



**2021 - 2022**  
**Student Code of Conduct**

**Albany   Cairo   Cordele   Waycross**

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## CHAPTER ONE

### I. Office of Student Conduct Mission

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The Office of Student Support and Student Conduct (herein after OSSSC) supports Albany State University's 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 OSSSC is to promote concepts of fairness and due process in conduct settings.

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

## CHAPTER TWO

### III. Student Conduct Authority

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The Chief Conduct Officer shall develop policies for the administration of the Student Conduct program and the procedural rules for the conduct of hearings that are not consistent with the provisions of the Student Code of Conduct. The Chief Conduct Officer, in consultation with the Vice President for Student Affairs and the Provost and Vice President for Academic Affairs, will determine the composition of the University Student Conduct Committees.

The Chief Conduct Officer shall seek to ensure the University Student Conduct Committees and Hearing Officers are representative of the University's Students, Faculty, and Staff members who are willing and able to offer fair, ethical and consistent consideration of each case heard. Such action may include pursuing disciplinary action for violations of University rules and regulations, policies, violations of national, state, and local laws that occur on-campus, off-campus, or on the internet that adversely affects the educational interest of the University.

#### **JURISDICTION**

- A. ASU shall take necessary and appropriate action to protect the safety and well-being of its community. Accordingly, student's or Registered Student Organization's 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 has voluntarily decided to participate in the informal process, the procedures outlined in this section will not apply.
- B. A Registered Student Organization (RSO), upon recognition by Albany State University, is expected to abide by university policies and is subject to conduct action by the university upon violation of the Student Code of Conduct. Accordingly, RSOs are required to comply with the written policies of the university. A RSOs recognition by the university in no way abrogates responsibility as a group of citizens to obey all public laws.
- C. Any question of interpretation or application of the Student Code of Conduct shall be referred to the Office of Student Conduct.
- D. The Code of Student Conduct shall apply to a student's or organization's behavior wherever it occurs in any of the following circumstances:
  - Threatening and/or committing physical violence against another person (assault, assault and battery, assault with a dangerous weapon, or harassment);
  - Participation in hazing or harassment of Albany State University students, as defined in the Student Code of Conduct;
  - When there is substantial information that the student's or student organization's continued presence at the university is potentially dangerous to the health, safety, and/or property of the university community, whether public authorities have brought charges or imposed penalties or not;
  - Furnishing false information to the university;

- Forgery, alteration, or misuse of university documents, records, or identification cards for nonacademic purposes;
- Violates a previously issued no contact directive;
- When the student's or student organization's behavior materially and substantially interferes with the university's mission and functions.

## **STANDARD OF PROOF**

Standard of Proof means the standard by which it is determined whether a violation of this Student Code of Conduct has occurred. For the purposes of the Student Conduct process, the Standard of Proof required is a preponderance of evidence (the evidence demonstrates it is more likely than not that, a violation has occurred). Any decision to suspend or expel a Student must be supported by substantial evidence at the hearing.

## CHAPTER THREE

### IV. Students' Rights and Responsibilities

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#### STUDENT RIGHTS

Any Student, Student Group and/or Student Organization accused of a violation 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 student conduct process:

1. **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.
2. **Know the Procedures** – Will be provided a copy of the student judicial process when charged.
3. **Hearing** – To have an opportunity to be heard in person before a decision is made.
4. **Remain Silent** – To remain silent and have no interference of guilt drawn from such silence.
5. **Access to Advisor** – To be accompanied at a hearing by an advisor of their choice.
6. **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.
7. **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.
8. **Written Decision** – To receive a written notice of the decision and sanctions, including rationale for decision.
9. **Appeal** – To appeal a decision resulting from a formal hearing.
10. **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 or 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.

#### STUDENT RESPONSIBILITIES

*Students have the responsibility to:*

1. Know the violations of the Student Code of Conduct and potential sanctions.



2. Accept personal responsibility for appropriate behavior as defined in the Student Code of Conduct.
3. Recognize the University's obligation to provide an environment for learning.
4. Maintain a level of behavior which is consistent in supporting the learning environment of the University.
5. Be fair and courteous with others, treat them fairly and with respect, showing sensitivity to cultural, ethnic, and religious diversity and personal dignity.

### **ROLE OF THE ADVISOR**

The Respondent and Complainant (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be an attorney) of the party's choosing, and at their 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 their 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.

### **RECUSAL/CHALLENGE FOR BIAS**

Any party may challenge the participation of any University official, employee or University Student Conduct Board member in the process on the grounds of personal bias by submitting a written statement along with evidence of why such a challenge is being made, to the OSSSC setting forth the basis for the challenge. The written challenge should be submitted within a reasonable time after the individual knew or reasonably should have known the existence of the bias. The OSSSC will determine whether to sustain or deny the challenge, and if sustained, the replacement to be appointed.

## CHAPTER FOUR

### V. Definition of Terms

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1. The term “*Allegation*” refers to the possible violations of the Student Code of Conduct. Allegations are to be investigated and may or may not result in a charge.
2. The term “*Business Day(s)*” refers to any day when the University is open for business.
3. The term “*Charge*” refers to a violation of the Student Code of Conduct.
4. The term “*Chief Conduct Officer*” refers to the Associate Dean of Students for Student Support and Director for Student Conduct, or designee, responsible for the oversight and administration of Student Conduct.
5. The term “*Confidential Employees*” refers to University employees who have been designated by the institution to talk with a Complainant or Respondent in confidence. Confidential Employees must only report that the incident occurred and provide date, time, location, and name of the 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 Clery Act. Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety.
6. The term “*Code*” means the Student Code of Conduct.
7. The term “*Community*” refers to Students, Faculty, Staff, as well as contractors, vendors, visitors, and Guests.
8. The term “*Complainant*” refers to an individual who is alleged to have experienced conduct that violates this Policy.
9. The term “*Consent*” refers to 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 a party by using clear words or actions.

10. The term "*Confidentiality*" refers to where a Complainant (where applicable) requests that their identity be withheld or the allegation(s) not be investigated, the institution should consider whether or not such request(s) can be honored while still promoting a safe and nondiscriminatory environment for the institution and conducting an effective review of the allegations. ASU will inform the requesting party that the University cannot guarantee confidentiality and that even granting requests for confidentiality shall not prevent the institution from reporting information or statistical data as required by law, including the Clery Act.
11. The term "*Faculty Member or Faculty*" refers to any person employed by Albany State University to provide instruction or classroom activities.
12. The term "*Formal Resolution*" refers to when a Student is charged with a violation of the Student Code of Conduct and the case is resolved by a Hearing Officer or the University Student Conduct Board. As part of this resolution, the Student maintains their right to appeal.
13. The term "*Guest*" refers to any non-student, non-faculty, or non-staff of the University; or non-residents of a specific residence hall unit (e.g. residence hall, apartment, or suite).
14. The term "*Hearing Officer*" refers to any person designated by the Director for Student Conduct or designee to investigate, adjudicate or otherwise resolve any cases of alleged student misconduct.
15. The term "*Incapacitation*" refers to 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.
16. The term "*Informal Resolution*" refers to when a Student is charged with a violation of the Student Code of Conduct and the case is resolved by accepting the outcome. By accepting the outcome, the Student waives their right to a formal hearing and waives their right to an appeal.
17. The term "*Policy*" refers to the written regulations of the University as found in, but not limited to, the Student Code of Conduct, University Housing Regulations, and Graduate/Undergraduate Catalogs, and all official publications of the University, whether in print or published on the Internet.
18. The term "*Privileged Employees*" refers to 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.

19. The term “*Reasonable Person*” refers to an individual who is objectively reasonable under similar circumstances and with similar identities to the person being evaluated by the University.
20. The term “*Receipt*” refers to the date correspondence is sent to student Albany State email from the Office of Student Conduct.
21. The term “*Reporter*” refers to an individual who reports an allegation of conduct that may violate this Policy but who is not a party to the complaint.
22. The term “*Residence Hall*” refers to any residential space or ground managed by University Housing.
23. The term “*Respondent*” refers to an individual who is alleged to have engaged in conduct that violates this Policy.
24. The term “*Responsible Employees*” refers to 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).
25. The term “*Retaliation*” refers to anyone who has made a report or complaint, provided information, assisted, participated or refused to participate in any investigation or resolution under applicable Board or institution policy shall not be subjected to retaliation. Anyone who believes they have been subjected to retaliation should immediately contact the appropriate department or individual(s) for that institution. Any person found to have engaged in retaliation shall be subject to disciplinary action, pursuant to the institution’s policy.
26. The term “*Student*” means an individual who has been accepted for admission to the University and maintains a continuing relationship with the University by being enrolled in classes or being eligible to enroll in classes.
27. The term “*Student Conduct Record*” refers to the history of responsible findings a student has with the Office of Student Conduct. This includes Academic Dishonesty, Behavioral Conduct and Sexual Misconduct cases.

28. The term "*Student Group*" or "*Group*" refers to any number of persons who associate with each other for a common purpose but are not a Registered Student Organization.
29. The term "*Registered Student Organization*" or "*Organization*" refers to any number of persons who have completed the requirements for being a Registered Student Organization. This definition includes any Greek Lettered student groups registered as a Student Organization at Albany State University.
30. The term "*System Director*" refers to the University System of Georgia staff member who will be notified for any violations of the Student Code of Conduct that may result in separation from the University. The System Director may provide guidance or assistance with the investigation and preparation for a Major Violation.
31. The term "*University*" means Albany State University or Albany State and includes the Cordele Campus, East Campus, West Campus all online Students.
32. The term "*University Event*" refers to any event (on-campus or off-campus) sponsored or facilitated by the University, a Student Group, or a Student Organization.
33. The term "*University Official*" refers to and includes any person employed by Albany State University, performing assigned administrative or professional responsibilities.
34. The term "*University Disciplinary Committee*" refers to a body trained to hear and make recommendations concerning alleged violations of the Student Code of Conduct. This board may include Students, Faculty, and Staff.

## CHAPTER FIVE

### VI. Student Code of Conduct Values

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- A. **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.
- B. **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.
- C. **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 study together. We value the fair and efficient administration of these standards of conduct. Academic dishonesty and fraud can violate these values.
- D. **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 firearm in unauthorized areas or weapons on campus in unauthorized areas on the campus, possessing or using fireworks on campus and unauthorized entry are examples of behaviors which violate this value.
- E. **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, obscene 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 as well as University policies.

- F. **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.

## CHAPTER SIX

### VII. Behavioral Regulations, Procedures and Sanctions

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#### **Behavioral Regulations**

The following list of violations of the Student Code of Conduct is an example of behaviors that may result in disciplinary action. 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 shall make the final determination. Any student or student organization found responsible for misconduct is subject to sanctions. Please click this [link](#) to view the University's [Freedom of Expression Policy](#).

#### **Value I, Respect for 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 or her 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. Physical harm or threat of physical harm without a weapon resulting in little or no physical injury to involved persons. Includes but is not limited to any physical contact of an insulting or provoking nature; or.
- b. Physical harm without a weapon resulting in significant physical injury to another person. Includes but is not limited to any violence, physical abuse, injury, or physical harm of another person.

**Section 3. Attempted Offenses:** An attempt to commit an act, on University property, or involving members of the University community (that is faculty, staff, student, or campus visitor) in an offense that would be in violation of any law, code of conduct, rule, regulation of local, state or federal criminal code.

#### **Section 4. Dangerous, Threatening and/or Unsafe Behavior and/or Gang Activity**

- a. Any conduct or behavior that threatens or endangers the health or safety of any person in the University environment, including oneself.
- b. A direct expression to inflict injury or damage. 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 5. Harassment (Verbal or Physical) and/or Bullying**

Speech or other expression (words, pictures, symbols) that constitutes fighting words and is sufficiently severe, pervasive, or persistent so as to interfere, limit, or deny one's ability to participate in or benefit from an educational program.



