



STUDENT JUDICIAL SYSTEM



2016 - 2017

STUDENT CODE OF CONDUCT

Division of Student Affairs & Success
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Student Code of Conduct Policy & Procedures:

Introduction:

Albany State University (hereinafter “University”) has an obligation to clarify those standards of behavior that it considers essential to its educational mission and its community life. The University shall protect its educational purpose, provide for orderly conduct of these activities, and safeguard the interest of the University community. As a result, the University has established standards and procedures. These disciplinary procedures used by the University are considered part of its educational process and reflect the philosophy of peer education and evaluation. Hearings and appeals conducted as part of the process provide due process; are not courts of law and are not subject to many of the rules of civil or criminal hearings. Because some of the violations of these standards are also violations of law, students may be accountable to both civil authorities and to the University for their actions.

Disciplinary actions at the University will normally proceed notwithstanding any civil or criminal proceeding. The responsibility to know and abide by the Code ultimately lies with the student. The Student Code of Conduct (hereinafter “Code”) supersedes all other means of disciplining or removing students for behaviors prohibited by the University.

Authority: The Board of Regents and the University have the responsibility to require acceptable conduct on the part of students at Albany State University. Authority for student discipline ultimately rests with the University President (hereinafter “President”) who delegates this authority to the Vice President for Student Affairs & Success (hereinafter “Vice President”). The Vice President delegates this authority to the Coordinator for Student Ethics & Integrity/University Judicial Officer (hereinafter “University Judicial Officer”).

Student Rights Under the Student Judicial System:

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

- A. **Notice of Charges** – to be informed in written or electronic notification of the specific violation and inappropriate behavior in which the student or organization is suspected of involvement.
- B. **Procedures** - Will be provided a copy of the student judicial process when charged.

- C. **Hearing** – To have an opportunity to be heard in person before a decision is made.
- D. **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.
- E. **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.
- F. **Access to Advisor** – Both the respondent and alleged victim shall (where applicable) as parties to these proceedings, shall have the right to use an advisor (including an attorney) of his or her choosing, and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her client or advisee is present. The advisor may advise his or her advisee in any manner, including providing questions and suggestions, and guidance on responses to any questions of the advisee, but not participate directly. The University shall not prohibit family members of the participant attending if the participant requests such attendance. The University shall not prohibit family members of a party from attending if the party requests such attendance, but may limit each participant to two (2) family members. **Written Decision** – To have a written response reporting the results of the pre-hearing conference and/or formal hearing proceedings.
- G. **Appeal** – To appeal a decision of a hearing officer or judicial board except when admitting guilt and a minimum sanction is given. The appeal shall be a review of the record only, and no new meeting with the respondent or alleged victim (where applicable) will be held.

Zero Tolerance Policy:

A zero tolerance policy is one which requires a severe penalty to be imposed which is unbending in its imposition, and often does not give allowance for extenuating circumstances. It is, as it states, completely intolerant of the behavior for which it requires consequences, no matter what. As part of a “zero tolerance policy”, ASU will take disciplinary action for any and every alcohol, drug, weapon, sexual misconduct, hazing or gang activity related violation on campus. ASU will

also take disciplinary action for many of the violations reported off campus, provided these violations have a connection to the campus. This would include violations that endanger students or may cause harm to the campus community.

Reports of Student Misconduct

Complaints to the appropriate department and/or person(s) should include as much information as possible – such as:

- 1) the type of misconduct alleged;
- 2) the name and contact information of the respondent;
- 3) the date(s), time(s), and place(s) of the misconduct;
- 4) the name(s) and contact information of names 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 Clery Act shall be assessed in compliance with federal law.

Where appropriate, complaints may file a law enforcement report along with an institutional report.

1. **Confidentiality:** Where a complainant or alleged victim requests that his or her identity be withheld or the allegation(s) not be investigated, Albany State University will consider whether or not such requests can be honored while still providing a safe and nondiscriminatory environment for the institution. The institution will inform the requesting party that the institution generally cannot guarantee confidentiality. Further, honoring the request may limit the institution's ability to respond fully to the incident and may limit the institution's ability to discipline the respondent.
2. **Retaliation:** Anyone who, in good faith, reports what she or he believes to be student misconduct, participates or cooperates in, or is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes he or she has been the target of retaliation for reporting, participating or cooperating in, or otherwise

being associated with an investigation should immediately contact the appropriate department or individual(s) at this institution. Any person found to have engaged in retaliation in violation of the student conduct policy shall be subject to disciplinary action, pursuant to the institution's policy.

