specific period of time, generally not less than three (3) months, during which further violations of the Student Conduct Code may result in suspension or expulsion. Violations of disciplinary probation generally will result in more serious disciplinary action against the student, such as suspension or expulsion from the University.
 7. **Educational Sanction:** An educational sanction may consist of the assignment of specific projects to be performed by a student or student organization, such as writing a research paper on a specific topic, attending an educational program, and/or writing reaction papers on a specified topic. Educational sanctions also include completing mandated alcohol and drug education programs and enrolling in web- based online alcohol and drug education programs.
 8. **Expulsion*:** Expulsion is the most serious sanction that can be imposed on an Albany State University student. Expulsion is a permanent forced withdrawal from the University. An expelled student may not enter any part of University property without specific authorization from the Office of Student Conduct and Academic Integrity after notification that penalty of expulsion is in effect. Expelled students are prohibited from entering the campus without specific authorization from the Office of Student Conduct and Academic Integrity. Students who reside on campus will be required to vacate their assigned room immediately.
 9. **Fines and/or Assessment Fees:** There are fines for alcohol and/or drug charges as well as fees for the alcohol and/or drug education programs. Once a fine or fee is added to a student's account, a hold will automatically

be added to the student's account which will prevent the student from registering from classes until the fine or fee is paid. Fines and/or assessment fees range from \$50.00-\$500.00.

10. **Financial Restitution:** Requiring restitution allows for the compensation of loss, damage or injury caused by a student or student organization's misconduct. Compensation may take the form of appropriate service, and/or monetary or material replacement.
11. **Loss of Institutional Privileges:** Denial of specific privileges for a designated period of time.
12. **Loss of Student Office/Leadership Position:** Students in elected/appointed positions may lose the position as a result of a violation of the Student Code of Conduct for a specified amount time (minimal one semester).
13. **Organizational Sanctions:** Loss of privileges, including University recognition for a specific period of time or permanently. Loss of privileges may include, but is not limited to, a prohibition on social events, fund-raising projects, intramural events, and completion of community service hours and special projects.
14. **Residence Hall Suspension*:** Separation of the student from the residence halls for a specific period of time. Students who are suspended from the residence hall are banned from all residence hall buildings throughout the duration of the suspension.
15. Required participation in sensitivity training/awareness education programs
16. Required participation in alcohol and other drug awareness and abuse prevention programs
17. **Financial Restitution:** Requiring restitution allows for the compensation of loss, damage or injury caused by a student or student organization's misconduct. Compensation may take the form of appropriate service, and/or monetary or material replacement.
18. **Suspension (for an identified time frame or until satisfaction or certain conditions or both):** Suspension indicates that a student, by his/her actions, has forfeited the privilege of attending Albany State University for a specified period of time. Suspended students are prohibited from entering the campus without specific authorization from the Office of Student Conduct and Academic Integrity. Students who reside on campus will be required to vacate their assigned room immediately.
19. **Temporary or permanent separation of parties** (e.g., change in classes, reassignment of residence, no contact orders, limiting geography where parties can go on campus) with additional sanctions for violating no-contact orders.
20. Any other discretionary sanctions directly related to the violation of conduct.

XX. Interim Suspension

1. In certain circumstances, the University Judicial Officer may impose a University suspension while the investigation and adjudication process are proceeding. Interim suspension may be imposed only where necessary to

maintain safety, and situations where the respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the University will 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.

2. During an interim suspension, students may be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Office of Judicial Affairs may determine to be appropriate. The student will be responsible for working with faculty members to make-up any missed work (if possible).
3. Before an interim suspension is issued, the University Judicial Officer will make all reasonable efforts to give the respondent the opportunity to be heard on whether his or her presence on campus poses a danger.
4. If an interim suspension is imposed, the terms of the interim suspension will take place immediately.
5. When requested by the respondent, a hearing to determine whether the interim suspension should continue will be held within three (3) business days of the request.

XXI. Appeal

The purpose of an appeal is to review the procedures of the formal hearing in order to determine if there has been any error. Students have the right to appeal formal hearing decisions provided relevant grounds for an appeal are cited.

The Vice President for Student Affairs and Success shall constitute the final appeal in all disciplinary cases not resulting in a suspension or expulsion (except in Academic Dishonesty cases). Second appeals are allowed only if the sanctions include suspension or expulsion. These appeals are made to the President (or to such other person as she or he may designate) by electronic mail within five (5) business days (as determined by the date of the decision letter) after the Vice President for Student Affairs and Success's decision has been communicated to the student.

Second appeals are allowed in cases which include suspension or expulsion have gone through the first level appeal. The second level appeals are made to the President by electronic mail within five (5) business days (as determined by receipt of the decision letter from the previous appeal) after the Vice President for Student Affairs and Success has been communicated to the student. The President will communicate, within seven (7) business days, to the student by electronic mail the decision of the second appeal including the process for an appeal to the Board of Regents of the USG.

The final appeal will be to the Board of Regents of the USG in accordance with the Board of Regents Policy 8.6. The decision of the President will stand until a decision is determined by the Board of Regents (if applicable).

Appeal of all academic integrity cases not resulting in suspension or expulsion will conclude at the office of the Provost and Vice President for Academic Affairs or (or to such other person as she or he may designate).

XXII. Appeal Guidelines

Where the sanction imposed includes a suspension or expulsion (even for one held in abeyance), the following appellate procedures must be provided. The alleged offender (and in cases involving sexual misconduct or other forms of discrimination and/or harassment, the alleged victim) shall have the right to appeal the outcome on any of the following grounds:

Grounds for Appeal

- a. 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;
- b. 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;
- c. 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 (5) business days of the date of the final written decision. The appeal should be made to the University’s Vice President for Student Affairs and Success or his/her designee.

All appeal requests and responses in this process are transmitted by electronic mail (which accommodates distance learning students). First level appeal (except in academic integrity cases) are made to the Vice President of Student Affairs and Success (or to such other person as she or he may designate). The request for an appeal must be received by electronic mail to the University Judicial Officer within five (5) business days after the original decision has been communicated to the student. The Vice President for Student Affairs and Success or designee will communicate, within seven (7) business days, to the student by electronic mail the decision regarding the appeal, including the process for a further appeal to the President.

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 for Student Affairs and Success, 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 decision of the Vice President for Student Affairs and Success 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.

Second level appeal is made to the President (except in cases of academic integrity; See Part I, Section XXVII. pg.37 – Disciplinary Process for Academic Integrity Cases), by electronic mail within (5) business days (as determined by receipt of the decision letter from the previous appeal) after the Vice President for Student Affairs and Success or his or her designee has communicated to the student. The President will communicate, within seven (7) business days, to the student by electronic mail the decision of the second appeal.

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 University.

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.

Appeal requests for academic integrity cases are reviewed by the Provost and Vice President for Academic Affairs. All academic integrity cases not resulting in suspension or expulsion will conclude at the office of the Provost and Vice President for Academic Affairs or his or her designee.