Fighting words may include, but are not limited to, words, pictures or symbols that:

- a. Are directed to an individual or individuals based on that person's race, color, sex, religion, creed, age, sexual orientation, gender, gender identity, disability, veteran status or national origin, and; threaten violence, tend to incite an immediate breach of the peace or provoke a violent response.
- b. In the context of this policy, fighting words are those which are commonly understood to convey direct and visceral hatred or contempt for human beings. When determining whether speech is such as would provoke a violent response or incite an immediate breach of the peace, it is not necessary to show that the person(s) addressed by the speech was or were actually incited to violence or hostile action. Conduct will be evaluated on a case-by-case basis, considering all circumstances involved.
- c. Following, placing under surveillance, or contacting (in person, by phone, electronically, or by any other means) another person without his or her permission for the purpose of harassing or intimidating that person. Harassing or intimidating means a knowing and willful course of conduct that serves no legitimate purpose and causes emotional distress by placing another person in reasonable fear for the safety of themselves or others.
- d. Any act of intimidation or bullying directed against any person or group of persons.

For more information pertaining to the University [Non-Discrimination and Anti-Harassment Policy](#) please click this [link](#). In addition, information pertaining to the University's [Freedom of Expression Policy](#) can be found by clicking this [link](#).

### **Section 6. Hazing:**

To subject a student to an activity which: (1) endangers or is likely to endanger the physical health of a student; (2) forces or coerces the student through the use of social or physical pressure to consume any food, liquid, alcohol, drug, or other substance which subjects the student to a likely risk of vomiting, intoxication, or unconsciousness; or (3) causes an individual pain, embarrassment, ridicule or harassment as a condition or precondition of gaining acceptance, membership, office or other status in a student group, whether or not such group is formally recognized by the university.

For purposes of this definition, Hazing occurs regardless of whether the action, activity, or situation is intentionally, negligently, or recklessly caused, and regardless of a student's willingness to participate. Also for purposes of this definition, "student group" or "school organization" means any association, corporation, order, club, society, fraternity, sorority, athletic team, or a group living together which has students or alumni as its principal members, including local affiliate organizations.

Any other activity that meets the definition of "hazing" under applicable law, including but not limited to the "Max Gruver" Legislation Senate Bill 85 (see the

following link for full policy: [Max Gruver Legislation](#))

**Section 7. Retaliation:** Anyone who has made a report or complaint, provided information, assisted, participated or refused to participate in any manner in the Sexual Misconduct Process, shall not be subjected to retaliation. Anyone who believes that of they have subjected to retaliation should immediately contact the Coordinator or their designee. Any person found to have engaged in retaliation in violation of this Policy shall be subject to disciplinary action.

**Section 8. Representation without Consent:** Representing the University or any recognized student organization 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 9. False Complaints/Statements:** Individuals are prohibited from knowingly giving false statements to an institution official. Any person found to have knowingly submitted false complaints, accusations, or statements, including during a hearing, in violation of applicable Board or institution policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated pursuant to the institution's policy.

**Section 10. 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. The existence of such relationship shall be determined based on the totality of the circumstances including, without limitation to: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

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 11. 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 12. 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 the touching of a person's intimate parts (for example, genitalia, groin, breasts, or buttocks); touching a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts. This provision also includes "Fondling" as defined by the Clery Act.

**Section 13. Nonconsensual Sexual Penetration:** Any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part without the person's consent; or contact between the mouth of one person and the genitals or anus of another person without the person's consent. This provision also includes "Rape, Incest, and Statutory Rape" as defined by the Clery Act.

**Section 14. 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 15. Sexual Harassment (Student on Student):** Unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes), determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity in violation of Title IX.

**Section 16. Sexual Harassment (Other than Student on Student):** Unwelcome verbal, nonverbal, or physical conduct, based on sex (including gender stereotypes), that may be any of the following:

1. Implicitly or explicitly a term or condition of employment or status in a course, program, or activity;
2. A basis for employment or educational decisions; or,
3. 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.

The USG also prohibits unwelcome conduct determined by a Reasonable Person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a USG education program or activity in violation of Title IX.

**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 their safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. 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.
2. 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, Respect for Self-Discipline**

### **Section 1. Possession, Display and/or Consumption of Alcohol:**

- a. Possession, use, and/or consumption of alcoholic beverages by persons under the age of 21.
- b. Possession of alcohol containers (i.e. can, bottles, etc.) in residence halls and/or any other designated alcohol-free locations.
- c. Operating a motor vehicle while under the influence of alcohol or while impaired by the consumption of alcohol.
- d. Possession or consumption of alcoholic beverages in public locations on campus, including Residence Hall common spaces; common spaces in Residence Halls refer to any public space that exists outside the bedroom of a specific residential unit. Examples include, but are not limited to kitchens, living rooms, bathrooms, group study/lounge spaces, laundry rooms, elevator lobbies, computer rooms etc. Common spaces also include the public spaces located on the outside grounds of a Residence Hall. If alcohol is found in the common area, all Students may be charged and/or found responsible.
- e. The sale, distribution, or furnishing of alcoholic beverages, or otherwise facilitating consumption of alcohol by persons under the age of 21.
- f. Participation in drinking games or what could be perceived as drinking games, contests, forced or ritualized consumption of alcohol (e.g. beer pong, water pong, flip cup, etc.).

- g. Possession or use of common source containers (e.g. kegs, pony kegs, beer bong)
- h. Providing alcoholic beverages to a person who is intoxicated.
- i. 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.
- j. Being in public on or off 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.
- k. The advertising of alcoholic beverages is prohibited within University residence facilities. This includes, but is not limited to displays of empty alcohol containers.
- l. Any activity or conduct involving the use of alcohol that is in violation of law.

**Section 2. Disorderly Conduct/Obstruction/Disruption and/or Unlawful Gathering:** A person commits the offense of disorderly conduct when such a person or their guest on campus 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.
- 3. Behavior that substantially disrupts the normal operations of the University.
- 4. 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.
- 5. Breaking lines, such as in the cafeteria, during registration, at campus events and activities.
- 6. Withholding information vital to any investigation carried out by an authorized agent of the University.
- 7. 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. It includes excessive noise, noise after quiet hours, misuse of musical instruments, noise producing devices, talking excessively loud.

**Section 3. Drugs (illegal) and/or Drug Paraphernalia:** University policy strictly forbids the illegal/unauthorized possession, use, transfer and/or sale of drugs or controlled substances. Violations of the Drug Policy include, but are not limited to:

**Possession:**

1. Possession of drug paraphernalia. Drug paraphernalia is strictly prohibited from the University.
2. Possession of illegal and/or counterfeit drugs and/or controlled substance. Being in the presence of the use of illegal and/or counterfeit drugs and/or controlled substance. The possession or use of an illegal substance (substance controlled by Federal or Georgia law) or synthetic cannabinoid (i.e. Spice or K2).
3. The illegal possession of and/or use of drugs, or drug paraphernalia, includes, but is not limited to roach clips, bong, 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, hookahs, 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.

**Use:**

1. Use of drug paraphernalia.
2. Use of illegal and/or counterfeit drugs and/or controlled substance.
3. 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.
4. Misuse or improper possession of prescription medication.
5. Operating a motor vehicle under the influence or while impaired by the consumption of substances controlled by state and/or federal law.
6. Any activity or conduct involving drugs that is in violation of local, state, or federal law.

**Manufacturing, Sale, and/or Distribution:**

1. Intentional manufacture of a counterfeit or controlled substance.
2. Manufacture or possession of a counterfeit or controlled substance with the intent to distribute.
3. Transfer, distribution and/or sale of a counterfeit or controlled substance.

**Section 4. 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 5. Student Identification Card Violations**

- a. Altering, lending, or selling a Student identification card.
- b. Using a Student identification card by anyone other than its original card holder.
- c. Using a Student identification card in any unauthorized manner.

### **Section 6. Misuse of Electronic or Social Media:**

1. Engaging in inappropriate or irresponsible conduct using any ASU affiliated webpage, email, and/or social media resource is strictly prohibited.
2. The use of social media sites (Facebook, MySpace, Instagram, Vine, Twitter, LinkedIn, YouTube, Flickr, Snap Chat, etc.) to harass, cause mental harm or used to violate the law is also prohibited.
3. Students who are alleged to be in violation of misuse of electronic or social media sites may be subject to criminal or civil penalties, as well as university disciplinary actions.
4. 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;
  - 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;

### **Section 7. Violation of Confidentiality**

- a. Disclosing confidential Student Conduct information as a member of the University Disciplinary Committee.
- b. Disclosing confidential work-related information obtained while serving as a hearing panel member, student employee, work-study student, intern, or volunteer.

### **Section 8. Classroom Disruption**

- a. Any classroom behavior that interferes with the instructor's ability to conduct class, failure to conform to the faculty member's announced expectations for the classroom, or the ability of other Students to learn.
- b. Use of cell phones or other electronic devices for voice or text communication in class, unless permitted by the faculty member.

### **Section 9. Deception**

- a. Any misuse of any University records, forms, or documents through

- forgery, unauthorized alteration, reproduction, or other means.
- b. Providing false information to law enforcement official.
  - c. Possession of any fake, altered, or any other identification that belongs to another person.
  - d. Lending, selling, or otherwise transferring an identification card.
  - e. Any attempt to perpetrate a fraud against the University or a member of the University community.
  - f. Any unauthorized claim to speak and/or act in the name of Albany State University or any organization, Student, University officials or faculty members.

### **Section 10. Public Urination/Defecation**

- To urinate or defecate in any location not specifically designated as a “restroom.”

## **Value III, Respect for 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:**

1. Forgery of names, signatures, documents (personal, public, and/or private) will not be tolerated.
2. 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.
3. 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.
4. 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.
5. 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.
6. Using University computing resources for unauthorized commercial purposes or personal gain.
7. Proving use of your personal account or password to another person; using another owner's account or password with or 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, Respect for Property and the Environment**

**Section 1. Animals (Pets):**

- a. Having pets or other animals (dogs, cats, snakes, birds, hamsters, etc.) on campus and/or in campus buildings are prohibited **with the exception of service animals and comfort therapeutic animals, when accompanied by their owner**, and tropical fish in an aquarium or other approved containers in buildings, including student residences, classrooms, and offices.
- 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, faculty, staff or the campus community.
- c. Any abuse, inappropriate handling, or causing death to wildlife and/or animals.

- d. Excessive noise, or destruction of property from service or assistance animals.
- e. Failure to clean up after the animal.

**Section 2. Arson/Fire Setting:** The malicious, fraudulent, and/or unauthorized 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 and/or Vandalism:**

1. 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 University property or the property of others.
2. Intentionally damage 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.
3. Damaging university property such as light fixtures, ceiling fans, walls, and pictures is prohibited.
4. A violation of this policy includes, but is not limited to:
  - a. Intentionally and maliciously breaking or damaging furnishings;
  - b. Damaging to the kitchen/living area of residence halls; or,
  - c. Damaging to your assigned room space or unit in the residence halls (i.e. ceilings, floors, carpets, door, door frame, etc.);
  - d. Damaging to other University property (i.e. University vehicles, landscaping, golf carts, etc.).

**Section 4. Weapons and Firearms:**

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

**Exceptions:**

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

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

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

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

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

- i. Not apply to buildings or property used for athletic sporting events or student housing, including, but not limited to, fraternity and sorority houses;
- ii. Not apply to any preschool or childcare space located within such buildings or real property;
- iii. Not apply to any room or space being used for classes related to a college and career academy or other specialized school as provided for under Georgia Code Section 20-4-37;
- iv. Not apply to any room or space being used for classes in which high school students are enrolled through a dual enrollment program, including, but not limited to, classes related to the "Move on When Ready Act" as provided for under Georgia Code Section 20-2-161.3;
- v. Not apply to faculty, staff, or administrative offices or rooms where disciplinary proceedings are conducted;
- vi. Only apply to the carrying of handguns which a licensee is licensed to carry pursuant to subsection (e) of Georgia Code Section 16-11-126 and pursuant to Georgia Code Section 16-11-129; and,
- vii. Only apply to the carrying of handguns which are concealed.