3. ***False Complaints:*** Individuals who intentionally give false statements to University official, or who submit false complaints or accusations, including during a hearing, in violation of policy shall be subject to disciplinary action pursuant to the institution's policy.
4. ***Amnesty for Minor Drug and Alcohol Offenses:*** All students are encouraged to come forward and to report student misconduct notwithstanding that individual's choice to consume alcohol or to use drugs. Information reported in good faith by an individual during an investigation concerning use of drugs or alcohol will not be used against that individual in a disciplinary proceeding and will not be voluntarily reported to law enforcement; however, individuals may be provided with resources on drug and alcohol counseling and/or education, as appropriate. Note that in cases where repeated violations of the University's Drug & Alcohol policy occur, the University reserves the right to take judicial action on a case by case basis.

Process for Investigating and Resolving Disputed Reports:

Jurisdiction: The University shall take necessary and appropriate actions to protect the safety and well-being of the campus community. Accordingly, student conduct will be addressed when such acts occur on institution property, at institution-sponsored or affiliated events, or otherwise violate the institution's student conduct policies at non-institution sponsored events. Moreover, discipline may be imposed for offenses against the Student Code of Conduct for activities off campus. If the student admits responsibility and has voluntarily decided to participate in the informal process, the procedures outlined in this section will not apply.

Access to Advisors: The respondent and alleged victim shall (where applicable) as parties to these proceedings, shall have the right to use an advisor (including an attorney) of his or her choosing, and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The advisor may advise his or her advisee in any manner, including providing questions and suggestions, and guidance on

responses to any questions of the advisee, but not participate directly. The institution shall not prohibit family members of a party from attending if the party requests such attendance but may limit each participant to two (2) family members.

Training: The institution's individual(s) tasked with investigating allegations of student misconduct shall not be responsible for training student conduct panel/board members or appellate body members. The conduct/board members or appellate body members will be trained on an annual basis.

Initial Evaluation of Student Conduct Reports: Regardless of how the institution becomes aware of misconduct, it shall ensure 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 then the report will be dismissed. Otherwise, a prompt, thorough, and impartial investigation and review shall be conducted into each complaint received to determine whether charges against the alleged offender should be brought.

Throughout any investigation and resolution proceedings, a respondent shall receive notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent during the investigation and resolution process, without an adverse inference resulting. If the respondent chooses to remain silent, the investigation may still proceed and policy violation charges may still result, and may be resolved against the respondent. Further, unrelated charges and cases shall be investigated separately, unless the respondent consents to having them aggregated.

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 these additional, minimum safeguards:

1. The respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice should also include the identity of any investigator(s) involved.

Notice should be provided via institution email to the address on file. Where applicable, a copy shall also be provided to the alleged victim via the same means.

2. Upon receipt of the written notice, the respondent shall be given 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 documents – whether written or electronic – in support. A non-response will be considered a general denial of the alleged misconduct.
3. Based on this response, the investigation shall consist of interviews of the respondent, the alleged victim (where applicable) and witnesses, and the collection and review of documents or other physical or electronic information, as well as other steps as appropriate. The investigator should retain written notes, and the collection and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any proffered witnesses not interviewed, along with a brief, written explanation.
4. The investigation shall be summarized in writing in an initial investigation report and provided to the respondent and alleged victim (where applicable) in person or via email. This summary should clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions.
5. To the extent the respondent is ultimately charged with any violation, he or she shall also have the opportunity to respond in writing. The respondent's written response to the charge(s) shall be due no earlier than three (3) business days following the date of the initial investigation report. The respondent's written response should outline his or her plea in response to the charge(s), and where applicable, his or her defense(s), and the facts, witnesses, and documents – whether written or electronic – in support. A nonresponse to the charge(s) by the respondent will be interpreted as a denial of the charge(s).
6. The investigator shall conduct further investigation and update the investigative report as warranted by the respondent's response.
7. The final investigative report should be provided to the student misconduct panel or hearing officer for consideration in adjudicating the charges brought against the respondent. A copy shall also be provided to the alleged victim (where applicable)

before the 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.