XXIII. Student Rights

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 written or electronic notification of the specific violation and inappropriate behavior in which the student or organization is suspected of involvement.
- B. **Procedures** - Will be provided a copy of the student judicial process when charged.
- C. **Hearing** – To have an opportunity to be heard in person before a decision is made.
- D. **Remain Silent** – To remain silent and have no interference of guilt drawn from such silence.

- E. **Evidence** – The right to review available evidence in the case. To know the nature of the evidence and to be able to provide questions to be asked of witnesses.
- F. **Witness** – To be able to offer a defense by having material and/or character witnesses speak on his/her behalf. The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- G. **Access to Advisor** – 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 University will 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 (2) family members present.
- H. **Written Decision** – To receive a written notice of the decision and sanctions, including rationale for decision.
- I. **Appeal** – To appeal a decision resulting from a formal hearing.
- J. **Attend Classes** - Students also have the right to attend classes and required University functions until a hearing is held and decision is rendered **except as stipulated** below:

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

XXIV. Resources for Conflict Mediation

Albany State University has resources available to all students to assist in resolving conflicts that may not require the student judicial process. Unlike the formal student judicial process, mediation is viewed as an educational experience in which the emphasis is not on determining guilt, but rather upon seeking resolution to a conflict that meets unique needs of the students involved in the conflict. Not all student conflicts are appropriate for mediation, including but not limited incidents involving alleged sexual misconduct and physical violence. An alleged victim (where applicable) and respondent may have the option of selecting mediation as a possible resolution in certain misconduct cases where they

mutually agree, except those deemed inappropriate by the Vice President for Student Affairs and Success or his/her designee. In the event of mediation deemed appropriate for a case, this service will be arranged by the Office of Judicial Affairs.

XXV. Recusal/Challenge for Bias

Any party may challenge the participation of any University official, employee or student panel member in the process on the grounds of personal bias by submitting a written statement to the Vice President for Student Affairs and Success or his or her designee in writing 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 (one (1) business day) after the individual knows or reasonably should have known of the existence of the bias. The University's designee will determine whether to sustain or deny the challenge and, if sustained, the replacement to be appointed.

XXVI. Disciplinary Process for Academic Integrity Cases

When it is alleged that a student has violated the University's Academic Honor Code Policy and/or Student Code of Conduct, he or she will be subject to disciplinary procedures at the following levels. The instructor may elect to forgo Faculty Disposition and proceed directly to a Faculty Referral.

A. Faculty Disposition

1. The faculty member shall issue a written notice of the alleged academic dishonesty violation(s) and provide access to review all evidence to support the charge(s). Visual or audio observations by the faculty member will be considered acceptable forms of evidence.
2. Notice will be sent via University email outlining the violation(s); evidence; date, time and location for an initial meeting.
3. It is the student's responsibility to ensure that he/she has a working University email. Failure of the student to have a valid email address on file with the University shall not invalidate the notice.
4. During this meeting the responding student will be given the opportunity to accept responsibility for the violation(s), waive their rights to all formal hearing and appeal proceedings, and accept the terms of the faculty disposition.
5. Academic penalties that may be imposed during faculty disposition include:
 - i. A reprimand from the faculty member;
 - ii. A requirement to complete a comparable assignment in which the violation occurred;
 - iii. A grade change;
 - iv. A grade reduction; or,
 - v. Failing grade for assignment or exam in which the violation occurred.

6. **Both the faculty member and responding student must sign the Faculty Disposition form prior to submitting to the Department Chair for review.**
7. A copy of the Faculty Disposition Form will be filed with the course division Dean and the Office of Provost and Vice President for Academic Affairs. In addition, a copy of the completed case file including signed documents and any evidence should be forwarded to the Office of Judicial Affairs for inclusion in the student's discipline record.

B. Faculty Referral

1. If the student is required to go through the judicial procedures as set in the University's Academic Honor Code Policy and Student Code of Conduct due to faculty referral, denial of charge(s) and/or dispute of the faculty's proposed penalties, both the faculty member and the responding student must sign the Faculty Referral Form.
2. The faculty member will forward the Faculty Referral Form to the course division Dean. The Dean may uphold, change or dismiss the faculty member's decision.
3. If a student disagrees with the Dean's decision, he or she must file a written appeal with the Office of Provost and Vice President for Academic Affairs within five (5) business days from the date he or she is notified of the Dean's decision.
4. The Provost and Vice President for Academic Affairs will decide the case or refer it to the Academic Honor Code Committee. The Provost and Vice President for Academic Affairs will automatically refer a student who has had two previous Honor Code violations to the Academic Honor Code Committee.
5. The Office of Judicial will only accept referrals for formal hearing proceedings from the Office of Provost and Vice President for Academic Affairs.

C. Academic Honor Code Committee

1. The Academic Honor Code Committee (AHCC) is charged with hearing alleged violations of academic integrity referred by the Office of the Provost and Vice President of Academic Affairs for formal hearing proceedings. Violations include but are not limited to plagiarism, cheating, misrepresentation and/or fabrication of one's work.
2. Normally, these are cases in which there is a possibility of suspension or expulsion of the accused student.
3. Cases are referred to the Academic Honor Code Committee through the University Judicial Officer. The University Judicial Officer sets the time, date, and location for a hearing and notifies panel members from that point.
4. The Academic Honor Code Committee of the University consists of five (5) members, two (2) students and three (3) faculty members, where one (1) faculty member will serve respectively as Chairperson per hearing.
5. Student members must be currently enrolled full-time students.

6. The Provost and Vice President for Academic Affairs shall appoint, each year, two (2) faculty members to serve respectfully as Chairperson and Co-Chairperson of the Academic Honor Code Committee.
7. **Deliberations are conducted in an executive session with the hearing panel only.** The decision reached after deliberations will be made by a majority vote. The Chairperson will only vote in the case of a tie.
8. Any member of the Academic Honor Code 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 University.
9. The Academic Honor Code Committee will make an audio recording and written summary of the proceedings. The digital recording will be placed in the custody of the University Judicial Officer immediately following the hearing to include in the student's disciplinary record. No other recording devices or court reporters are permitted to record or transcribe an Academic Honor Code Committee hearing.
10. A written summary and recommendations shall be forwarded to the University Judicial Officer to include in the student's discipline record.
11. The University Judicial Officer will communicate the findings in writing to the student with a copy to the Office of the Provost and Vice President for Academic Affairs, the respective college dean, and the instructor of record in the course in which the alleged violation occurred.
12. The notice of the findings will inform the student of their right to appeal (if applicable).