**Definitions:**

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

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

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

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

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

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

**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. Theft/Misappropriation:**

1. 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.
2. Theft is also 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.
3. 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.
4. 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 7. 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 8. Unauthorized Use of University Facilities and/or Equipment**

- a. Unauthorized use of University equipment.
- b. Unauthorized 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.
- c. Unauthorized use or duplication of keys.
- d. Unauthorized use of Computer Labs and/or Lobby Use to include but not limited to use of computers, furniture, televisions, etc.

## **Section 9. Unauthorized 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.

## **Section 10. Unauthorized Use of Computer or Electronic Resources**

- a. Unauthorized entry into any network, computer, or file to use, read, or change the contents, or for any other purpose.
- b. Unauthorized transfer of a file.
- c. Unauthorized use of another individual's identification and password.
- d. Use of computing facilities that interfere with the normal operation of the University computing system.
- e. Use of computing facilities that violate copyright laws.
- f. Use of any unregistered devices on the University network.
- g. Use of tools for port-scanning, "sniffing," or to monitor or read transmissions from other users on the network is prohibited.
- h. Any violation of the University's computer use policies.

## **Value V, Respect for Community Authority**

### **Section 1. Aiding and/or Inciting:**

- a. Aiding, abetting, persuading, and/or procuring another person or persons to commit any act of misconduct in the University community or environment is prohibited.
- b. 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 is prohibited.
- c. 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 is prohibited.

**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 encourage 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 includes but it not limited to:

- a. Failing to respond to a lawful request by properly identified University Officials or law enforcement officials (including Resident Assistants) in the performance of their duties;
- b. Failing to promptly identify oneself to University officials when requested;
- c. Failing to comply with any disciplinary condition imposed on a person by any Student Conduct body or administrator;
- d. Failing to evacuate a building during a fire alarm, drill or when otherwise so ordered by a University official, fire department staff or law official.
- e. Fleeing from law enforcement or University Officials.
- f. Failing to follow established University policies or guidelines.

**Section 5. Guest Behavior:** Students are responsible for the behavior of their guests whom they invite to the campus or permit to visit the campus.

- a. 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. All guests within the residence halls, whether a student or non-student of the University, must abide by the Student Code of Conduct and the rules and regulations of Student Housing.
- b. Residents will assume responsibility for their guests/visitors upon the arrival in the residence hall and should escort their guests/visitors throughout the residence halls at all times.
- c. Any guests/visitors 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.

**Section 6. Motor Vehicle, Traffic, and Parking Violations:** Violations of this section includes but the following is not limited to:

- a. 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 is prohibited.

- b. Driving and parking on grass and sidewalks.
- c. Failure to obey traffic and parking regulations is punishable by the University Police Department and/or the Office of Vice President for Student Affairs and Enrollment Management. 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.
- d. 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. 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 8. Solicitation:**

- a. Unauthorized selling, collection of monies, and promotion on campus or within University buildings is not permitted. This includes but is not limited to 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.
- b. 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.
- c. Students may not solicit on behalf of the University.

**Section 9. Unlawful Conduct:** Violation of this section includes, but is not limited to 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. Unlawful conduct that is deemed to be a violation of the Student Conduct Code includes, but is no limited to conduct that:

- a. Occurs on or off campus;
- b. 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 including while studying abroad;
- c. Occurs at any intercollegiate athletic event in which one of the University's teams is participating, home or away including while studying abroad; or
- d. Involves more than one member of the University community; or otherwise adversely affects the University.



## **Section 10. Tobacco**

- a. The use of all forms of tobacco products on property owned, leased, rented or belonging to Albany State University, or in any way used by the University or its affiliates, is expressly prohibited. "Tobacco Products" is defined as cigarettes, cigars, vapes, 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.

## **Section 11. 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.

## **Section 12. Student Organization Misconduct**

- a. *Negligently allowing behavior.* The student organization did not follow policies and procedures which could have prevented the violation of the Code of Student Conduct;
- b. *Condoning behavior.* The student organization did not take steps to prevent the behavior, did not actively oppose the behavior and/or has a culture of behavior that violates the Code of Student Conduct;
- c. *Facilitating behavior.* The student organization coordinated or was an active player in the violation of the Code of Student Conduct. Conduct outcome(s) assigned to a student organization will be related, in part, to the categories above in which the violation falls.

In addition to the above, Registered Student Organization should also adhere to [USG Policy 4.6.3 Student Organization Responsibility for Drug Abuse](#).

## Reports of General Student Misconduct

### ***Reporting***

All suspected violations should be immediately reported to the Office of Student Conduct by any person who has knowledge of the commission of any such violation. To report any violation of the Student Code of Conduct reporters may use the [Student Misconduct Incident Report Form](#). Any member of the Albany State University community may submit a report. Reports are reviewed to determine if the alleged behavior is in violation of this Student Code of Conduct. A report of an alleged violation to the appropriate department and/or person should include as much information as possible - such as:

- (1) The type of misconduct alleged;
- (2) The name and contact information of the individual(s) accused of misconduct;
- (3) The date(s), time(s), and place(s) of the misconduct;
- (4) The name(s) and contact information of any individual(s) with knowledge of the incident;
- (5) Whether any tangible evidence has been preserved; and,
- (6) Whether a criminal complaint has been made.

Information from complaints may be shared as necessary to investigate and to resolve the alleged misconduct. Complaints shall be investigated and resolved as outlined below. The need to issue a broader warning to the community in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) shall be assessed in compliance with federal law.

Where appropriate, Complainants may file a law enforcement report as well as an institutional report, but are not required to file both.

### **Confidentiality**

Where a Complainant (where applicable) requests that their identity be withheld or the allegation(s) not be investigated, the institution should consider whether or not such request(s) can be honored while still promoting 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 and that even granting requests for confidentiality shall not prevent the institution from reporting information or statistical data as required by law, including the Clery Act.

### **Retaliation**

Anyone who has made a report or complaint, provided information, assisted, participated or refused to participate in any investigation or resolution under applicable Board or institution policy shall not be subjected to retaliation. Anyone who believes they have been subjected to retaliation should immediately contact the appropriate department or individual(s) for that institution. Any person found to have engaged in retaliation shall be subject to disciplinary action, pursuant to the institution’s policy.

### **False Complaints/Statements**

Individuals are prohibited from knowingly giving false statements to an institution official. Any person found to have knowingly submitted false complaints, accusations, or statements, including during a hearing, in violation of applicable Board or institution policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated pursuant to the institution's policy.

### **Amnesty**

Students should be encouraged to come forward and report violations of the law and/or student code of conduct notwithstanding their choice to consume alcohol or drugs. Information reported by a student during the conduct process concerning their consumption 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 regarding the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this amnesty procedure will not be considered a sanction.

Nothing in this amnesty procedure shall prevent a university staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

### ***Initial Evaluation of Student Conduct Reports***

Regardless of how an ASU becomes aware of alleged misconduct, the University shall ensure a prompt, fair, and impartial review and resolution of complaints alleging student misconduct. Where a report of student misconduct has been made to the appropriate department and/or person, the institution shall review the complaint to determine whether the allegation(s) describes conduct in violation of the institution's policies and/or code of conduct. If the reported conduct would not be a violation of the institution's policies and/or code of conduct, even if true, then the report should be dismissed. Otherwise, a prompt, thorough, and impartial investigation, and review shall be conducted into each complaint received to determine whether charges against the Respondent should be brought.

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 of Equity & Investigations ("System Director") by the institution. The System Director will work with the institution to determine whether any interim measure(s) are necessary, to assign an investigator and may collaboratively supervise the investigation with the appropriate institution professional (e.g., the Title IX Coordinator, Dean of Students). If an allegation is not initially identified as one that could lead to suspension or expulsion of the Respondent(s), but facts arise during the course of the investigation that would require notice to the System Director, then the institution shall report that case to the System Director or their designee prior to proceeding.

## **Interim Measures**

Interim measures may be implemented by the ASU at any point after the University becomes aware of the alleged student misconduct and should be designed to protect any student or other individual in the ASU community. To the extent interim measures are imposed, they should minimize the burden on both the Complainant (where applicable) and the Respondent, where feasible. Interim measures may include, but are not limited to:

1. Change of housing assignment;
2. Issuance of a “no contact” directive;
3. Restrictions or bars to entering certain institution property;
4. Changes to academic or employment arrangements, schedules, or supervision;
5. Interim suspension; and
6. Other measures designed to promote the safety and well-being of the parties and the institution’s community.

An interim suspension should only occur where necessary to maintain safety and should be limited to those situations where the respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of a significant risk to the health or safety of the Complainant (where applicable) or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.

Before an interim suspension is issued, the institution must make all reasonable efforts to give the Respondent the opportunity to be heard on whether the Respondent’s presence on campus poses a danger. If an interim suspension is issued, the terms of the suspension take effect immediately. The Respondent shall receive notice of the interim suspension and the opportunity to respond to the interim suspension.

Within three business (3) days of receiving a challenge the University will determine whether the interim suspension should continue.

## **MINOR VIOLATIONS**

### **Minor Violation - Informal Resolution**

- A. In an Informal Resolution, the Respondent will meet with the Office of Student Conduct or designee to resolve their case;
- B. The Office of Student Conduct or designee will contact the Respondent five (5) business days in advance of an Administrative Hearing via their Albany State University email account to notify them of:
  - i. An explanation of the charges(s);
  - ii. Date/Time/Location of meeting;
  - iii. Possible sanctions

- C. An advisor may be present at the request of the Respondent.
- D. The Respondent will have the opportunity to review any and all information pertaining to the charge(s).
- E. The Hearing Officer will find the Respondent in violation or not in violation for the charge(s). If the Respondent accepts the Informal Resolution, they waive their right to a formal hearing and an appeal. The Respondent will be notified of the outcome of the Informal Resolution meeting no later than three (3) days after the meeting occurred.
- F. If the Respondent does not accept the offered Informal Resolution, they can have their case resolved before the University Disciplinary Committee or a Formal Hearing Officer for a Formal Resolution.
- G. If the Respondent fails to attend the Informal Resolution, a decision will be rendered in the Respondent's absence. However, the Respondent will be given an opportunity to appeal the decision rendered within five (5) business days of the official notice by using the [Student Conduct Appeal Form](#).
- H. The Chief Conduct Officer or designee may also refer any case to the University Disciplinary Committee or Formal Hearing Officer.

#### **Minor Violations – Formal Resolution**

- A. In a Formal Resolution, the Respondent appears before the University Disciplinary Committee or Formal Hearing Officer for adjudication of their case.
- B. The Respondent will be notified in writing of the date, time, and location of the hearing. This notice will also include a statement of the alleged behavior, any alleged violations of the Student Code of Conduct and the names of the University Disciplinary Committee members five (5) business days in advance of the scheduled formal hearing.
- C. The Respondent will then have three (3) Days from the Receipt of this notice to challenge any individual scheduled to be a part of the University Disciplinary Committee hearing the case. The composition of the University Disciplinary Committee may be challenged only on the basis of a conflict of interest or perceived bias. Challenges should be submitted in writing to the Office of Student Conduct who will render a decision.
- D. During the University Disciplinary Committee hearing, the Complainant and witness (if applicable) will have the opportunity to be present to answer any questions the University Disciplinary Committee may have, as well as any questions the Respondent may have. The Complainant and witness (if applicable) will also have the opportunity to question the Respondent. All questions from the Complainant, witness, and Respondent must be directed in writing to the Chair or designee of the University Disciplinary Committee.
- E. The Chair or designee will ask the University Disciplinary Committee questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record.
- F. The Respondent is entitled to an Advisor who may advise them and assist in drafting questions. The Chair or designee will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge

leveled against the Respondent. The reason for any question not asked will be read into the record.