Interim Suspensions:

Interim suspension – that is, suspensions while the investigation and adjudication process are proceeding – should only occur where necessary to maintain safety, and will be limited to those situations where the respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution will consider the existence of a significant risk to the health or safety of the campus community, the nature, duration, and severity of the risk, the probability of potential injury, and whether less restrictive means can be used to significantly mitigate the risk.

Before an interim suspension is issued, the institution will give the respondent the opportunity to be heard on whether his or her presence on campus poses a danger. If an interim suspension is issued, the terms of the suspension shall take effect immediately. When requested by the respondent, a hearing to determine whether the intermediate suspension should continue will be held within three (3) business days of the request.

Interim Committee (ISC): the Interim Suspension Committee determines whether the interim suspension should continue or whether the student should be reinstated and allowed to return to University property. The ISC will review the information upon which the summary action was based and recommend any further action. The ISC will make a decision by the end of the hearing and notify the Vice President or his/her designee concerning the recommendations. The Vice President or his/her designee shall thereafter notify the student that he/she is reinstated or that the interim suspension and temporary exclusion are to be continued pending the outcome of the disciplinary proceedings. The ISC shall consist of no less than three (3) members, of whom one (1) shall be a regularly enrolled student from the Disciplinary Committee, one (1) shall be faculty and/or staff from the Disciplinary Committee and one (1) Chairperson appointed by the Vice President or his/her designee. An audio taped record of the proceedings shall be made.

Resolution/Hearing

In no case shall a hearing to resolve charge(s) of student misconduct take place before the investigative report has been finalized or before the respondent has had an opportunity to respond in writing, unless the respondent has chosen to go through an informal process or

otherwise provided a written waiver of rights to these procedures. Further, unrelated charges and/or cases shall be heard separately unless the respondent voluntarily consents to the charges/cases being heard jointly.

Where the respondent indicates that he or she contests the charge(s), and once the investigative report has been finalized and copies provided to the respondent and the alleged victim (where applicable) the case shall be set for hearing; however, the alleged victim (where applicable) and respondent may have the option of selecting mediation as a possible resolution in certain student misconduct cases where they mutually agree, except where deemed inappropriate by the Vice President for Student Affairs, or his/her designee.

Where a case is not resolved through mediation, the respondent shall have the option of having the charges heard either by an administrator (hearing officer) or a student conduct panel. Notice of the date, time, and location of the hearing, shall be provided to the respondent and alleged victim (where applicable) at least five (5) business days prior to the hearing. Notice shall be provided via institution email or alternative method, if necessary. Additionally, the following standards will apply to any such hearing:

1. The respondent shall have the right to present witnesses and evidence to the hearing officer or panel, as well as to ask questions to any witnesses. At the determination of the hearing officer or panel, this questioning may take place through the submission of written questions to the panel or hearing officer for consideration; however, the parties' advisors may still actively advise and assist in drafting those questions. The hearing officer or 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 panel shall err on the side of asking all submitted questions, and must document the reason for not asking any particular questions.
2. Where the hearing officer or panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the hearing officer or panel may establish special procedures for providing testimony from a separate location. In doing so, the hearing officer or panel must determine there is a valid basis for the unavailability, ensure proper sequestration in a manner that ensures testimony has not been tainted, and make a determination that such an arrangement will not unfairly disadvantage any party.

Should it be reasonably believed that a party or witness who is not physically present has presented tainted testimony, the hearing officer or panel will disregard or discount the testimony.

3. Formal civil rules of evidence do not apply to the investigatory or resolution process.
4. The standard of review shall be a preponderance of the evidence; however, any decision to suspend or to expel a student must also be supported by substantial evidence at the hearing.
5. Institutions should maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings and/or video recordings.
6. Following a hearing, both the respondent and alleged victim (where applicable) shall be provided a written decision via institution email of the outcome and any resulting sanctions. The decision should include details on how to appeal, as outlined below. Additionally, the written decision must summarize the evidence in support of the sanction. The same form will be completed, regardless of whether the student opts for a student panel or an administrative hearing.

Code of Values and Violations:

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

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

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. Violation types for this section are as follows:

Section 1. Abduction and/or Kidnapping: A person commits the offense of kidnapping when he abducts or steal away any person without lawful authority or warrant and holds such a person against his will. Enticing, persuading or forcible seizing and carrying of any student, faculty, staff or University official from one place to another without that person's consent.