D. Formal Hearing Procedures for Academic Integrity Cases

The following procedures are designed to adjudicate violations of academic dishonesty:

- a. In the case of a first violation, it is encouraged that disputes of academic integrity be handled between the faculty member and the student.
- b. Cases not adjudicated between the faculty member and the student will be processed through the appropriate academic levels prior to referral to the Office of Student Conduct and Academic Integrity.
- c. Any allegations of violation of academic integrity which is referred to the formal hearing process will be heard by the Academic Honor Code Committee unless the student requests to waive their right to a formal hearing and appeal proceedings and requests an administrative hearing.
- d. All formal charges shall be presented to the accused student in written form. A time shall be set for a meeting which normally will not be less than three (3) business days and will not be more than twenty (20) calendar days after the student has been presented with the charges. Maximum time limits for the scheduling of meetings may be extended at the discretion of the University Judicial Officer.
- e. A student cannot drop a course or withdraw from the university to avoid being charged with academic dishonesty.

- f. The faculty member (complainant) responsible for filing the academic dishonesty charge(s) will be responsible for providing information that supports his/her claims.
- g. Normally, a hearing will be conducted in private.
- h. The Academic Honor Code Committee will make an audio recording and written summary of the proceedings. The digital recording will be placed in the custody of the University Judicial Officer immediately following the hearing to be included in the student's disciplinary record. No other recording devices or court reporters are permitted to record or transcribe an Academic Honor Code Committee hearing.
- i. The University Judicial Officer will present the case for the complainant and the University.
- j. The complainant and the accused student (as well as any witness who is not also the complaining party) shall have the right to be assisted by an advisor. The advisor will be of the individual's own choosing (this may be an attorney), 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 student may have family members accompany them to meetings and proceedings, at their request and this will be limited to two (2) family members.
- k. The accused student will be responsible for presenting his or her case and may be assisted by an advisor. 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.
- l. The complainant, the University Judicial Officer and the accused student have the right to call witnesses.
- m. The members of the Academic Honor Code Committee may question witnesses, including the complainant and the accused student. The complainant and the accused student may question witnesses, including each other. The complainant and the accused student will be permitted to review and examine evidence during the hearing, if approved by the Honor Code Committee Chairperson and University Judicial Officer.
- n. Pertinent records, exhibits and written statements may be accepted as evidence for consideration at the discretion of the Academic Honor Code Committee Chairperson and the University Judicial Officer.
- o. Procedural questions are subject to the final decision of the University Judicial Officer.
- p. After the hearing, the Academic Honor Code Committee will go into closed session. The Chairperson may participate in the deliberations of the board. After deliberations, a decision will be forwarded to the University Judicial Officer or his/her designee.
- q. The Academic Honor Code Committee's findings of fact and recommendation will be made on the basis of whether, by a preponderance

of the evidence presented at the hearing, it is more likely than not that the accused student committed academic dishonesty as charged.

- r. Should an accused student fail to appear for his/her hearing or choose to limit or withhold a response to charges against him/her, the Chairperson shall nevertheless proceed with the hearing in the student's absence. An accused student shall not be found responsible for a violation of the Academic Honor Code Policy and Student Conduct Code solely because he/she chooses to remain silent.
- s. The University Judicial Officer will inform students of the decision via their University email account, normally within ten (10) business days of the hearing date.
- t. The University Judicial Officer will inform students of their right to appeal the decision and be given a written statement of the decision and the penalty. The student has the right to appeal any decision provided that relevant grounds for an appeal be cited.
- u. Student must send appeal by electronic mail within five (5) business days after the receipt of the original decision by the Academic Honor Code Committee to the University Judicial Officer.
- v. The Provost and Vice President for Academic Affairs (or to such other person she or he may designate) shall constitute the final appeal for all academic dishonesty cases not resulting in suspension or expulsion. Second appeals are only allowed if sanctions include suspension or expulsion. The Provost and Vice President for Academic Affairs or designee may:
 - i. Affirm the original finding and sanction.
 - ii. Affirm the original finding and issue a new sanction in lesser severity.
 - iii. Remand the case back to the decision-maker to correct procedural or factual deficit.
 - iv. Reverse or dismiss the case if there was a procedural or factual deficit.
- w. The Provost and Vice for Academic Affairs or designee will communicate, within seven (7) business days, to the student by electronic mail the decision regarding the appeal, including the process for a further appeal to the President, if applicable.
- x. Second appeals are allowed for academic dishonesty cases which include suspension or expulsion and have gone through the first level of appeal. Second level appeals are made to the President by electronic mail within five (5) business days (as determined by receipt of the decision letter from the previous appeal) after the Provost and Vice President for Academic Affairs has communicated to the student.
- y. The President will communicate within seven (7) business days, to the student by electronic mail the decision regarding the second appeal, including further appeal to the Board of Regents, if applicable.
- z. The final appeal should be to the Board of Regents of the USG in accordance with the Board of Regents Policy 8.6. The decision of the

President will stand until a decision is determined by the Board of Regents, if applicable.

E. Perjury

- a. All members participating in disciplinary procedures are expected to be truthful in presenting testimony during any disciplinary inquiry and to cooperate fully in the investigation of infractions.
- b. Perjury or obstruction of any inquiry shall itself be grounds for disciplinary action.

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XXVII. Student Conduct Panels

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 the law and the community. The University refer matters to federal and/or state authorities for prosecution when appropriate. Students accused of violating the value standards of conduct of this code or the zero tolerance policy 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 four committees:

- **Non-Academic Violations:**
 - **University Disciplinary Committee (UDC):** Charged with hearing alleged non-academic violations of the Student Code of Conduct referred to the Office of Judicial Affairs for individual students and/or student organizations. Committee consists of full-time enrolled students and full-time faculty and staff. Two (2) students, two (2) faculty/staff and one (1) faculty/staff Chairperson will be needed per hearing. An audio taped record of the proceedings will be made.
 - **Housing Review Board (HRB):** Charged with hearing alleged violations of University Housing policies, rules and regulations by residents and/or their guests. Committee consists of full-time enrolled Resident Assistant students and full-time University Housing staff. Two (2) Resident Assistants, two (2) University Housing staff and one (1) University Housing Chairperson will be needed per hearing. An audio taped record of the proceedings will be made.
 - **Sexual Misconduct Committee (SMC)** - Charged with hearing alleged sexual misconduct violations of the Student Code of Conduct referred by the University Title IX Coordinator. Committee consists of full-time five (5) full-time faculty and staff only per hearing where one member serves as Chairperson respectively. An audio taped record of the proceedings will be made.
- **Academic Violations:**
 - **Academic Honor Code Committee (AAHC):** Charged with hearing alleged academic integrity violations of the Student Code of Conduct. Committee consists of full-time enrolled students and full-time faculty. Two (2) students and three (3) faculty where one (1) faculty member will

serve respectively as Chairperson per hearing. An audio taped record of the proceedings will be made.