- G. The Chief Conduct Officer or designee reserves the right to allow a party to testify in a separate room or from a remote location. If this occurs, the Chief Conduct Officer or designee will ensure proper sequestration in a manner that ensures testimony has not been tainted and the sequestration will not disadvantage any party. If a party is unable to ask questions, the Chief Conduct Officer or designee will work to provide reasonable accommodations to allow the party to ask questions of any person providing testimony.
- H. The University Disciplinary Committee or Formal Hearing Officer will determine findings and recommend any authorized sanction or combination of sanctions it deems warranted by the circumstances of the case. Prior conduct history will not be considered until the sanctioning phase of the hearing.
- I. A written copy of the University Disciplinary Committee or the Formal Hearing Officer's recommendations will be submitted to the Office of Student Conduct or designee as a recommendation for administrative action. The Chief Conduct Officer or designee will review the hearing and all associated materials and will either affirm the recommended findings and sanctions or reduce the recommended sanctions. The Director of Student Conduct or designee will submit a final written decision to the Respondent, Faculty Member, and the Office of Student Conduct normally within ten (10) business days of the hearing.
- J. If the Respondent refuses to cooperate with the Office of Student Conduct or fails to attend the hearing, the hearing will be held in their absence. If the Respondent is found in violation, sanctions will be recommended.
- K. If the Respondent fails to attend the Informal Resolution, a decision will be rendered in the Respondent's absence. However, the Respondent will be given an opportunity to appeal the decision rendered within five (5) business days of the official notice by using the [Student Conduct Appeal Form](#).

### **Major Violations – Formal Resolution**

#### ***Investigation for General Student Misconduct***

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. Timely and equal access to information that will be used during the investigation will be provided to the Complainant (where applicable), Respondent.

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 Office of Student Conduct or designee will contact the Complainant (where applicable) and Respondent with written notice. This notice will include the following:
  - i. Complaint/allegations,
  - ii. Pending investigation,
  - iii. Possible charges,
  - iv. Possible sanctions, and,
  - v. Available support services.

Notice will be sent to the Complainant (where applicable) and Respondent's University email to the address on file.

2. Upon receipt of the written notice, the Respondent shall have at least three (3) 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 Complainant (where applicable) 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 Complainant (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 Complainant (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. The investigator may testify as a witness regarding the investigation and findings, but shall otherwise have no part in the hearing process and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing.

9. In a Major Violation Formal Resolution, the Respondent appears before the University Disciplinary Committee or Formal Hearing Officer for adjudication of their case.
10. Upon Receipt of the Formal Resolution notice, the Respondent will have three (3) days from the Receipt of this notice to respond. In this response, the Respondent will have the right to challenge any individual scheduled to be a part of the University Disciplinary Committee assigned to hearing the case. The composition of the University Disciplinary Committee may be challenged only based on a conflict of interest or perceived bias. Challenges should be submitted in writing to the Office of Student Conduct who will render a decision.
11. A non- response from the Respondent will be considered a general denial of the allegations and no challenge of the individuals assigned to the University Disciplinary Committee.
12. During the University Disciplinary Committee hearing, the Complainant (if applicable) will have the opportunity to be present to answer any questions the University Disciplinary Committee may have, as well as any questions the Respondent may have. The Complainant (if applicable) will also have the opportunity to question the Respondent. All questions from the Complainant, witness, and Respondent must be directed in writing to the Chair or designee of the University Disciplinary Committee. The Chair or designee of the University Disciplinary Committee will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record. If the Respondent is unable to ask questions, the Chief Conduct Officer will work to provide reasonable accommodations to allow the Respondent to ask questions of any Witnesses or Complainants present.
13. The Respondent is entitled to an Advisor who may advise them and assist in drafting questions. The Chair or designee will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record.
14. The Chief Conduct Officer or designee reserves the right to allow a party to testify in a separate room or from a remote location. If this occurs, the Chief Conduct Officer or designee will ensure proper sequestration in a manner that ensures testimony has not been tainted and the sequestration will not disadvantage any party.
15. The University Disciplinary Committee or Formal Hearing Officer will determine findings and recommend any authorized sanction or combination of sanctions it deems to be warranted by the circumstances of the case. Prior conduct history will not be considered until the sanctioning phase of the hearing.
16. A written copy of the University Disciplinary Committee or Formal Hearing Officer's recommendations will be submitted to the Director of Student Conduct or designee as a recommendation for administrative action. The Director of Student Conduct or designee will review the hearing and all associated materials and will either affirm the recommended findings and sanctions or reduce the recommended sanctions. The Director of Student Conduct or designee will



submit a final written decision to the Respondent, Faculty Member, and the Office of Student Conduct normally within ten (10) business days of the hearing.

17. If the Respondent refuses to cooperate with the Office of Student Conduct or fails to attend the hearing, the hearing will be held in their absence. If the Respondent is found in violation, sanctions will be recommended.
18. If the Respondent fails to attend the Formal Resolution, a decision will be rendered in the Respondent's absence. However, the Respondent will be given an opportunity to appeal the decision rendered within five (5) business days of the official notice by using the [Student Conduct Appeal Form](#).

### ***Resolution/Hearing for General Student Misconduct***

In no case shall a hearing to resolve charge(s) of student misconduct take place before the investigative report has been finalized.

Where the Respondent indicates that they contest 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 Complainant (where applicable); however, the Complainant (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 their designee) or the System Director.

Where a case is not resolved through informal resolution or informal resolution is not available due to the nature of the charges, the Respondent shall have the option of having the charges heard either by an administrator (Hearing Officer) or a Hearing Panel. If an administrative hearing is requested, the Respondent shall use their discretion to determine whether the case should be heard by a Hearing Panel. Notice of the date, time, and location of the hearing shall be provided to the Respondent and Complainant (where applicable) at least five business days prior to the hearing. Notice shall be provided via institution email where applicable. Hearings shall be conducted in person or via conferencing technology as reasonably available. Additionally, the following standards will apply to any such hearing:

The Respondent and Complainant (where applicable) 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. The Respondent and Complainant (where applicable) shall have the right to confront any witnesses, including the other party, by submitting written questions to the Hearing Officer or Hearing Panel for consideration. Advisors may actively assist in drafting questions. The Hearing Officer or Hearing 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 Hearing Officer or Hearing Panel shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.

1. Where the Hearing Officer or Hearing Panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the Hearing Officer or Hearing Panel may establish special procedures for providing testimony from a separate location. In doing so, the Hearing Officer or Hearing 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 Hearing Panel will disregard or discount the testimony.
2. Formal judicial rules of evidence do not apply to the investigatory or resolution process.
3. The standard of review shall be a preponderance of the evidence.
4. ASU will maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings, and/or video recordings.
5. Following a hearing, both the Respondent and Complainant (where applicable) shall be simultaneously provided a written decision via institution email (where applicable) of the outcome and any resulting sanctions. The decision should include details on how to appeal, as outlined below. Additionally, the written decision must summarize the evidence relied on in support of the outcome and the rationale for the resulting sanction. The same form will be completed, regardless of whether the student opts for a hearing panel or an administrative proceeding.

## **Process for Resolving Sexual Misconduct Reports**

### **Investigation**

Throughout any investigation and resolution proceeding, a party shall receive written notice of the alleged Sexual Misconduct, shall be provided an opportunity to respond, and shall be allowed the right 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 the investigation or resolution process, the investigation and resolution process may still proceed, and policy violations may result.

Until a final determination of responsibility, the Respondent is presumed to have not violated the Sexual Misconduct Policy. Prior to the finalization of the investigation report, timely and equal access to information directly related to the allegations that has been gathered during the investigation and may be used at the hearing will be provided to the Complainant, the Respondent, and a party's advisor (where applicable).

Formal judicial rules of evidence do not apply to the investigation process, additionally the standard of review throughout the Sexual Misconduct process is a preponderance of the evidence.

1. The parties shall be provided with written notice of the: report/allegations with sufficient details, pending investigation, possible charges, possible sanctions, available support services and interim measures, and other rights under applicable institutional policies. For the purposes of this provision sufficient details include the identities of the parties involved, if known, the conduct allegedly constituting Sexual Misconduct, and the date and location of the alleged incident, if known. This information will be supplemented as necessary with relevant evidence collected during the investigation. The notice should also include the identity of any investigator(s) involved. Notice should be provided via institution email to the party's institution email.
2. Upon receipt of the written notice, the parties shall have at least three business days to respond in writing. In that response, the Respondent shall have the right to admit or deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A Complainant shall have the right to respond to and supplement the notice. Throughout the Sexual Misconduct process the Complainant and the Respondent shall have the right to present witnesses and other inculpatory and exculpatory evidence.
3. If the Respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
4. 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.
5. An investigator shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
6. The initial investigation report shall be provided to the Complainant, the Respondent, and a party's advisor (if applicable). This report should fairly summarize the relevant evidence gathered during the investigation and clearly indicate any resulting charges or alternatively, a determination of no charges. For purposes of this Policy, a charge is not a finding of responsibility.
7. The Complainant and the Respondent shall have at least 10 calendar days to review and respond in writing to the initial investigation report and directly related information gathered during the investigation. The investigator will review the Complainant's and the Respondent's written responses, if any, to determine whether further investigation or changes to the investigation report are necessary.

8. The final investigation report should be provided to the Complainant, the Respondent, and a party's advisor, if applicable, at least 10 calendar days prior to the Hearing. The final investigation report should also be provided to all Hearing Panel members for consideration during the adjudication process.

## **Resolution/Hearing**

The Respondent and the Complainant, as parties to the matter, may have the option of selecting informal resolution as a possible resolution in certain cases where the parties agree, and it is deemed appropriate by the institution. Where a matter is not resolved through informal resolution a hearing shall be set. All Sexual Misconduct cases shall be heard by a panel of faculty and/or staff. All institutional participants in the Sexual Misconduct resolution process shall receive appropriate annual training as directed by the System Director or Coordinator and required by the Clery Act and Title IX.

In no case shall a hearing to resolve a Sexual Misconduct allegation take place before the investigation report has been finalized. 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. All directly related evidence shall be available at the hearing for the parties and their advisors to reference during the hearing.

Relevant facts or evidence that were not known or knowable to the parties prior to the issuance of the final investigative report shall be admissible during the hearing. The institution will determine how the facts or evidence will be introduced. The admissibility of any facts or evidence known or knowable by the parties prior to the issuance of the final investigative report, and which were not submitted during the investigation, shall be determined by the institution in compliance with the obligation to provide both parties an equal opportunity to present and respond to witnesses and other evidence.

Notice of the date, time, and location of the hearing as well as the selected hearing panel members shall be provided to the Complainant and the Respondent at least 10 calendar days prior to the hearing. Notice shall be provided via institution email to the parties' institution email. Parties may attend the hearing with their advisor.

Hearings shall be conducted in-person or via video conferencing technology. Where the institution determines that a party or witness is unable to be present in person due to extenuating circumstances, the institution may establish special procedures to permit that individual to provide testimony from a separate location. In doing so, the institution must determine whether there is a valid basis for the individual's unavailability, require that the individual properly sequester in a manner that ensures testimony has not been tainted, and make a determination that such arrangement will not unfairly disadvantage any party. Should it be reasonably believed that the individual presented tainted testimony, the hearing panel will disregard or discount the testimony. Parties may also request to provide testimony in a separate room from the opposing party, so long as no

party is unfairly disadvantaged, and they have the opportunity to view the testimony remotely and submit follow-up questions.

At all times participants in the hearing process, including parties, a party's advisor, and institution officials, are expected to act in a manner that promotes dignity and decorum throughout the hearing. Participants are expected to be respectful to others and follow procedural formalities outlined by this Policy and the institution. The institution reserves the right to remove any participant from the hearing environment if the participant refuses to adhere to the institution's established rules of decorum.

ASU shall maintain documentation of the investigation and resolution process, which may include written findings of fact, transcripts, audio recordings, and/or video recordings. Any documentation shall be maintained for seven years.