Section 2. Assault: Assault is when one attempts to commit a violent injury to the person of another; or commits an act which places another in reasonable apprehension of immediately receiving a violent injury.

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

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. Attempted offenses are crimes that are governed under the Uniform Code of the Laws of the State of Georgia listed in the Georgia Constitution.

Section 4. Battery

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

A person commits the offense of battery when he or she intentionally causes substantial physical harm or visible bodily harm to another.

Section 5. Dangerous Threatening and/or Unsafe Behavior/Terroristic Threats and acts/Gang Activity: A person commits the offense of a terroristic threat when he or she threatens to commit any crime of violence, to release any hazardous substance. Any conduct or behavior that threatens or endangers the health or safety of any person in the University environment,

including oneself. This includes, but is not limited to verbal threats to injure or harm another, horse playing, practical jokes, abductions, kidnapping, and gang related activity.

Section 6. Falsification/identity Fraud: Falsifying one's identity or that of another, or refusing to show student identification upon request to any properly identified official of Albany State University staff member; knowingly furnishing false information to the University. A person commits the offense of identity fraud when he or she willfully and fraudulently without authorization or consent uses or possesses with intent to fraudulently use, identifying information from a person.

Section 7. Harassment (Verbal or Physical) and/or Bullying: The excessive physical annoyance of or the use of verbally abusive language by any person on University-owned or controlled property or while on the premises of, or while in attendance of University-sponsored or supervised events is considered to be harassment and is prohibited. The scope of any form of harassment includes language and/or physical acts which degrades, insult, taunt, or challenges another person by any means of communication, verbal, so as to provoke a violent response, communication of threat, defamation of character, use of profanity, verbal assaults, derogatory comments or remarks, sexist remarks, racist remarks or any behavior that places another member of the University community in a state of fear or anxiety.

Section 8. Hazing: Hazing is against Georgia State law and will not be a part of any initiation practices, whether for new students, social clubs, athletic teams or Greek-letter organizations. Hazing in any form is illegal and prohibited in accordance with law as established by the State of Georgia. The scope includes activities that are planned and unplanned on or off the campus, and sponsored by fraternities, sororities, social fellowships, and other student organizations/groups recognized by the University. Examples of hazing include, but are not limited to paddling, physical, mental, psychological shocks, morally degrading or humiliating activities or games, post-midnight sessions of any kind, excessive physical activities, activities which interfere with one's scholastic pursuits, holding another against his/her will, activities which involve the removal of any property (personal or private) while in the possession of another without the proper authorization. Hazing also include activities, which destroys property (personal or private) for the purpose of, initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. ***Those who willfully submit to hazing are also guilty of hazing as well and will be adjudicated.*** Any form of hazing, whether committed

on or off of the premises of the University, will not be tolerated.

Section 9. Retaliation: Anyone who, in good faith, reports what she or he believes to be student misconduct, participates or cooperates in, or is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes he or she has been the victim of retaliation for reporting, participating or cooperating in, or otherwise being associated with an investigation should immediately contact the appropriate department or individual(s) for that institution. Any person found to have engaged in retaliation in violation of the student conduct policy shall be subject to disciplinary action.

Section 10. Representation without Consent: Representing the University or any recognized student organization or chartered group without the specific prior consent of the officials of that group. Representation without consent also includes joining a suspended organization (i.e. fraternity or sorority) or attempting to join an organization through improper membership procedures.

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

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 at Albany State University. See the complete list of violation types for this section as follows:

Section 1. Alcoholic Beverages

- It is illegal for anyone to have alcohol on campus;
- It is illegal for anyone under the age of 21 to drink;
- It is illegal for anyone to buy or provide alcohol for someone under 21;
- It is illegal for anyone to be intoxicated in public or to drive while intoxicated, on- or off-campus;

- It is illegal for anyone to sell alcoholic beverages without a license. By law, the sale of alcoholic beverages includes any situation in which there is a charge for entertainment or service and alcohol is freely available (including through common source or selling a cup);
- It is a violation of university policy for a student to disturb someone else's ability to study, sleep or live peacefully. (This also means that other people's inappropriate behavior should not disturb your study, sleep, or ability to live peacefully);
- It is a violation of university policy for a student to hurt or endanger another student through drinking.
- Unlawful sale of alcoholic beverages to, and unlawful purchase and possession of alcoholic beverages by any person under 21 years of age.