- **Interim Measures Violations:**

- **Interim Suspension Committee (ISC):** Charged with determining whether an interim suspension should continue or whether the student should be reinstated and allowed to return to University property before the investigation and resolution procedures have been completed. A minimum of one (1) full-time student and two (2) full-time faculty/staff where one (1) faculty/staff will serve as Chairperson will be needed per hearing.
 - a. When requested by the respondent, a hearing to determine where the intermediate suspension should continue will be held within three (3) business days of the request.
 - b. The student shall be permitted to enter the University campus for the limited purpose of this hearing in accordance with the provisions stated therein.
 - c. The panel will review the information provided by the student, the information upon which the interim suspension was initially based, and any new information which may justify the lifting or continuance of the interim suspension.
 - d. At the end of the hearing, the panel will make a decision and notify the Vice President for Student Affairs and Success or his/her designee of the panel's recommendation.
 - e. The panel may affirm the original decision, maintaining the interim suspension and temporary exclusion until a full disciplinary proceeding is held, or the panel may recommend that the interim suspension be lifted. The Vice President for Student Affairs and Success or his/her designee will consider the recommendation of the panel, but is not bound by the recommendation.
 - f. The Vice President for Student Affairs and Success or his/her designee shall thereafter notify the student that he or she is reinstated pending the outcome of the full disciplinary hearing or the that the interim suspension and temporary exclusion are to be continued subject to the outcome of the disciplinary proceedings. This notice will be provided within (1) business day of the decision by the Interim Suspension Committee (ISC), unless additional time is needed or necessary.
 - g. No interim suspension hearing shall take the place of the full disciplinary proceedings which will determine whether the student shall be sanctioned for the misconduct charged.

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PART II

UNIVERSITY HOUSING REGULATIONS

PART II: UNIVERSITY HOUSING REGULATIONS

Please refer to your RAM Life Guide for items that are allowed and not allowed in Residence Halls.

I. University Housing Violations

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- 1) Alcohol possession and Use within the Residence halls
 - a. Possession and use of alcohol is prohibited on the campus of Albany State University regardless of the legal drinking age of twenty-one (21). Please refer to the University Student Code of Conduct for more information.
- 2) Animals (Pets):
 - a. Having pets or other animals (dogs, cats, snakes, birds, hamsters, etc.) are prohibited **with the exception of service animals and comfort therapeutics animals, 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 comfort therapeutic service, is prohibited.**
 - b. The feeding of stray animals in or around residential facilities is also prohibited for students' safety purposes. Stray animals are not vaccinated and may cause harm to students and the campus community.
- 3) Damage to Property
 - a. It is a violation to damage any university property such as light fixtures, ceiling fans, walls, and pictures are prohibited. A violation of this policy also includes, but is not limited to:
 - b. Damages to your assigned room space or unit in the residence halls (i.e. ceilings, floors, carpets, door/door frame, etc.);
 - c. Broken or damaged furnishings;
 - d. Damages to the kitchen/living area of the residence halls; or,
 - e. Damages to other university property (e.g. landscaping, etc.).
- 4) Guests Behavior
 - a. All guests within the residence halls, whether a student or non-student of the University, must abide by the Student Code of Conduct.
 - b. Residents will assume responsibility for their quests/visitors upon the arrival in the residence hall and should escort their guests throughout the residence halls at all times.
 - c. No children under six (6) years of age are allowed in the residence halls. Children from six (6) to seventeen (17) years of age should be accompanied at all times by resident and are not permitted to stay overnight in the halls.

- d. Any guest involved in an incident or policy violation will be asked to leave the residence hall by the housing staff and/or the Albany State University Police Department.

5) Noise

- a. Excessive noise inside or around a residence hall is prohibited.

6) Improper Behavior

- a. Participating in behavior that causes a disruption to the community; including, but not limited to: unauthorized parties; horse playing, water fights, food fights, etc. is prohibited.

7) Residence Hall Computer Labs

- a. It is against university policy to bring food or drink into a residence hall computer lab;
- b. Changing, removing, reconfiguring, or physically damaging any workstation hardware or software; is prohibited.
- c. Attempting to change the settings on computer lab printers; or,
- d. Attempting to change network connections for computer labs workstations or printers is prohibited.

8) Smoking and/or Tobacco Use in Residence Halls

- a. The use of all forms of tobacco products on property owned, leased, rented or belonging to the University, or in any way used by the University or its affiliates, is expressly prohibited. "Tobacco Products" is defined as cigarettes, cigars, pipes, all forms of smokeless tobacco, clove cigarette and any other smoking devices that use tobacco such as hookahs or simulate the use of tobacco such as electronic cigarettes.
- b. Use of any tobacco product is prohibited, or smoking, in any residence hall facility or surrounding property as Albany State University is a tobacco free campus per University System of Georgia (USG). The goal of this policy is to protect and improve the health, comfort and environment of students, employees and any other occupying USG campuses.

9) Tampering or Destroying of Fire Safety Devices/Safety Procedures

Tampering with or removal of fire safety equipment within the residence halls is prohibited. This equipment includes but is not limited to fire alarm pull stations, fire extinguishers, sprinkler systems, smoke detectors and any other safety devices located within the residence halls. The following are also prohibited:

- a. Removing and/or covering smoke detectors;
- b. Activating an alarm lacking an emergency situation;
- c. Removing and/or tampering with covers on fire alarm pull stations;
- d. Removing and/or tampering with common area and room sprinkler systems;

- e. Propping of emergency exit doors is a violation and compromises the student safety within the residence halls;
- f. Discharging a fire extinguisher for any purpose other than putting out a fire; etc.
- g. Propping of interior doors such as suite/unit and bedroom doors are also considered a safety hazard;
- h. Tampering with or removing window screens from residence hall windows.

10) Unauthorized Room Changes

- a. Residents changing their current room assignment to another without prior approval from the University Housing Coordinator and/or Hall Manager is prohibited.
- b. Occupying more than one space (unless for a designated period of time approved by the University Housing Coordinator in the process of an approved room change) is prohibited.

II. Institutional Penalties for University Housing Violations

Many violations of University Housing Policies come with standard minimum sanctions.

- 1) Animals—Students found in violation for violating the Animals Policy will be subject to at least the following sanctions:
 - i. First Offense: \$250.00 fine and a disciplinary warning.
 - ii. Second Offense: \$500.00 fine and disciplinary probation for one (1) Semester.
 - iii. Third Offense: Removal from the Albany State University Housing and Residence Life Community without refund.
- 2) Smoking and/or Tobacco Use in Residence Halls – As Albany State University is a tobacco free campus, smoking is not allowed in any residence hall or adjacent space (such as residence hall porches or patios) as it is a fire hazard. Student responsible for violating the Smoking Policy will be subject to at least the following sanctions.
 - i. First Offense: \$50.00 fine and disciplinary warning.
 - ii. Second Offense \$100.00 and disciplinary probation for one (1) semester.
 - iv. Third Offense: Third Offense: Removal from the Albany State University Housing and Residence Life Community without refund.
- 3) Fire and Safety Violations- Students found in violation for tampering with any life safety device will be subject to at least the following sanctions as well as possible criminal charges:
 - i. First Offense: \$250.00 fine, disciplinary probation for one (1) semester and possible removal from the residence hall without refund and/or suspension from Albany State University.