Additionally, the following standards will apply to Title IX and Non-Title IX Sexual Misconduct hearings respectively:

#### **A. Title IX Hearings**

1. Where a party or a witness is unavailable, unable, or otherwise unwilling to participate in the hearing, including being subject to cross-examination, the hearing panel shall not rely on statements of that party or witness in reaching its determination regarding responsibility. The hearing panel shall not draw an adverse inference against the party or witness based solely on their absence from the hearing or refusal to subject to cross-examination.
2. The parties shall have the right to present witnesses and evidence at the hearing.
3. The parties shall have the right to confront any witness, including the other party, by having their advisor ask relevant questions directly to the witness. The Hearing Officer shall limit questions raised by the advisor when they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any such event, the Hearing Officer shall err on the side of permitting all the raised questions and must document the reason for not permitting any particular questions to be raised.
4. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, shall be deemed irrelevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or consent between the parties during the alleged incident.
5. The hearing panel shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
6. Formal judicial rules of evidence do not apply to the resolution process and the standard of evidence shall be a preponderance of the evidence.
7. Following a hearing, the parties shall be simultaneously provided a written decision via institution email of the hearing outcome and any resulting sanctions or administrative actions. The decision must include the allegations, procedural

steps taken through the investigation and resolution process, findings of facts supporting the determination(s), determination(s) regarding responsibility, and the evidence relied upon and rationale for any sanction or other administrative action. The institution shall also notify the parties of their right to appeal as outlined below.

## **B. Non-Title IX Sexual Misconduct Hearing**

1. The parties shall have the right to present witnesses and evidence at the hearing. Witness testimony, if provided, shall pertain to knowledge and facts directly associated with the case being heard.
2. The 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 Hearing Officer shall ask the questions as written and will limit questions only if they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any such event, the Hearing Officer shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.
3. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, shall be deemed irrelevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or consent between the parties during the alleged incident.
4. The hearing panel shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
5. Formal judicial rules of evidence do not apply to the resolution process and the standard of evidence shall be a preponderance of the evidence.
6. Following a hearing, the parties shall be simultaneously provided a written decision via institution email of the hearing outcome and any resulting sanctions or administrative actions. The decision must include the allegations, procedural steps taken through the investigation and resolution process, findings of facts supporting the determination(s), determination(s) regarding responsibility, and the evidence relied upon and rationale for any sanction or other administrative action. The institution shall also notify the parties of their right to appeal, as outlined below.

## **BEHAVIORAL CONDUCT SANCTIONS**

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### **Non-Academic Sanctions:**

In determining the severity of sanctions or corrective actions the following should be considered:

1. The frequency, severity, and/or nature of the offense;
2. History of past conduct;
3. Offender's willingness to accept responsibility;

4. Previous University response to similar conduct;
5. Strength of the evidence;
6. Wellbeing of the university community.

ASU will determine sanctions and issue notice of the same, as outlined above.

The student conduct panel or hearing officer will determine sanctions and issue notice of the same, as outlined above. The broad range of sanctions includes:

1. Expulsion;
2. Suspension for an identified time frame or until satisfaction of certain conditions or both;
3. Temporary or permanent separation of the parties (e.g., change in classes, reassignment of residence, no contact orders, limiting geography of where parties can go on campus) with additional sanctions for violating no-contact orders;
4. Required participation in sensitivity training/awareness education programs;
5. Required participation in alcohol and other drug awareness and abuse prevention programs;
6. Counseling or mentoring;
7. Volunteering/community service;
8. Loss of institutional privileges;
9. Delays in obtaining administrative services and benefits from the institution (e.g., holding transcripts, delaying registration, graduation, diplomas);
10. Additional academic requirements relating to scholarly work or research;
11. Financial restitution; or,
12. Any other discretionary sanctions directly related to the violation or conduct.

For suspension and expulsion, the institution must articulate, in its written decision, the substantial evidence relied upon in determining that suspension or expulsion were appropriate. For purposes of this Policy substantial evidence means evidence that a reasonable person might accept to support the conclusion.

## CHAPTER SEVEN

### VIII. Academic Honor Code, Procedures and Sanctions

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#### 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, departmental chair, the course division dean, the Vice President and Provost for Academic Affairs or the Student Conduct Officer.
- C. To remind students 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.

#### Academic Misconduct Procedures

When it is alleged that a student has violated the University’s Academic Honor Code Policy and/or Student Code of Conduct, he/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.

##### **Informal Resolution**

###### **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 Albany State 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 Student Conduct for inclusion in the student's discipline record.

**B. Faculty Referral**

1. If the student is required to go through the student conduct 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/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 written 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 Student Conduct will **only** accept referrals for formal hearing proceedings from the Office of Provost and Vice President for Academic Affairs.

**Formal Resolution**

**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 Office of Student Conduct. The Chief Conduct Officer or designee 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) full-time 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 CoChairperson 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 Chief Conduct Officer or designee 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 Chief Conduct Officer or designee to include in the student's discipline record.
11. The Office of Student Conduct 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.
- 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 Office of Student Conduct.
- 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 Chief Conduct Officer or designee 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 Chief Conduct Officer or designee 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/her case and may be assisted by an advisor. The advisor may advise his/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, Chief Conduct Officer or designee 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 Chief Conduct Officer or designee.
- 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 Chief Conduct Officer or designee.

- o. Procedural questions are subject to the final decision of the Chief Conduct Officer or designee of Students.
- 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 Chief Conduct Officer or 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 Chief Conduct Officer or designee will inform students of the decision via their University email account, normally within ten (10) business days of the hearing date.
- t. The Chief Conduct Officer or designee 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 of the receipt of the original decision by the Academic Honor Code Committee to the Chief Conduct Officer or designee.
- v. The Provost and Vice President for Academic Affairs (or to such other person he/she 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. Should the responding student wish to appeal the President's decision, he/she may request review by the Board of Regents in accordance with the USG Policy 6.26 Discretionary Review.

### **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 (if applicable) of infractions.
- b. Perjury or obstruction of any inquiry shall itself be grounds for disciplinary action.

### **Appeal Guidelines**

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.

All appeal requests and responses in this process are transmitted by electronic mail (which accommodates distance learning students). At the first and second levels of the appeal process it will be a review of the record only, and no new meeting with the respondent or any alleged victim (where applicable) will be held. The appropriate personnel will review all material related to the case including: (a) the record made before the hearing body; (b) all pertinent documents, including the audio recording of the hearing, witness statements, incident reports, prior violations, and sanctions against the student.

### **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.

### **Records**

The record of the proceeding shall consist of the written statement of the charge, the written response to the charge(s) by the accused, the summary of the committee's actions, any documentary evidence and the digital records or other records of the hearing. The record shall be kept in the student's file and in the Office of Student Conduct for five (5) years or in perpetuity in the case of expulsion. In addition, suspension and expulsion are noted on the student's academic transcript. In pending cases that could result in suspension or expulsion, the Provost for Vice President for Academic Affairs may place a temporary encumbrance on a student's transcript.

**Amendment**

The Academic Honor Code Committee, in collaboration with the Provost and Vice President for Academic Affairs and/or Vice President for Student Affairs and the Chief Conduct Officer may modify or change these procedures.

## CHAPTER EIGHT

### **IX. Student Sexual Misconduct Policy**

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In accordance with federal and state law including, Title IX of the Education Amendments of 1972 (“Title IX”) and Title VII of the Civil Rights Act of 1964 (Title VII), Albany State University (ASU) prohibits discrimination on the basis of sex in any of its education programs or activities or in employment. ASU is committed to ensuring the highest ethical conduct of the members of its community by promoting a safe learning and working environment. To that end, this Policy prohibits Sexual Misconduct, a form of sex discrimination, as defined herein.

ASU committed to reducing incidents of Sexual Misconduct, providing prevention tools, conducting ongoing awareness and prevention programming, and training the campus community in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) and the Violence Against Women Act (“VAWA”). Prevention programming and training will promote positive and healthy behaviors and educate the campus community on consent, sexual assault, sexual harassment, alcohol and drug use, dating violence, domestic violence, stalking, bystander intervention, and reporting.

When Sexual Misconduct does occur, all members of the ASU community are strongly encouraged to report it promptly through the procedures outlined in this Policy. The purpose of this Policy is to ensure uniformity throughout ASU in reporting and addressing sexual misconduct. This Policy applies to all members of the ASU community. This Policy is not intended to infringe or restrict rights guaranteed by the United States Constitution including free speech under the First Amendment, or the due process clauses of Fifth and Fourteenth Amendments.

#### **Reporting Structure**

The Title IX Coordinator (“Coordinator”) at ASU will shall have a direct reporting relationship to both the institution’s President or the President’s designee and University of Georgia’s (USG) System Director for Equity and Investigations (“System Director”). The President of each (USG) institution shall determine the organizational and operating reporting relationships for the Coordinators at the institution and exercise oversight of institutional issues relating to Sexual Misconduct. However, the System Director shall have authority to direct the Coordinators’ work at each institution as needed to address system-wide issues or directives. The President of each institution shall consult with the System Director on significant personnel actions involving Coordinators, to include but not be limited to, appointment, evaluation, discipline, change in reporting structure, and termination.

## Definitions and Prohibited Conduct

**Community:** Students, faculty, and staff, as well as contractors, vendors, visitors and guests.

**Complainant:** An individual who is alleged to have experienced conduct that violates this Policy.

**Confidential Employees:** Institution employees who have been designated by the institution to talk with a Complainant or Respondent in confidence. Confidential Employees must only report that the incident occurred and provide date, time, location, and name of the 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 Clery Act. Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety.

**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 a party by using clear words or actions.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such relationship shall be determined based on the totality of the circumstances including, without limitation to: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Dating violence does not include acts covered under the definition of Domestic Violence.

**Domestic Violence:** Violence committed by a current or former spouse or intimate partner of the alleged victim; by a person with whom the alleged victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the alleged victim.



**Incapacitation:** The physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep or any state of unconsciousness, involuntary physical restraint, status as a minor under the age of 16, or from intentional or unintentional taking of alcohol and/or other drugs. Whether someone is incapacitated is to be judged from the perspective of an objectively reasonable person.

**Nonconsensual Sexual Contact:** Any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to the touching of a person's intimate parts (for example, genitalia, groin, breasts, or buttocks); touching a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts. This provision also includes "Fondling" as defined by the Clery Act.

**Nonconsensual Sexual Penetration:** Any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and the genitals or anus of another person. This provision also includes "Rape, Incest, and Statutory Rape" as defined by the Clery Act.

**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.

**Reasonable Person:** An individual who is objectively reasonable under similar circumstances and with similar identities to the person being evaluated by the institution.

**Reporter:** An individual who reports an allegation of conduct that may violate this Policy but who is not a party to the complaint.

**Respondent:** An individual who is alleged to have engaged in conduct that violates this Policy.

**Responsible Employees:** Those employees who must promptly and fully report complaints of or information regarding sexual misconduct to the Coordinator. Responsible Employees include any administrator, supervisor, faculty member, or other person in a position of authority who is not a Confidential Employee or Privileged Employee. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this Policy (e.g., teaching assistants, residential assistants, student managers, orientation leaders).

**Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited.

Examples of sexual exploitation may include, but are not limited to, the following:

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 or capturing of the 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.

**Sexual Harassment (Student on Student):** Unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes), determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity in violation of Title IX.

**Sexual Harassment (Other than Student on Student):** Unwelcome verbal, nonverbal, or physical conduct, based on sex (including gender stereotypes), that may be any of the following:

1. Implicitly or explicitly a term or condition of employment or status in a course, program, or activity;
2. A basis for employment or educational decisions; or,
3. 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.

ASU also prohibits unwelcome conduct determined by a Reasonable Person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a USG education program or activity in violation of Title IX.

**Sexual Misconduct:** Includes, but is not limited to, such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, nonconsensual sexual penetration, sexual exploitation, sexual harassment and stalking.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

3. 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.
4. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

### **Reporting Sexual Misconduct**

ASU encourages the reporting of all Sexual Misconduct as soon as possible. While there is no statute of limitations on an institution's ability to respond to a report, the ability to respond diminishes with time as information and evidence may be more difficult to secure.