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

Section 2. Alcoholic/Drug Intoxication: Appearing in public on the University premises while intoxicated or under the influence of alcohol or illicit drugs is strictly prohibited. This includes any disorderly conduct regardless of whether such conduct results in injury to person or property, as a result of intoxication shall be considered a violation.

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

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

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

activities includes University-owned or controlled property and students are responsible for the behavior of their guests, students may receive sanctions if they permit their guest to behave disorderly on campus.

The intentional obstruction, interruption, hindrance, or disruption of teaching, research, administration, ceremonies, disciplinary proceedings, or other tasks and activities; interfering with duties of a student, faculty/staff member or University official; withholding information vital to any investigation carried out by an authorized agent of the University; creating excessive noise which can be heard in other areas of the campus and which interferes with the normal operations of the University; creating excessive noise which interferes with another's campus demonstration which disrupts the normal operations of the University community; leading or inciting others to disrupt scheduled and/or ordinary activities within the University premises.

Section 4. Drugs: Section 4. Drugs (illegal) and/or Drug Paraphernalia: The consumption, sale, distribution, manufacturing, purchase, passing of, or being in the presence of or the vicinity of illegal drugs, narcotics, the accessory to, or aiding and abetting or any controlled substances, are strictly prohibited from all locations of the University, and beyond the premises according to all local state and federal laws. Illegal drugs also include all prescription drugs without a valid medical prescription.

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

the normal use of his/her mental and/or physical faculties is restricted.

Section 5. Gambling: A person commits the offense of gambling when he or she makes a bet upon partial or final result of any game or contest or upon the performance of any participant in such game, contest, etc.

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

Section 6. Identity Disclosure/Identification Cards: Failure to carry a valid University student identification card (when possession is in reason) while on the University property or failure to present it to an university Official, including residence hall staff, police officers, administration, and staff members upon request will not be tolerated. Fraudulently obtaining, transferring, selling, loaning, fabricating, manufacturing, falsifying, altering, misusing or attempting or intending to misuse one's ID card is prohibited. Presenting a false name or other identification, including false or invalid ID card, to a University official, while in the performance of their duties is prohibited.

Section 7. Indecent, Obscene, Immoral Behavior, and/or Profanity: Conduct which is disorderly, lewd, indecent and/or portrayed on the premises of the University or University sponsored or supervised activities will not be tolerated. Such acts include the use of obscene gestures, improper body exposures, being naked, stripping, wearing clothing with obscene language that offends, wearing abnormal clothing, vulgar language to or in the vicinity of other students, administrators, faculty, staff members, administrators or visitors of the University.

Section 8. Misuse of Electronic or Social Media: Engaging in inappropriate or irresponsible conduct using any ASU affiliated webpage, email, or social media resource is strictly prohibited. The use of social media sites (Facebook, MySpace, Instagram, Vine, Twitter, LinkedIn, YouTube, Flickr, Snap Chat, etc.) to harass, cause bodily and/or mental harm or used to violate the law is also prohibited. Students who are alleged to be in violation of misuse of electronic or social media sites will be subject to criminal or civil penalties, as well as university disciplinary actions. Some examples include but are not limited to the following:

- Derogatory language or demeaning statements about or threats to any third party;
- Inappropriate or incriminating images depicting hazing, sexual harassment or sexual

misconduct, vandalism, fighting, stalking, underage drinking, illegal drug use pornography or any other inappropriate behavior; or inappropriate language;

- Content that violates state or federal law;
- Partisan political activity other than campaigning for ASU Class Elections or SGA Elections or Royal Court Elections under the Student Handbook, Student Code of Conduct and officer election guidelines (SGA Constitution);
- Online gamble;
- Information or images that could be considered obscene or untrue;
- Content that harasses third parties;
- Selling goods or services for personal financial profit; or,
- Personal social relationships unrelated to ASU business.

Value III: Respect for: ACADEMIC INTEGRITY

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

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 Dishonest includes, but is not limited to cheating, plagiarism, and fabrication.

- **Definition of Cheating:** Cheating can be, but is not limited to, a student using electronic technology, notes, or other written materials not permitted by the instructor; looking at other students' papers without the instructor's permission; requesting answers from other students, alteration of grades or marks by the student in an effort to change the earned grade or credit; or working with other students when independent work is required. Situations where cheating may occur are during tests, exams, quizzes, or other similar methods of evaluation.