- ii. Second Offense: \$500.00 fine and removal from the Albany State University Housing and Residence Life Community without refund and/or suspension from Albany State University.
- 4) Guest Behavior
 - i. First Offense: \$50.00 fine and disciplinary warning.
 - ii. Second Offense: \$100.00 fine and disciplinary probation.
 - iii. Third Offense: Removal from the Albany State University Residence Life Community without refund.

III. University Housing Disciplinary Procedures

The Office of Student Conduct and Academic Integrity will follow rules of procedure for adjudicating alleged violations of University Housing Regulations as outlined in this document (See Part I, Section XIV. pg.30 – Initial Evaluation of Student Conduct Reports and Part I, Section XII. pg. 24 - Student Sexual Misconduct Policy).

- A. All allegations of student misconduct must be submitted in writing by the Hall Manager using one (1) of the following forms, as deemed appropriate:
 - i. Title IX Incidents:
https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout_id=8
 - ii. All Other Student Misconduct Incidents:
https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout_id=1
- B. For cases referred to the Office of Student Conduct and Academic Integrity for adjudication, all documents and materials will be maintained in the in the data management tool.

IV. Inspection, Search and Seizure

Students are guaranteed the rights of any citizen and therefore will not be subject to unreasonable searches and seizures. The courts, however, have recognized the right of the University to conduct reasonable inspections, searches and seizures in order to enforce University regulations. Albany State University reserves the right to conduct such inspections, searches and seizures within limits of the law.

- 1) Inspections
 - a. The University reserves the right to inspect rooms for possible damage, health, and safety concerns.
 - b. The University reserves the right to enter rooms or other facilities at reasonable hours with a reasonable cause.
 - c. The University reserves the right to enter rooms or other facilities at any time there is reason to suspect a violation of University regulations is occurring.

2) Searches

- a. Law enforcement officials may search facilities with or without authorization from the University by means of a search warrant.
- b. Efforts will be made to have the student available when a facility is searched.
- c. Evidence seized during a search can be used in disciplinary procedures concerning a violation of University regulations.
- d. In addition to the above, the University reserves the right to conduct searches of individual rooms and lockers in a residence hall or other facility on campus if a University official determines that an emergency situation exists.

3) Administrative Search Procedures/Guidelines

- a. The need for an administrative search must be established by a University staff member. Suspicion of any violation may warrant an administrative search (e.g. for safety, emergency or crisis situations, etc.).
- b. If the need for an administrative search is established, University staff will request consent from the student to search the room if the student can be located. If the student denies the request for consent or if the student is unable to be located, University staff may seek approval from the Assistant Vice President for Student Affairs and Success or his/her designee to conduct a search in the absence of consent (e.g. for safety, emergency or crisis situations, etc.).
- c. If consent to search the room is granted by the student, University staff (authorized by the Assistant Vice President for Student Affairs and Success or his or her designee) will conduct the room search. A report will be filed with the Office of Judicial Affairs.
- d. If the search produces evidence that indicates a possible violation of the law:
 - Stop Search
 - Do Not Touch
 - Contact University Police Department immediately.
- e. Non-administrative searches of residence hall rooms conducted by University Police may occur under the authorization of a warrant or other applicable law.

PART III

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ADMINISTRATIVE REGULATIONS

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PART III: ADMINISTRATIVE REGULATIONS

I. Jurisdiction

Albany State University will take necessary and appropriate action to protect the safety and well-being of its community. Accordingly, student conduct will 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 voluntarily decided to participate in the informal process, the procedures outlined in Board of Regents University System of Georgia Policy Section 4.6.5.2 Process for Investigating and Resolving Disputed Reports will not apply.

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II. Amnesty Policy

At Albany State University, we are concerned about student well-being, especially with concerns to alcohol and other drugs. The University is committed to provide direction so that students can learn to develop an accountable approach to social challenges, including whether to use alcohol, how to do so in moderation, and how to comply with local, state, and federal laws governing alcohol consumption. It is expected that the students will abide by the laws and the policies established by the University.

Amnesty Relating to Sexual Misconduct Reports (ONLY):

Individuals are 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. **See Part I, Section XXII. pg. 24 – Reporting Sexual Misconduct).**

Amnesty Relating to All Other Student Misconduct Violations:

a) For those who request assistance for others

Students are encouraged to request or call for help and assistance for others. Albany State University pursues a policy of amnesty for violations when students request help for others in need **(alcohol and drugs violations only)**. At the discretion of the University Judicial Officer, amnesty may also be extended on a case-by-case basis to the person receiving assistance. If amnesty is granted, no conduct proceedings or disciplinary charges will result; however, a meeting may be required where educational and support options will be provided.

b) For victim

Albany State University provides amnesty to victims of other offenses who may be hesitant to report to University officials because they fear they may

be accused of policy violations (**alcohol and drugs violations only**), at the time of the offense. If amnesty is granted, no conduct proceedings or disciplinary charges will result; however, a meeting may be required where educational and support options will be provided.

c) For those participating as a complainant or witness in the conduct process

Information reported in good faith by student (witness or victim) during an investigation concerning their own use of **drugs or alcohol only** will not be used against that individual in a disciplinary hearing and will not be voluntarily reported to law enforcement; however, a meeting may be required where educational and support options will be provided.

III. Policy on Drug Use

Drug use and abuse is a major concern across college campuses in today's time. Albany State University continuously promotes and requires a drug free campus. The University actively encourages students and employees who feel they have a substance abuse problem to seek counseling and treatment. The Student Counseling Department will help students, faculty, and staff seeking assistance with a substance abuse related problem. Those seeking such assistance are assured that professional standards of confidentiality will be upheld.

Institutional Penalties – Drugs

The below sanctions are guidelines. Sanctions may be altered based on the severity of the incident, the impact upon the community, and/or the student's disciplinary history.

FIRST OFFENSE

****Harm to Self, Others, or Property and/or Violations of the Law**

eCheckup TOGO Drugs + \$100.00 Assessment Fee, \$100.00 fine, Disciplinary Probation Period of no less than one (2) academic semesters, Counseling three (3) sessions minimum) and Parental Notification, possible removal from campus housing and/or suspension from the University and Loss of Leadership Position and/or Eligibility.

****No Harm to Self, Others, or Property but Violations of University Policy**

eCheckup TOGO Drugs + \$100.00 Assessment Fee, \$100.00 fine, Disciplinary Probation Period of no less than one (1) academic semester, Counseling three (3) sessions minimum) and Parental Notification, possible removal from campus housing and/or suspension from the University and Loss of Leadership Position and/or Eligibility.