### **Institutional Reports**

An institutional report occurs when the institution has notice of a complaint. That notice occurs in two instances:

1. When a Responsible Employee receives a complaint; or
2. When the Title IX Coordinator or their designee receives a complaint.

Any individual may make a report, but the institution does not have notice of the report until information is known to a Responsible Employee or the Coordinator. The report may be made directly to the Coordinator in multiple formats to include: writing, email, phone, letter, fax, interview, or other method that provides the basis of the complaint of sexual misconduct. There is no specific information required to constitute a report; however, the report should contain as much information as can be provided. Reporting options should be included on the Title IX website.

Complainants, or anyone with knowledge of Sexual Misconduct, may file a report with a Responsible Employee or the Coordinator. That Responsible Employee must provide a complete reporting of all information known to them to the Coordinator. Responsible Employees informed about Sexual Misconduct allegations should not attempt to resolve the situation, but must notify and report all relevant information to the Coordinator as soon as practicable.

Upon receipt of an institutional report, the Coordinator will contact the Complainant. That contact will discuss the availability of supportive measures, the invitation to discuss

their wishes with respect to implementation of supportive measures, and explain the process of filing a complaint. An institutional report does not automatically prompt an investigation.

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.

The Coordinator shall notify the System Director of 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 support services or 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 could lead to the Respondent's suspension or expulsion, the Title IX Coordinator shall notify the System Director or designee. The System Director shall have the discretion oversee the handling of the complaint.

### **Confidential Reports**

Confidential Employees or Privileged Employees may receive reports of Sexual-based Misconduct without the requirement to report that information to the Coordinator, except as dictated by law or professional standards. Upon request by the Complainant, Confidential Employees and Privilege Employees may make a report to the Coordinator within the degree of specificity dictated by the Complainant.

Nothing in this provision shall prevent an institution staff member who is otherwise obligated by law (i.e, the Clery Act) to report information or statistical data as required.

### **Law Enforcement Reports**

Because Sexual Misconduct may constitute criminal activity, a Complainant also has the option, should the Complainant so choose, of filing a report with campus or local police, for the Complainant's own protection and that of the surrounding community. The institution may assist the Complainant in reporting the situation to law enforcement officials. Filing a criminal report does not automatically constitute an institutional report.

### **Anonymous Reports**

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

## **Complaint Consolidation**

Each institution may consolidate complaints as to allegations of Sexual Misconduct against more than one Respondent, by more than one Complainant against one or more Respondents, or cross-complaints between parties, where the allegations of sexual misconduct arise out of the same facts or circumstances.

Parties shall have the opportunity to request or object to the consolidation; however, the institution shall have the authority to make the final determination. For the purpose of this Policy consolidation may occur during the investigation and/or the adjudication phases of the sexual misconduct process.

## **Complaint Dismissal**

Each institution is permitted, but not required, to dismiss complaints on the following grounds:

1. The alleged conduct, even if proved, would not constitute sexual misconduct;
2. The Complainant notifies the Coordinator in writing that they would like to withdraw the complaint;
3. The Respondent is no longer enrolled or employed by the institution; or
4. There are circumstances that prevent the institution from gathering evidence sufficient to reach a determination regarding the complaint.

The parties shall receive simultaneous written notice of the dismissal and the reason(s) for the dismissal. The parties shall have a right to appeal the institution's decision to dismiss the complaint.

## **Retaliation**

Anyone who has made a report or complaint, provided information, assisted, participated or refused to participate in any manner in the Sexual Misconduct Process, shall not be subjected to retaliation. Anyone who believes that of they have subjected to retaliation should immediately contact the Coordinator or their designee. Any person found to have engaged in retaliation in violation of this Policy shall be subject to disciplinary action.

## **False Complaints**

Individuals are prohibited from knowingly making false statements or knowingly submitting false information to a system or institution official. Any person found to have knowingly 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 appropriate institutional process.

## **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 a student during an investigation concerning the consumption of drugs or alcohol will not be used against the particular student in a disciplinary proceeding or voluntarily reported to law enforcement; however, students may be provided with resources on drug and alcohol counseling and/or education, as appropriate. Nevertheless, these students may be required to meet with staff members in regards to the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this amnesty procedure will not be considered a sanction.

Nothing in this amnesty provision shall prevent an institution staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

## **Responding to Reports of Sexual Misconduct**

### **Support Services**

Once the Title IX Coordinator has received information regarding an allegation of Sexual Misconduct the parties will be provided written information about support services. Support services are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without charge that are made available to the Complainant and Respondent before or after the filing of a complaint or where no complaint has been filed. Support services include counseling, advocacy, housing assistance, academic support, disability services, health and mental services, and other services, available at the student's institution. Available support services should also be listed on the institution's Title IX website.

### **Interim Measures**

Interim measures may be implemented at any point after the institution becomes aware of an allegation of sexual misconduct and should be designed to protect any student or other individual in the ASU community. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the campus community, or deter Sexual Misconduct and retaliation. Interim measures must be provided consistent with the provisions in applicable Board and institutional policies and procedures.

### **Emergency Removal**

Emergency removal should only occur where necessary to maintain safety and should be limited to those situations where the Respondent poses a serious and

immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of a significant risk to the health or safety of the Complainant 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.

### **Jurisdiction**

Albany State University shall take necessary and appropriate action to protect the safety and well-being of its community. Sexual misconduct allegedly committed is addressed by this Policy when the misconduct occurs on institution property, or at institution-sponsored or affiliated events, or off-campus, as defined by other Board or institution student conduct policies.

### **Advisors**

Both the Complainant and the 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. The advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the Sexual Misconduct process, including providing questions, suggestions and guidance to the party, but may not actively participate in the process except as outlined in BOR 6.7.4 (D). All communication during the Sexual Misconduct process will be between the institution and the party and not the advisor. With the party's permission, the advisor may be copied on all communications.

### **Informal Resolutions**

Allegations of Sexual Misconduct may be resolved informally. The Complainant, the Respondent, and the institution must agree to engage in the informal resolution process and to the terms of the informal resolution. The Complainant(s) and the 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.

### **Timeframe**

Efforts will be made to complete the investigation and resolution within 120 business days. Temporary delays and limited extensions may be granted by the institutions for good cause throughout the investigation and resolution process. The parties will be informed in writing of any extension or delay and the applicable reason. The institution shall keep the parties informed of the status of the investigation.

### **Responding to Reports of Sexual Harassment Pursuant to Title IX**

The implementing Title IX regulations require special handling of complaints of sexual harassment, as defined in the regulations and listed below. The following

section outlines the required specialized handling of these matters that may differ from an institution's handling of Sexual Misconduct, as defined in this Policy. Unless expressly mentioned in this section, other provisions of this Policy shall apply to all alleged Sexual Misconduct.

Other Title IX sex-discrimination allegations are handled pursuant to other applicable Board and/or institutional policies.

### **Definition of Sexual Harassment**

Under Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or
3. "Sexual assault" as defined by the Clery Act and "dating violence," "domestic violence," and "stalking" as defined by the VAWA Amendments.

### **Jurisdiction**

Alleged misconduct is addressed by Title IX when the misconduct occurs against a person in the United States on institution property, or at institution-sponsored or affiliated events where the institution exercises substantial control over both the Respondent and the context, or in buildings owned or controlled by a student organization that is officially recognized by the institution.

### **Formal Complaints**

A Formal Complaint is a written document filed by the Complainant or signed by the Coordinator alleging sexual harassment, as defined by Title IX and its implementing regulations, against a Respondent and requesting that the institution open an investigation. In order to file a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the institution occurring within the United States at the time of the filing.

### **Informal Resolution**

Formal Complaints may be resolved informally, except in the instance of an allegation by a student against an institution employee. The following must be met in order to proceed with the informal resolution process:

1. The parties have received written notice of the allegations
2. The parties have received written explanation of the informal process to include, but not limited to:



- a. Written agreement of the parties to initiate the informal resolution process;
  - b. Written notice that the parties may withdraw from the process at any time prior to the agreement of the terms of the resolution;
  - c. Written notice that the final resolution precludes any further institutional actions on the allegations
3. The institution has agreed to engage in the informal resolution process.

### **Advisors**

Both the Complainant and the 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. The advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the Sexual Misconduct process but may not actively participate in the process except to conduct cross-examination at the hearing. If a party chooses not to use an advisor during the investigation, the institution will provide an advisor for the purpose of conducting cross-examination on behalf of the relevant party.

All communication during the Sexual Misconduct process will be between the institution and the party and not the advisor. The institution will copy the party's advisor prior to the finalization of the investigation report when the institution provides the parties the right to inspect and review directly related information gathered during the investigation. With the party's permission, the advisor may be copied on all communications.

### **Investigations**

All Sexual Misconduct investigations involving a student Respondent, shall follow the investigation process set forth in Section 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings.

All Sexual Misconduct investigations involving an employee Respondent, shall be addressed utilizing Board and institutional employment policies and procedures.

### **Hearing, Possible Sanctions and Appeals**

All Sexual Misconduct hearings, sanctions, and appeals involving a student Respondent, shall follow the hearing and resolution process set forth in this Policy and 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 Board and institutional employment policies and procedures.

## CHAPTER NINE

### X. University Housing Regulations

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Please refer to your RAM Life Guide for items that are permitted and prohibited in Residence Halls. An accumulation of University Housing violations where the Student has been found responsible may result in removal from the Residence Halls. University Housing officials will handle the below violations in accordance with Chapter 7, Section C. Minor Violations.

#### University Housing Regulations

##### 1. Possession, Display and/or Consumption of Alcohol:

Possession and use of alcohol is prohibited on the campus of Albany State University regardless of the legal drinking age of 21. Please refer to Chapter Two, Value II, Section 1, **Possession, Display and/or Consumption of Alcohol** of the Student Code of for more information on Page 20.

##### 2. Animals (Pets)

- a. Having pets or other animals (dogs, cats, snakes, birds, hamsters, etc.) on campus and/or in campus buildings are prohibited, **with the exception of service animals and comfort therapeutic animals, when accompanied by their owner.**
- 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, faculty, staff or the campus community.*
- c. Any abuse, inappropriate handling, or causing death to wildlife and/or animals.
- d. Excessive noise, or destruction of property from service or assistance animals.
- e. Failure to clean up after the service animal.

##### 3. Damage to Property

It is a violation to damage any property owned by the University. A violation of this policy includes, but is not limited to:

- i. Damages to your assigned room space or unit in the residence halls (i.e. ceilings, floors, carpets, door/door frame, etc.);
- ii. Broken or damaged furnishings;
- iii. Damages to the kitchen/living area of the residence halls; or,
- iv. Damages to other university property (e.g. landscaping, etc.).

##### 4. Equipment, Facilities and/or Furniture

- a. Tampering with/removing window screens or throwing/dropping any item from Residence Hall windows.
- b. Unauthorized use of cable, computer access, or telephone access (including the splicing of wires).