- **Definition of Plagiarism:** Plagiarism is the appropriation of language, thoughts, or ideas of another author and claiming that as one's own. Plagiarism is work not produced by the student, or work that does not credit borrowings from the original source(s). Plagiarism can also be viewed as submitting substantially the same work to satisfy requirements for one course or academic requirement that has been submitted in satisfaction of requirements for another course or academic requirement, without permission of the instructor of the course for which the work is being submitted or supervising authority for the academic requirement.
- **Definition of fabrication:** Fabrication is the falsification of data, information, or citations in any formal academic exercise. This includes making up citations to back up arguments or inventing quotations. Some other examples of fabrication would include making up data, changing data to support your hypothesis, claiming to have consulted sources that one really did not use.

Section 2. Forgery, Dishonesty, Fraudulent Acts and/or Misrepresentation: Forgery of names, signatures, documents (personal, public, and/or private) will not be tolerated. Forgery, deceptive acts, misrepresentation and/or dishonest acts include, but are not limited to materials, alteration, misuse of University documents, records, or student identification cards, or documents and records belonging to another, cheating, plagiarism, or other forms of academic dishonesty; tampering with the election of any University recognized student organization; malfeasance of misuse of elective or appointive office student organization, its members, or the welfare of the University community; representing one's self as a member of a fraternity or sorority through the use of letters, paraphernalia, gestures, etc. without being a nationally initiated member who is acknowledged as an official member by documents from the national organization, including a membership card and certificate/shingle; and fraudulently issuing worthless checks to the University. Lying, knowingly furnishing false information to the University or its officials, other forms of dishonesty in University-related affairs is also prohibited.

The scope includes but is not limited to the following: lying, fraudulently obtaining, altering, falsifying, transferring, loaning, selling or misusing or attempting intended misuse of ID card, validation sticker, or any University document or service, misuse of university computer systems, laboratories, equipment, or software in violation of university computer use policies; unauthorized access, distribution, alteration, or use of electronic materials including, but not

limited to, information, images, text, or software; recklessly or maliciously interfering with or damaging computer or network resources or computer data, files, or other information; engaging in or attempting to engage in a denial of service; failing to comply with laws, license agreements, and contracts governing network, software and hardware use; using University computing resources for unauthorized commercial purposes or personal gain; using any account or password without authorization; allowing or causing to be used an account number or password by any other person without authorization; accessing or causing to be accessed, downloading or causing to be downloaded, pornographic or obscene materials.

Value IV: Respect for: PROPERTY AND THE ENVIRONMENT

We value the rights and privileges of owning and using property, both personal and University, and the benefits of preservation and maintenance of property and of our natural resources. In our stewardship of property, we recognize the accountability of our actions to the future of the Albany State University community. Stealing and being in the possession of stolen or lost property, vandalism, setting a fire and arson, tampering with fire and safety equipment, possessing firearms or weapons on campus, possessing or using fireworks on campus and unauthorized entry are examples of behaviors which violate this value. See the complete list of violation types for this section as follows:

Section 1. Animals (Pets): Having pets or other animals (dogs, cats, snakes, birds, hamsters, etc.) are prohibited **with the exception of seeing-eye dogs, when accompanied by their owner,** and tropical fish in an aquarium or other approved containers in buildings, including student residences, classrooms, and offices, **except when needed in connection with a comfort therapeutic service, is prohibited.**

Section 2. Arson/Fire Setting: The malicious fraudulent, and/or intentional burning of property on the University premises. Such acts include, but are not limited to, creating fires, setting a personal fire, open flames, and/or igniting flammable materials.

Section 3. Damage to Property/Destruction of Property/Vandalism/Criminal Trespass: Damage, vandalism or destruction of property owned or leased by the University or personal property belonging to an individual. This includes, but not limited to, car vandalism, walking on roofs of a university building, defacing structures, and facilities, littering, unauthorized biking, skating and/or skate boarding in inappropriate areas, marking, egging, keying, painting, spraying, the painting of authority.

A person commits the offense of criminal trespass when he or she intentionally damages any property of another without consent of that other person and the damage thereto is \$500.00 or less or knowingly and maliciously interferes with the possession or use of the property of another person without consent of that person.