SECOND OFFENSE

****Harm to Self, Others, or Property and/or Violations of the Law**

Suspension from the University for no less than two (2) academic semesters, removal from campus housing, completion of substance abuse treatment program, probationary period of no less than one academic year upon return to University, \$250.00 fine, removal from housing and Parental Notification.

****No Harm to Self, Others, or Property but Violations of University Policy**

Suspension from the University for no less than two (2) academic semesters, completion of a substance abuse treatment program, probationary period of no less than one academic year upon return to University, \$250 fine, removal from campus housing and Parental Notification.

THIRD OFFENSE

****Harm to Self, Others, or Property and/or Violations of the Law**

Suspension from the University for no less than three (3) academic semesters, \$500.00 fine, permanent removal from campus housing and Parental Notification. Further violations may result in suspension or expulsion from the University.

****No Harm to Self, Others, or Property but Violations of University Policy**

Suspension from the University for no less than two (2) academic semesters, \$500.00 fine, permanent removal from campus housing and Parental Notification. Further violations may result in suspension or expulsion from the University.

Special Note:

- Parental Notification will be issued for students under age 21 as allowed by FERPA for drug and alcohol violations.
- No student with an **OUTSTANDING** judicial record will be permitted to participate in student leadership roles including but not limited to SGA, Miss ASU, Mr. ASU, SAAB and Greek Life at Albany State University. This information will be verified by the University Judicial Officer.

IV. Policy on Alcohol Use

Albany State University is committed to providing a safe environment for all constituents of its community. Likewise, the University expects all constituents of the University community to make responsible decisions about the use of alcohol. The use of alcohol is prohibited on all campuses of Albany State University.

Institutional Penalties – Alcohol

The below sanctions are guidelines. Sanctions may be altered based on the severity of the incident, the impact upon the community, and/or the student's disciplinary history.

FIRST OFFENSE

****Harm to Self, Others, or Property and/or Violations of the Law**

eCheckup TOGO Alcohol + \$100 Assessment Fee, \$100 Fine, Disciplinary Probation Period of no less than two (2) academic semesters, Counseling three (3) sessions minimum, and Parental Notification, and Loss of Leadership Position and/or Eligibility

****No Harm to Self, Others, or Property but Violations of University Policy**

eCheckup TOGO Alcohol + \$100 Assessment Fee, \$100 Fine, Counseling (3) sessions minimum, Disciplinary Probation Period of no less than one (1)

academic semester, Parental Notification, and Loss of Leadership Position and/or Eligibility.

SECOND OFFENSE

****Harm to Self, Others, or Property and/or Violations of the Law**

TIPS (Alcohol Prevention Program Class) + \$100 Assessment Fee, probationary period for no less than one academic year, \$250 fine, Counseling three (3) sessions minimum, possible removal from campus housing and/or suspension from University and Parental Notification.

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****No Harm to Self, Others, or Property but Violations of University Policy**

TIPS (Alcohol Prevention Program Class) + \$100 Assessment Fee, Probationary period for no less than two academic semesters, \$250 fine, possible removal from campus housing and/or suspension from University, and Parental Notification

THIRD OFFENSE

****Harm to Self, Others, or Property and/or Violations of the Law**

Suspension from school for no less than one (1) academic year, \$500 fine, Parental Notification, and permanent removal from campus housing. Further violations may result in suspension or expulsion from the University.

****No Harm to Self, Others, or Property but Violations of University Policy**

Suspension from school for no less than two (2) academic semesters, \$500 fine, Parental Notification, and permanent removal from campus housing. Further violations may result in suspension or expulsion from the University.

Special Note:

- Parental Notification will be issued for students under age 21 as allowed by FERPA for drug and alcohol violations.
- No student with an **OUTSTANDING** judicial record will be permitted to participate in student leadership roles including but not limited to SGA, Miss ASU, Mr. ASU, SAAB and Greek Life at Albany State University. This information will be verified by the University Judicial Officer.

V. Treatment

If a student is in need of counseling and therapy for a substance abuse problem, the student will be referred to the Student Counseling Department. There the student will have access to licensed professional counselors prepared to assist. Please contact the Counseling and Student Disability Department at (229) 903-3610. The normal hours of operation are 8:00 a.m. – 5:00 p.m. on Monday – Friday for more information. All services are free and strictly confidential.

VI. Sexual Misconduct Policy

Albany State University is committed to ensuring a safe learning environment that supports the dignity of all members of the Albany State University community. Albany State University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. To that end, this policy

prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972. Albany State University will not tolerate sexual misconduct, which is prohibited, and which includes, but is not limited to, domestic violence, dating violence, sexual assault, sexual exploitation, sexual harassment, and stalking. Albany State University strongly encourages members of the University System community to report instances of sexual misconduct promptly. These policies and procedures are intended to ensure that all parties involved receive appropriate support and fair treatment, and that allegations of sexual misconduct are handled in a prompt, thorough and equitable manner.

Prevention is one of the primary mechanisms used to reduce incidents of sexual violence on campuses. Albany State University is required to provide prevention tools and to conduct ongoing awareness and prevention programming and training for the campus community including students, faculty, and staff. Such programs are designed to stop sexual violence through the promotion of positive and healthy behaviors. Programming will educate the campus community on consent, sexual assault, alcohol use, dating violence, domestic violence, stalking, bystander intervention, and reporting.

For this policy, related procedures and a list of available support services related to Sexual Misconduct please contact the Office of Title IX at (229) 430-0538.

VII. House Bill 280

While current law already allows license-holders to keep weapons secured in motor vehicles, beginning on July 1, 2017 House Bill 280 will allow anyone who is properly licensed in the State of Georgia to carry a handgun in a concealed manner on property owned or leased by public colleges and universities, with some exceptions as explained below. It will not allow any other type of gun to be carried around campus; nor will it allow handguns to be carried openly. (House Bill 280 does not apply, however, to institution-sponsored events or excursions away from campus on property not owned or leased by a University System institution.)

The statute defines *concealed* as “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.” A license-holder therefore may carry a handgun while it is substantially (“but not necessarily completely”) covered by an article of clothing he or she is wearing, or contained within a bag (“of a nondescript nature”) he or she is carrying, or in another similar manner that generally keeps it out of the view of others.

There are a number of exceptions to the new law that limit the places on campus where handguns may be carried. Even license-holders may not carry a handgun into the following locations on college/university-owned or leased property:

- Buildings and property used for athletic sporting events. This exception includes stadiums, gymnasiums and similar facilities in which intercollegiate games are staged (but does not extend to so-called “tailgating” areas where fans may congregate outside the gates of the sports facility). It does not

extend to student recreation centers and similar facilities that are not used for intercollegiate games.