- c. Painting or drawing on any surface in a Residence Hall room or common area, hallways, patios, and /or Residence Hall grounds.
  - d. Loaning or transferring University-issued keys, including proximity access cards, to any person for any period of time.
  - e. Entering or exiting a Residence Hall through windows or unauthorized doors.
  - f. Entering or attempting to enter any restricted area (including, but not limited to: attics, basements, mechanical rooms, and roofs).
  - g. Tampering with, adding, or removing any locking device on any Residence Hall door or window.
  - h. Removal of any door from its hinges.
  - i. Suspending hammocks from any surface within a Residence Hall, patio or signs on Residence Hall grounds.
  - j. Tampering with/or damaging temperature control settings on a thermostat.
  - k. Removing or tampering with furniture from a designated residential area, such as a student unit or floor common areas, from inside apartment units to patios, or moving furniture in public spaces without permission.
  - l. Placing furniture into elevators or stairwells.
  - m. Suspending any furniture from the ceiling.
  - n. Possession or use of a waterbed in a Residence Hall.
  - o. Constructing a loft or any other structure within a Residence Hall without the prior approval of University Housing Officials.
5. **Guest Behavior:** Students are responsible for the behavior of their guests whom they invite to the campus or permit to visit the campus. Such behavior includes but is not limited to:
- a. 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. All guests within the residence halls, whether a student or non-student of the University, must abide by the Student Code of Conduct and the rules and regulations of Student Housing.
  - b. Residents will assume responsibility for their guests/visitors upon the arrival in the residence hall and should escort their guests/visitors throughout the residence halls at all times.
  - c. Any guests/visitors 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.
6. **Public Urination/Defecation:** To urinate or defecate in any location not typically designated as a "restroom."
7. **Excessive Health and Safety Violations**  
Health and Safety inspections are completed at least twice a semester in each residence hall. Repeat violations are considered excessive and pose a

health and safety risk to the residential community. Health and safety violations consist of but are not limited to lack of cleanliness and sanitation, obstruction to exits, prohibited appliances, excessive trash, etc.

#### **8. 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.
- b. Failure to keep a safe distance from residential facilities while participating in athletic activities that involve objects which may cause damage to persons or property (such as, but not limited to, playing soccer or throwing a football or Frisbee in the hallway).
- c. Participation in any athletic games or activities in the Residence Hall, including but not limited to, i) exterior corridors, ii) internal hallways or iii) common areas of a Residence Hall without prior approval from University Housing.
- d. Using rollerblades, skateboards, or similar devices within a Residence Hall.
- e. Using skateboards or similar devices on the grounds of residential facilities in a manner that defaces or degrades landscaping or hard surfaces.

#### **9. Littering and Trash Disposal**

- a. Discarding or temporarily placing trash of any kind on the grounds of a residential facility other than in appropriate receptacles. Disposing of non-recyclable trash within a receptacle designated for recyclable materials.
- b. Disposing of bags of personal trash in a public or common area trash receptacle.

#### **10. Residence Hall Computer Labs**

Unauthorized presence in or unauthorized use of the university property (computer, furniture, televisions, etc.)

#### **11. Tobacco Use/Smoking (Products) in Residence Halls**

Use of any tobacco product, or smoking, in any residence hall facility or surrounding property as Albany State University is a tobacco free campus per University System of Georgia. This ban includes traditional cigarettes and chewing tobacco as well as e-cigarettes, clove cigarettes, pipes, and hookahs. The goal of this policy is to protect and improve the health, comfort and environment of students, employees and any other occupying USG campuses.

#### **12. Residential Fire and Safety (Possession and/or Action)**

- a. Failure to evacuate a University controlled building during a fire alarm.
- b. Improper or unauthorized discharge of fire extinguisher.
- c. Tampering with a fire alarm or fire detection/control equipment while on University property.

- d. Improperly engaging a fire alarm or fire detection/control equipment while on University property.
- e. Exceeding maximum occupancy.
- f. 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.
- g. Removing and/or covering smoke detectors.
- h. Activating an alarm lacking an emergency.
- i. Removing and/or tampering with covers on fire alarm pull stations;
- j. Removing and/or tampering with common area and room sprinkler systems;
- k. Propping of emergency exit doors is a violation and compromises the student safety within the residence halls;
- l. Discharging a fire extinguisher for any purpose other than putting out a fire; etc.
- m. Propping of interior doors such as suite/unit and bedroom doors are also considered a safety hazard and is prohibited.
- n. Tampering with or removing window screens from residence hall windows.

### **13. Unapproved Room Change**

A student is not allowed to move into a vacant space within any room/suite or change room assignments/swap rooms without approval from the Area Coordinator or the Office of Housing and Residence Life.

### **14. Unauthorized Use of University Facilities and/or Equipment**

- a. Unauthorized use of University equipment.
- b. Unauthorized 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.
- c. Unauthorized use or duplication of keys.
- d. Unauthorized use of Computer Labs and/or Lobby Use to include but not limited to use of computers, furniture, televisions, etc.

### **15. Community Living** (*In reference to Housing Agreement, Roommate Agreement, or RamLife Guide*):

Sanctions that may be imposed for violating the policies laid out in the Housing Agreement, Roommate Agreement, and RamLife Guide.

### **16. Residence Hall Security**

- a. Propping exterior doors,
- b. Disengaging locking devices, and/or,

- c. Allowing non-students and/or persons without Albany State University identification access to residence halls without serving as that person's host.

17. **Unauthorized Parties (Host and Attendees):** Please refer to the RAM Life Guide for complete details.

18. **Nuisance with Noise**

Violations of this section includes; but is not limited to the following: 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.

## CHAPTER TEN

### XI. University Hearing Panels

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#### A. University Hearing Panels

1. The **University Disciplinary Committee** will be composed of Students, Faculty, and Staff selected by the Office of Student Conduct. Students not in good standing with the University may not serve. Appointments to University Disciplinary Committee will be made as needed to keep the University Disciplinary Committee staffed to adjudicate cases in a prompt manner. These appointments may constitute permanent or temporary replacements as the Office of Student Conduct deems necessary. There must be at least three panel members (two full-time faculty or staff and one full-time student), present to hear a case. A majority vote is required for findings and sanction recommendations.
2. The University will utilize a specially trained **Sexual Misconduct Committee** for Formal Hearings involving alleged violations of any regulation within the University System of Georgia Sexual Misconduct Policy and this Student Code of Conduct. This committee will consist of at least panel members who are full-time faculty and/or staff only. There must be at least three (3) panel members present to hear a case. A majority vote is required for findings and sanction directive.
3. The University will utilize the **Housing Review Board** for Formal Hearing involving alleged violations of any Institutional Housing Regulations identified within the Student Code of Conduct. There must be at least three panel members (two full-time Residence Life staff and one Resident Assistant), present to hear a case. A majority vote is required for findings and sanction recommendations.
4. The University will utilize the **Academic Honor Code Committee** for Formal Hearing involving alleged violations of any violation of the Academic Honor Code Policy identified within the Student Code of Conduct. Please refer to Chapter Eight, Value VIII, Academic Honor Code, Procedures and Sanctions of the Student Code of Conduct for more information.
5. The University will utilize the **Student Organization Hearing Panel** for Formal Hearing involving alleged violations of student organization misconduct. There must be at least three panel members (two full-time students and one full-time faculty/staff). At least one (1) representative from the respective council will serve as one of the student representatives. When a student organization is charged, a student will be requested to serve from the respective council to serve on the Hearing Panel. The student may not be a member of the organization which is charging or being charged in the case. A majority vote is required for findings and sanction recommendations.

#### B. Training

1. All student hearing panels will receive annual training on this Student Code of Conduct and the involved procedures. This training will be conducted by a designee from the Dean of Students Office.

**Special Note:** Cases may be referred to a single Formal Hearing Officer during seasons when the full board is unavailable or at the Respondent's request (i.e. Spring Break or Winter Break, etc.).

### **C. General Student Complaint Consolidation**

1. ASU may consolidate complaints as to allegations of General Student Misconduct against more than one Respondent, by more than one Complainant (where applicable) against one or more Respondents, or cross-complaints between parties, where the allegations of misconduct arise out of the same facts or circumstances.
2. Parties shall have the opportunity to request or object to the consolidation; however, ASU shall have the authority to make the final determination. For the purpose of this Policy consolidation may occur during the investigation and/or the adjudication phases of the general student misconduct process.

### **D. Rules of Procedure in General Student Misconduct Hearings Proceedings**

1. In cases involving more than one student, the Office of Student Conduct may consolidate the cases for hearing, but shall make separate findings for each accused student.
2. If the student chooses to have an advisor/attorney present during the hearing, the advisor/attorney shall be present for consultation purposes only and shall not be permitted to speak on the students' behalf.
3. Rules of common courtesy and decency shall be observed. Willful disrespect, to include, but not limited to use of profanity, threatening behavior, derogatory remarks, and or/gestures will not be tolerated.
4. Any person may be dismissed from the hearing that interferes with or obstructs the hearing or who fails to abide by the rulings of the chairperson.
5. The questioning of any person appearing before the hearing panel shall not be in a badgering, unduly repetitious, or irrelevant manner. It shall be at the discretion of chairperson or hearing officer to curtail a participant's further opportunity for questioning if such behavior occurs.
6. An audio taped record of the hearing shall be maintained and filed with the Office of Student Conduct. The record of the hearing shall be retained for seven years. In cases of suspension or expulsion, the record should be retained permanently.
7. All hearings will be closed.



## CHAPTER ELEVEN

### XII. Appeals

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Appeals may be made in any cases where sanctions are issued, even when such sanctions are held “in abeyance,” such as probationary or expulsion. Where the sanction imposed includes a suspension or expulsion (even for one held in abeyance), the following appellate procedures must be provided.

#### ACADEMIC DISHONESTY

1. All levels of appeals will only be considered for the following reasons:
  - a. to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing (or appeal), because such information was not known or knowable to the person appealing during the time of the hearing (or appeal);
  - b. to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing (or appeal), including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, investigator(s), decision makers(s); or,
  - c. to allege that the finding was inconsistent with the weight of the information.
2. The appeal must be made in writing, and must set forth one or more of the bases outlined above, and must be submitted within five business days of the date of the final written decision. The appeal should be made to the institution’s Provost and Vice President for Academic Affairs or their designee.
3. The appeal shall be a review of the record only, and no new meeting with the Respondent is required. The Provost and Vice President for Academic Affairs or their designee, 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 Provost and Vice President for Academic Affairs or their designee shall then issue a decision in writing to the respondent within a reasonable time period.
4. The decision of the Provost and Vice President for Academic Affairs their 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.
5. 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 any lower 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 decision shall be simultaneously issued in writing to the parties within a reasonable time period. The President's decision shall be the final decision of the University.

6. All appeals request should be transmitted using the following electronic [Student Conduct Appeal](#) form (which accommodates distance learning Students).
7. Should the respondent or Complainant (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.
8. Appeals received after the designated deadlines above will not be considered unless the institution or Board of Regents has granted an extension prior to the deadline. If an appeal is not received by the deadline the last decision on the matter will become final.

## **BEHAVIORAL CONDUCT**

9. All levels of appeals will only be considered for the following reasons:
  - a. to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing (or appeal), because such information was not known or knowable to the person appealing during the time of the hearing (or appeal);
  - b. to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing(or appeal), including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, investigator(s), decision makers(s); or,
  - c. to allege that the finding was inconsistent with the weight of the information.
10. The appeal must be made in writing, and must set forth one or more of the bases outlined above, and must be submitted within five business days of the date of the final written decision. The appeal should be made to the institution's Vice President for Student Affairs or their designee.
11. The appeal shall be a review of the record only, and no new meeting with the Respondent or any Complainant is required. The Vice President, or their designee, 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 Vice President or his or her their designee shall then issue a decision in writing to the respondent within a reasonable time period.
12. The decision of the Vice President or his or her designee may be appealed in writing within five business days (as determined by the date of the decision letter) to the President of the institution solely on the three grounds set forth above.

13. 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 any lower 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 decision shall be simultaneously issued in writing to the parties within a reasonable time period. The President's decision shall be the final decision of the University.
14. All appeals request should be transmitted using the following electronic [Student Conduct Appeal](#) form (which accommodates distance learning Students).
15. Should the respondent or Complainant (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.
16. Appeals received after the designated deadlines above will not be considered unless the institution or Board of Regents has granted an extension prior to the deadline. If an appeal is not received by the deadline the last decision on the matter will become final.