In addition, it is a violation of university policy to damage university property such as light fixtures, ceiling fans, walls, and pictures are prohibited. A violation of this policy includes, but is not limited to:

- Damages to your assigned space or unit in the residence halls (i.e. ceilings, floors, carpets, walls, door/door frame, etc.);
- Broken or damaged furnishings;
- Damages to the kitchen/living area of residence halls; or,
- Damages to other university (i.e. university vehicles, landscaping, golf carts, etc.

Section 4. Firearms and/or Weapons on School Safety Zones, School Buildings or Grounds or at School Functions: The use, possession (whether open or concealed), consumption, or displays of weapons, firearms, or explosives are strictly prohibited on the premises of the University. Weapons include but are not limited to the following: pistols, rifles, shot guns, ammunition, handguns, air guns, BB guns, bowie knives, daggers, switchblade knives, butcher knives, ballistic knife and any other knife having a blade of two or more inches, straightedge razor, razor blade, spring stick, knuckles, whether made from metal, brass, 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 weapon of like kind, and any stun gun or taser. Other weapons may include but are not limited any object(s) perceived or used to intentionally cause harm to another, explosives (including dangerous chemicals), water guns, play guns, plastic guns, paint guns, box cutters, pepper spray, firecrackers and fireworks. The possession or use of items that resemble guns, knives, or other weapons are also strictly prohibited. When classroom assignments require the use of such items, prior written approval must be obtained from the Professor, the Vice President for Student Affairs & Success and ASU Police and/or the University President.

School safety zones means in, on, within 1,000 feet of any real property owned by or leased to any public or private elementary school, secondary school, or school board and used for elementary or secondary education and in, on or within 1,000 feet of the campus of any public or technical school, vocational school, college, university, or institution of postsecondary education.

Section 5. Possessing/Using Fireworks and/or Explosives on Campus: Possession or use of fireworks and explosive devices on campus (of any kind) is prohibited. This includes but is not limited to manufacturing of the materials used to make devices.

Section 6. Tampering and/or Destroying of Safety Devices /Safety Procedures: Tampering with safety equipment is a serious violation of the Student Code of Conduct. Turning in a false fire or bomb alert, by any means including a telephone call, via electronic media or by a warning device, theft, removal of, or tampering with fire extinguishing or safety equipment, exit signs, smoke alarms and detectors, fire hoses, sprinkler systems, hoses, fire mischief, or violation of University guidelines regarding fire safety, or standard safety (e.g., failure to follow evacuation procedures or obstructing the evacuation of a building during a fire, fire drill, or any other type of emergency) is strictly prohibited.

In addition, it is a violation of university policy to tamper with fire equipment, such as fire alarms, fire extinguishers, sprinkler systems, exit signs, and smoke detectors and prohibited.

Violations of this policy include, but are not limited to:

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

Section 7. Theft/Misappropriation: Theft or attempted theft of the property or services of the University, any organization, or any individual by means of taking, selling, deceiving, misappropriating, or misusing, as well as receiving and or possessing such stolen property is a violation of the Code. Theft is defined as the wrongful taking of, or the attempt to take, money or property without the consent of the owner. Examples may include but is not limited to the theft of credit or debit cards, social security cards, driver's license, university I.D., keys, etc. Theft may also include stealing from another person, agency, institution, or the University; the taking of property belonging to another, with the intent of converting the property on one's

personal use; the unauthorized use of another's credit or debit card; and failure to return another's personal property upon request or within a reasonable period of time.

Misappropriation is the taking of property belonging to another by mistake and/or without the owner's permission. This includes unauthorized moving or relocation of University furniture to one's own room or to some other area, illegal and/or unauthorized possession or sale of any property without the proper authorization, and property, which has been reported lost or stolen.

Section 8. Trespassing: Unauthorized presence on, in or within any building or property owned or operated by the University (including residence halls), or the unauthorized entry into or remaining in a facility, or in a private room or office under the control of another, after having been asked to leave.

Section 9. Unauthorized Entry or use of University Facilities: Unauthorized use of equipment, occupancy of, or unauthorized entry into or exiting from University facilities is prohibited. Unauthorized entry/exiting includes the entering and/or occupying and improper exiting of University facilities, by its entry or exiting into and from residence halls, without proper permission into living quarter or other building and/or structure or University premises, or the aiding and assisting of such is prohibited.