- Student housing facilities including residence halls and similar buildings where students live such as fraternity and sorority houses. (Note that any housing that is not on property owned or leased by a University System institution is not covered by House Bill 280.)
- Spaces – including any room, continuous collection of rooms or outdoor facility – that are used for preschool or childcare. In order to qualify, preschool and childcare spaces must have controlled access (meaning access via personnel stationed at the door or an electronic mechanism) limited to authorized people.
- Rooms and other spaces during the times when they are being used for classes in which high school students are enrolled, whether through dual enrollment and programs such as Move On When Ready or through college and career academies or other specialized programs such as Early College. License-holders who want to carry handguns to class will need to visit the institution's registrar or other designated employee, who after verifying their enrollment status will tell them which of their classes, if any, have high school students enrolled. Institutions shall not, however, keep any listing of those who inquire. (Note also that the names of enrolled high school students may not be revealed in accordance with applicable privacy laws.) It is the responsibility of license-holders to seek out this information and make themselves aware of which classrooms fall within this exception.

Under the new law, it is a misdemeanor crime for a license-holder to carry a handgun “in a manner or in a building, property, room, or space in violation of” these provisions. Doing so also may be a violation of the Albany State University's student code of conduct and personnel rules. It will be the responsibility of those license-holders who choose to carry handguns on campus to know the law and to understand where they can go while carrying. Institutions will not provide gun storage facilities or erect signs outside restricted areas.

It is incumbent upon each of us to follow the law. Students, faculty and staff should not attempt themselves to monitor or to enforce compliance with the statute by those who do carry handguns. Only law enforcement personnel, including the University System's more than 800 POST-certified officers, will be responsible for enforcing the law. If others have concerns or questions, they should contact their campus law enforcement departments. In the coming weeks, the University System Office of Safety and Security will be providing training to campus law enforcement officers.

VIII. Student Conduct Policy on Parental Notification

Albany State University is committed to the eradication of alcohol and drug abuse within the University community. The safety and welfare of students will always be a great concern. The approach to violation of the alcohol and drug policy is to be proactive. Although the primary approach to alcohol and drugs violations is educational, it should be clearly understood that violations of the alcohol and drug

policy will result in disciplinary sanctions being issued by the University. The Office of Student Conduct and Academic Integrity will notify parents or legal guardians of students under the age of twenty-one (21) who are found responsible for violating the alcohol and/or drug policy.

IX. Statement on Conduct for Move On When Ready Participants

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Albany State University is committed to educating its students; to improve, conserve, and distribute knowledge; and to advance the public interest and the well-being of society as a whole. In order to provide an environment conducive to learning, Albany State University has established regulations to govern student conduct. As members of the academic community, students are subject to all established behavior standards. All postsecondary students are expected to engage in mature and responsible self-discipline, to conduct yourself with courtesy and integrity, and to preserve appropriate conduct standards. Any student, acting individually or in connection with others, who violates any part of the Student Code of Conduct or any federal, state, or local law, shall be subject to disciplinary procedures including suspension or expulsion from the University by the authorized administrator. Students in the Move On When Ready program are subject to the guidelines in this document.

X. Record Keeping and Release of Information

1. **Maintenance of Disciplinary Files:** A case referral results in the creation of a disciplinary file in the name of the Respondent. Disciplinary files will be retained for seven (7) years after graduation or date of last attendance. Disciplinary files containing records of Suspension or Expulsion will be permanently retained.
2. **Release of Information:** Student disciplinary files shall be governed by the Family Educational Rights and Privacy Act 20 U.S.C. § 1232g.
 - a. Academic or non-academic misconduct resulting in expulsion may be released to third parties indefinitely.
 - b. Academic misconduct that resulted in suspension may be released to third parties in accordance with federal or state law.
 - c. Academic misconduct that resulted in suspension or expulsion will be noted on the student's academic transcript.
 - d. Any non-academic misconduct that resulted in suspension where a potential threat to the campus community exists (including but not limited to illegal drug distribution, endangering or harming any person, or jeopardizing the safety of any person) may be released to third parties for seven (7) years after sanction completion. In instances of suspension where no threat to the community is identified, the suspension may be reported until the sanction is complete.
 - e. Any academic or non-academic misconduct that did not result in suspension or expulsion is not released to third parties.
 - f. Other than expulsion, non-academic disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record.

3. **Parent/Legal Guardian Notification:** Parents/Legal Guardians of students under the age of 21 may be notified when a student is found responsible for violating Albany State University's policy on Alcohol and other Drugs.
4. **Transcript Encumbrances:** In pending cases that could result in suspension or expulsion, the University Judicial Officer will normally place a temporary encumbrance (hold) on a Respondent's records.
5. **Student Banner Account:** The University Judicial Officer will also place a temporary encumbrance (hold) on a Respondent's records if the Respondent fails to respond to an official request to meet with the University Judicial Officer or other representative from the Office of Student Conduct and Academic Integrity, if the Respondent fails to complete assigned sanctions by the assigned deadline; or if the Respondent is placed on Interim Suspension. Note that if a Responding student is expelled from the University, a permanent hold will be placed on the student's record.
6. **Records Requests:** Access to student records is provided to each student in accordance with the Family Educational Rights and Privacy Act (FERPA). The University requires a specific written request from the student to release the entire disciplinary record to third parties. Requests for conduct records by anyone other than the student can be made utilizing the Georgia Open Records Act Request Process through the Albany State University Office of Legal Affairs at (229) 430-0577.

XI. Freedom of Expression Policy

A. Purpose and Overview of Policy

Albany State University ("ASU") is committed to respecting the First Amendment rights of all individuals, including freedom of speech, freedom of expression, and the right to peaceably assemble. ASU also recognizes its responsibility to provide a secure learning environment that allows individuals enrolled at or employed by ASU ("members of the ASU community") to express their views in ways that do not disrupt the operation of the University. This policy in no way prohibits members of the ASU community from engaging in conversations on campus and does not apply to University-sponsored activities or classroom instruction or participation, but rather only establishes as designated public forums certain outdoor areas of ASU's campus and sets forth requirements for forum reservations in the following limited circumstances: (1) members of the ASU community who plan an event with 30 or more persons; and, (2) individuals or groups who are not members of the ASU community who wish to speak on ASU's campus. By placing reasonable limitations on time, place, and manner of speech, ASU does not take a position on the content or viewpoint of the expression, but allows for a diversity of viewpoints to be expressed in an academic setting.

B. Designation of Public Forums on ASU's Campus

To accommodate the need for immediate and spontaneous demonstration and to better facilitate the free exchange of ideas, ASU has designated the following areas on campus as “Public Forum Areas”:

- (a) East Campus (Pedestrian Mall and the Student Center Amphitheater)
- (b) West Campus (The brick paved area in front of the Student Center)
- (c) Cordele Center (The far right section of the parking lot adjacent to the railroad tracks)

The Public Forum Areas are generally available from 8:00 a.m. and 8:00 p.m., Monday through Friday, provided that the Public Forum Areas have not previously been reserved by a University-Affiliated department or student organization. Reservations will only be processed on days that ASU’s Campus Life Department is open for business (“university business days”). Though reservations to use the Public Forum Areas are only required as set forth in Section C and Section D below and for weekend use, ASU recommends that all parties interested in using the Public Forum Areas submit a completed Forum Reservation Request Form to the Department of Campus Life at least 72 hours in advance of the event so that ASU may minimize scheduling conflicts, accommodate all interested users, and provide adequate security for the speaker and the audience. Plans for speaking activities in other campus areas and times must be approved by the Vice President of Student Affairs and Success or his or her designee. Such plans will be considered in a content neutral manner. No amplified sound will be allowed in an effort to minimize disruption in the academic arena and other daily operations.