## **SEXUAL MISCONDUCT**

The Respondent (and in cases involving sexual misconduct or other forms of discrimination and/or harassment, the Complainant) shall have the right to appeal the outcome on any of the following grounds:

17. All levels of appeals will only be considered for the following reasons:
  - a. to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing (or appeal), because such information was not known or knowable to the person appealing during the time of the hearing (or appeal);
  - b. to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing (or appeal), including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, investigator(s), decision makers(s); or,
  - c. to allege that the finding was inconsistent with the weight of the information.
18. The appeal must be made in writing, and must set forth one or more of the bases outlined above, and must be submitted within five business days of the date of the final written decision. The appeal should be made to the institution's Vice President for Student Affairs or their designee.
19. The appeal shall be a review of the record only, and no new meeting with the Respondent or any Complainant is required. The Vice President, or their designee, 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 Vice President or his or her their designee shall then issue a decision in writing to the respondent within a reasonable time period.

20. The decision of the Vice President or his or her designee may be appealed in writing within five business days (as determined by the date of the decision letter) to the President of the institution solely on the three grounds set forth above.
21. 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 any lower 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 decision shall be simultaneously issued in writing to the parties within a reasonable time period. The President's decision shall be the final decision of the University.
22. All appeals request should be transmitted using the following electronic [Student Conduct Appeal](#) form (which accommodates distance learning Students).
23. Should the respondent or Complainant (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.
24. Appeals received after the designated deadlines above will not be considered unless the institution or Board of Regents has granted an extension prior to the deadline. If an appeal is not received by the deadline the last decision on the matter will become final.

## **UNIVERSITY HOUSING VIOLATIONS**

1. All levels of appeals will only be considered for the following reasons:
  - a. to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing (or appeal), because such information was not known or knowable to the person appealing during the time of the hearing (or appeal);
  - b. to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing(or appeal), including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, investigator(s), decision makers(s); or,
  - c. to allege that the finding was inconsistent with the weight of the information.
2. A Student may appeal to the Director for Housing and Residence Life or designee, provided the basis for the appeal is limited to the criteria listed above. Students who have accepted an Informal Resolution are not eligible for an appeal.

3. All appeal requests and responses in this process are transmitted by using the following electronic [University Housing Conduct Appeal](#) form.
4. A Student found responsible for violating any University Housing Regulation will have five (5) business days from the date of the decision letter to appeal. The appeal packet will be limited to a review of the record of the Housing Review Board, supporting documents, and the Student's written appeal. The Student must explicitly state why they believe an appeal is warranted.
5. Any Student wishing to appeal should submit their appeal in writing to the Department of Housing and Residence Life. The Department of Housing and Residence Life will compile all pertinent information and deliver the appeal packet to the Director for Housing and Residence Life or designee or designee. The Director of Housing and Residence Life or designee may:
  - a. Affirm the original finding and sanction,
  - b. Affirm the original finding but issue a new sanction of lesser severity,
  - c. Remand the case back to the decision-maker to correct a procedural or factual defect; or,
  - d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
6. The Director for Housing and Residence Life or designee shall then issue a decision via Albany State University email to the Responding Student in writing within a reasonable time period.
7. The decision of the Director for Housing and Residence Life or designee is final for University Housing Regulation violations.

## CHAPTER TWELVE

### XIII. Student Groups and Recognized Student Organizations

#### **A. Student Groups and Student Organizations Rights**

Any Student Group or Student Organization accused of a violation of the Student Code of Conduct will have the following rights:

1. **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. Note is sent to President and Advisor and is saved in Maxient as organizational file.
2. **Know the Procedures** - Will be provided a copy of the student judicial process when charged.
3. **Hearing** – To have an opportunity to be heard in person before a decision is made.
4. **Advisor** - To be accompanied at a hearing by an advisor of their choice.
5. **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.
6. **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.
7. **Written Decision** – To receive a written notice of the decision and sanctions, including rationale for decision.
8. **Appeal** – To appeal a decision resulting from a formal hearing.
9. **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 Dean of Students or 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.

#### **B. Student Groups and/or Recognized Student Organizations' Responsibilities**

Student Groups and Student Organizations are expected to:

1. Know the violations of the Student Code of Conduct and potential sanctions.
2. Accept personal responsibility for appropriate behavior as defined in the Student Code of Conduct.
3. Recognize the University's obligation to provide an environment for learning.

4. Maintain a level of behavior which is consistent in supporting the learning environment of the University.
5. Be fair and courteous with others, treat them fairly and with respect, showing sensitivity to cultural, ethnic, and religious diversity and personal dignity.

In addition to the above, Registered Student Organization should also adhere to USG Policy 4.6.3 Student Organization Responsibility for Drug Abuse:

The use of marijuana, controlled substances, or other illegal or dangerous drugs constitutes a serious threat to the public health, welfare, and academic achievement of students enrolled in the University System of Georgia (USG). Therefore, all student organizations, including but not limited to societies, fraternities, sororities, clubs, and similar groups of students which are affiliated with, recognized by, or which use the facilities under the jurisdiction of USG institutions, are responsible for enforcing compliance with local, state, and federal laws by all persons attending or participating in their respective functions and affairs, social or otherwise.

As provided by the Student Organization Responsibility for Drug Abuse Act, any such student organization which, through its officers, agents, or responsible members, knowingly permits, authorizes, or condones the manufacture, sale, distribution, possession, serving, consumption or use of marijuana, controlled substances, or other illegal or dangerous drugs at any affair, function, or activity of such student organization, social or otherwise, violates the laws of this State and, after being afforded the constitutional requirements of due process, shall have its recognition as a student organization withdrawn and shall be expelled from the campus for a minimum of one calendar year from the date of determination of guilt.

Such organization shall also be prohibited from using any property or facilities of the institution for a period of at least one year. Any lease, rental agreement, or other document between the Board of Regents or the institution and the student organization that relates to the use of the property leased, rented, or occupied shall be terminated for the student organization knowingly having permitted or authorized the unlawful actions described above.

All sanctions imposed by this policy shall be subject to review procedures authorized by the Board of Regents' Policy on Application for Discretionary Review.

An appeal to the Board of Regents shall not defer the effective date of the adverse action against the student organization pending the Board's review unless the Board so directs. Any such stay or suspension by the Board shall expire as of the date of the Board's final decision on the matter.

### **C. Student Groups and/or Recognized Student Organization Sanctions**

1. When a Student Organization is charged with a violation, the advisor(s), any applicable regional, national, international offices, and the Office of Student Engagement will be notified. The official outcome will become part of the Organization's file in the Office of Student Engagement and the Office of Student Conduct.
2. A Student Group and or Organization found responsible for violating the Student Code of Conduct may receive one or more of the sanctions listed below, as determined by the Chief Conduct Officer or designee after review of the findings of fact and recommendations of the University Disciplinary Committee or Hearing Officer. Prior to issuing a sanction, the Chief Conduct Officer or designee will inform the University Disciplinary Committee or the Hearing Officer if the Respondent has any previous violations of the Student Code of Conduct. This may have an effect on the type and level of the sanction(s) to be imposed.
3. When a Student Group or Student Organization engages in an act of misconduct, the University reserves the right to take action not only against the Group or Organization but also against individual Student members of the Group or Organization.
4. This list is not to be regarded as all-inclusive but rather as a sample of sanctions that may be imposed. Other University polices and regulations may impose specific penalties for specific violations, and nothing in this chapter is intended to limit the imposition of those specific sanctions.
5. Respondents who fail to complete their sanctions by their determined deadline will be assessed a late fee and are unrecognized until complete. The University is not responsible for any financial loss incurred by the Student Group or Organization for any sanction.

### **D. Institutional Sanctions:**

In addition to specific sanctions listed in section Sanction Types and Descriptions of the Sanctioning Guidelines Booklet, a student organization may face additional or different sanctions for its conduct and the conduct of one or more of its members. Examples of sanctions that may be imposed upon a student organization include, but it not limited to:

- A. Student Organization Interim Action:** In certain circumstances, the Office of Student Support and Student Conduct may impose restrictions on an RSO up to and including interim suspension of all RSO activities prior to the final outcome of a case. Interim action may be imposed to ensure the safety and well-being of the members of the University community and to preserve the safety of the University property and to ensure normal operation of the University if the RSO poses a threat of disruption. Interim Actions may be added, amended, or removed at any time at the discretion of the University.
- B. Probation of a Student Organization:** Probation is a period of review during which the organization must demonstrate the willingness and ability to comply with University rules, regulations, and all other stipulated requirements. If, an



organization during the period of the deferred suspension is responsible of violating another University rule or an order of a disciplinary body or administrative hearing officer, the organization, its registration, privileges, and chapter status, is suspended. Members are subject to increased sanctions applied by the Office Student Support and Student Conduct.

**C. Notice of Reprimand Issued to a Student Organization:** A notice of reprimand is a written notification that the student organization's conduct was inappropriate for a member of the University community. Continued violations of the Code of Conduct will result in more serious sanctions.

**D. Suspension of Organizational Privileges:**

- i. A student organization's privileges, chapter status, and registration may be suspended for a specified period of time. In the event that a student organization is suspended from the University, the organization may not during the term of the suspension:
  - a. Meet as an organization;
  - b. Recruit members;
  - c. Engage in social functions of any type;
  - d. Use University buildings, facilities, property or equipment;
  - e. Use University resources, services or funds; or,
  - f. Co-sponsor, participate or attempt to participate as an organization in another student organization's event, including any event sponsored by another student organization.
- ii. In a case where suspension of all organizational privileges has not been applied, any one or more of the privileges set forth above may be suspended.
- iii. Upon the end of the suspension, and before a group is allowed to return, a petition must be submitted to the appropriate University Official, which demonstrates in a sufficient manner, as determined by the University in its sole discretion, the following:
  - a. The issued leading to the organization's suspension have been remedied;
  - b. Those wishing to revive the organization's status understand the University's policies and procedures and are willing and able to follow them;
  - c. The organization and its members have complied with the suspension, have not engaged in conduct aimed at ignoring or frustrating the suspension; and,
  - d. The organization and its members have committed no intervening violations of the Student Code of Conduct.

**E. Restitution:** Reimbursement for a loss caused by the organization's actions.

**F. Recommendation for Charter Revocation:** An official request to national office that the local's charter be revoked.

**G. Revocation of University Recognition:** Permanent severance of the organization's relationship with the University.

**H. Other Educational Sanctions:** Projects or assignments designed to educate an organization and its members in connection with the effect of its member's

actions. Educational assignments include, but are not limited to, alcohol awareness programs, and/or risk management programs.

## CHAPTER THIRTEEN

### XIV. Administrative Regulations

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#### **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.

#### **Amnesty Relating to All Other Student Misconduct Violations:**

1. 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 Chief Conduct Officer or designee, 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.
2. 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.
3. 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.

## **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 Accessibility Services at (229) 500-2013. 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.

## **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 Student Conduct.
- 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.

### **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 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.

### **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 and Complainant (where applicable). Disciplinary files will be retained for five (7) years after graduation or date of last attendance but at least one (1) year after final notice to Immigration and Naturalization Service. 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 five (5) 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 Office of Student Conduct will normally place a temporary encumbrance (hold) on a Respondent's records.
  5. **Student Banner Account:** The Office of Student Conduct 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 Chief Conduct Officer or other representative from the Office of Student Conduct, 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 by emailing to [openrecords@asurams.edu](mailto:openrecords@asurams.edu).

### **Students with Disabilities**

If you are a student with a disability, you should consult with the Counseling and Student Accessibility Services Department for assistance. Students are required to present any accommodation documentation within the first two weeks of the semester. It is highly recommended that students who need academic support schedule an appointment with the course instructor as soon as possible to discuss their needs and ensure proper steps are taken to enhance academic success. The Counseling and Student Accessibility Services Offices operates under the Board of Regents Guidelines and is located on the East Campus of Albany State University (Billy C. Black Building, Room 100). They are open from 8:00 a.m. until 7:00 p.m. Monday through Friday. They can be reached by telephone at 229-500-2013.

**Greek Life (*Sororities and Fraternities*)**

For more information pertaining to the policies, procedures, rules and regulations of Greek Life please visit their [website](#).

**Student Conduct Revisions**

The contents of this edition of the Student Conduct Code, revised on September 23, 2021 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/osssc](http://www.asurams.edu/osssc). 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 Support and Student Conduct at (229) 500-2052.