- C. Marches** – The Dean of Students/Campus Life Director or his or her designee must approve plans for an event of this nature. Requests for marches will be approved in a content neutral and viewpoint neutral manner in accordance with Section E. below. Requests for marches should be submitted at least 72 hours in advance and the Dean of Students/Campus Life Director or his or her designee will respond to all requests within one university business day. Marches may only take place on Pedestrian Mall and approved sidewalk areas.

D. Provisions for Members of the ASU Community

I. Planned Large Group Expression

Members of the ASU community who plan to engage in expressive activity on campus in a group that is expected to consist of 30 or more persons must submit a completed Forum Reservation Request Form to ASU’s Department of Campus Life 72 hours prior to the scheduled activity and must receive approval in writing from the Dean of Students/Campus Life Director or his or her designee prior to engaging in such activity. Prior notice is required to ensure that there is sufficient space for the large group event, that necessary University resources are available for crowd control and security, and that the academic and other operations of the University

are not disrupted. The Dean of Students/Director of Campus Life or his or her designee may grant a reservation for one of the Public Forum Areas or another available area of campus, as requested by the applicant, and may only deny a reservation for the limited reasons set forth in Section E below. The reservation request must be processed and the requesting party must be notified within one college business day after its submission. Any denial may be appealed to ASU's Vice President for Student Affairs and Success in writing setting forth the reasons why the appeal should be granted. ASU's Vice President for Student Affairs and Success or his or her designee must respond to the appeal in writing within one university business day and that person's decision is final.

II. Spontaneous Large Group Expression

If an individual or small group of individuals within the ASU community, while engaging in spontaneous expression, attracts a group of 30 or more persons, then a representative from the group should provide the University with as much notice as circumstances reasonably permit. ASU reserves the right to direct a group of 30 or more persons to one of the Public Forum Areas or another available area of campus in order to ensure the safety of campus members, to provide for proper crowd control, and to limit disruption of the academic and other operations of the University. The ASU official must not consider or impose restrictions based on the content or viewpoint of the expression when relocating any expression.

E. Procedures for Forum Reservations Requests

Completed Forum Reservation Request Forms should be submitted to ASU's Department of Campus Life in person or by email to OSA@asurams.edu. No publicity for a speaker or program may be released prior to authorization of the Forum Reservation Request Form.

Reservation scheduling will be coordinated by a Department of Campus Life Official, who will schedule forums for expression on a first-come, first-served basis. The Campus Life Official must respond to all requests in writing as soon as practicable, but in no event more than one university business day following receipt of the request, either authorizing the reservation and noting any special instructions, if applicable, or setting forth the reason for denial of the reservation.

The Dean of Students/Campus Life Director or his or her designee may only deny a reservation request for one of the following reasons:

- 1) The Forum Reservation Request Form is not fully completed;
- 2) The Forum Reservation Request Form contains a material falsehood or misrepresentation;
- 3) The Public Forum Areas have been reserved by persons who previously submitted a completed Forum Reservation Request Form(s), in which case the University must provide a reservation for the applicant at an alternate location, alternate date, or alternate time;

- 4) The use or activity intended by the applicant would conflict with or disturb previously planned programs organized and conducted by the University;
- 5) The Public Forum Areas are not large enough to accommodate the expected or actual number of persons engaging in large group expression, in which case the University must provide a reservation for the applicant at an alternate location that can safely accommodate the applicant provided that the applicant is a member of the ASU community and that such a location exists on ASU's campus;
- 6) The use or activity intended by the applicant would present a danger to the health or safety of the applicant, other members of the ASU community, or the public; or,
- 7) The use or activity intended by the applicant is prohibited by law or ASU policy.

When assessing a reservation request, the Student Affairs official must not consider or impose restrictions based on the content or viewpoint of the expression.

Appeals related to the decision of the Dean of Students/Campus Life Director or his or her designee should be made in writing to ASU's Vice President for Student Affairs and Success. ASU's Vice President for Student Affairs and Success or his or her designee must decide all appeals within one college business day. The decision of ASU's Vice President for Student Affairs and Success or his or her designee is final. All campus reservations are subject to the general provisions in Section G. below.

F. Distribution of Written Material

Members of the ASU community or visitors may distribute non-commercial pamphlets, handbills, circulars, newspapers, magazines, and other written materials on a person-to-person basis in open outdoor areas of the campus. Unauthorized use of the University's trademark on any written material is strictly prohibited.

G. General Provisions

In addition to the requirements set forth all individuals expressing themselves on ASU's campus must comply with the following provisions:

- No interference with the free flow of vehicular or pedestrian traffic within and/or under the control of the ASU campus or the ingress and egress to buildings to campus is permitted.
- No interruption of the orderly conduct of classes or other activities, including ceremonies and events, is permitted.
- No commercial solicitations, campus sales, or fundraising activities shall be undertaken which are not authorized by ASU.
- The individual who makes the reservation shall be responsible for seeing that the area is left clean and in good repair. If not accomplished, persons or organizations responsible for the event may be held financially responsible for clean-up costs.
- The individual/organization using the area must supply their own tables, chairs, etc., if needed (unless already a part of the location).

- Damage or destruction of property owned or operated by the University, or property belonging to students, faculty, staff, or guests of the University is prohibited. Persons or organizations causing such damage may be held financially and/or criminally responsible.
- Individuals and groups expressing themselves on ASU's campus must comply with all applicable federal, state, and local laws, and ASU policies, rules and regulations.

Authorization of a speech, event, or demonstration is contingent upon compliance with the criteria listed above. Speakers and/or organizations failing to comply with the above policy may be asked to leave, a trespass warning may be issued, and/or University disciplinary action or judicial action may be pursued.

Freedom of Expression Policy Questions

Questions about this policy may be addressed to the Department of Campus Life in the Division of Student Affairs and Success at (229) 903-3606 or OSA@asurams.edu.

XII. Student Conduct Revisions

The contents of this edition of the Student Conduct Code, revised on August 14, 2017 supersede all previous editions. Albany State University reserves the right to revise or correct the Student Code of Conduct as needed. Revisions and corrections will be posted on the Internet at www.asurams.edu. Those revisions and corrections shall supersede all earlier printed and Internet versions. For more information relating to policies and procedures located in this document contact the Office of Student Conduct and Academic Integrity at (229) 420-7030.