Section 10. Burglary: The felony of breaking into and entering a building or property owned or operated by the University (including residence halls) as a trespasser with the intent of committing a crime. A person commits the offense of burglary in the first degree when, without authority and with the intent to commit a felony or theft therein, he or she enters or remains within an occupied, unoccupied, or vacant dwelling house of another or any building, vehicle, railroad car, watercraft, aircraft, or other such structure designed for use as the dwelling of another. A person who commits the offense of burglary in the first degree shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 20 years. Upon the second conviction for burglary in the first degree, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than two nor more than 20 years. Upon the third and all subsequent convictions for burglary in the first degree, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than five nor more than 25 years.

Value V: Respect for: COMMUNITY AUTHORITY

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

Section 1. Aiding and/or Inciting: Aiding, abetting, persuading, and/or procuring another person or persons to commit any act of misconduct in the University community or environment; the persuading or aiding of another person to breach the peace on University premises or at functions sponsored, approved by, or participated in by any member of the University. Gathering or groups of students on or off of the premises in such a manner, which causes damage to public or private property, causes injury to persons, or interferes with orderly functioning of the University or with the normal flow of traffic or ordinary procedures.

Section 2. Visitation/Curfews and/or Cohabitation in Residence Halls: While the University does not generally impose a curfew on residential students, all residence halls close at midnight (or at other times as announced), and all visitors are required to be out of the residence halls by closing time and off the campus by midnight, except for approved events. In emergency situations, the University may impose a residence hall and/or campus curfew to safeguard persons and property. Note that this is not restricted to hotels or motels.

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

In addition, any person living in or occupying space to which the person is not assigned or for all practical purposes dwelling within a room or facility without being a contract resident assigned to the space in question. The number of days in a particular room/apartment or residence will not be the sole issue, but also the person's presence on a regular or continued basis without a formal contract or assignment. Evidence of cohabitation may include, but not be limited to, presence of belongings not natural to a non-overnight/temporary visit, canvass of residential neighbors, etc. Any resident who is identified as allowing co-habitation within their assigned space will be charged additional rent up to a semester charge. All students within the respective space will be responsible for an equal portion of this charge, unless the violation was reported via residents of the assigned space.

Section 3. *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 4. *Distribution of Printed Materials:* Distribution of printed material that are libelous, derogatory, scurrilous, sexually explicit, pornographic, or that encourages violations of public laws or University regulations is prohibited. Using University resources to illegally distribute copyrighted material is also prohibited.

Section 5. *Failure to Comply:* Failure to comply with the directions of University officials (including Resident Assistants) acting in the performance of their duties; Failure to promptly identify oneself to University officials when requested; failure to comply with disciplinary sanctions. This includes direct disobedience of a lawful order of a University official, as well as failure to evacuate a building during a fire alarm, drill or when otherwise so ordered by a University official, fire department staff or law official.

Section 6. *Guest Behavior:* Students are responsible for the behavior of their guests whom they invite to the campus or permit to visit on the campus. If a guest is found to be in violation of the Code of Conduct while in the company of the student host or with the student host's knowledge, applicable charges will be brought against the guest, as well as against the student host or the host student organization.

Section 7. *Health and Safety Violations:* This means any behavior which creates a risk or

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

Section 8. Motor Vehicle, Traffic, Parking Violations: Violations of properly constituted rules and regulations governing the use of motor vehicles (automobiles, motorcycles, etc.) on University-owned or controlled property or at University sponsored or supervised activities. This also includes driving and parking on grass and sidewalks. Failure to obey traffic and parking regulations is punishable by the University Public Safety department and/or the Office of the Vice President for Student Affairs. This includes, but is not limited to, operating or attempting to operate a motor vehicle on campus while under the influence of alcohol or illicit drugs, wreck-less driving, and parking in improper zones; 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 9. Nuisance with Noise: Talking, yelling, singing, car music, playing a musical instrument, CD player, electronic device, and other noise makers that are loud enough to disturb members of the University community.

Section 10. Repeat Violations: Repeated violations of published rules and regulations of the University, which cumulatively indicate an unwillingness or inability to conform to the standards of the University for student life, are prohibited.

Section 11. Solicitation: Unauthorized selling, collection of monies, and promotion on campus or within University buildings is not permitted without permission of the Vice President for Fiscal Affairs, Director for Housing & Residence Life, Director for Student Life & Activities or the Vice President for Student Affairs & Success or his designee. Students may not act as agents for promotion companies or business firms which entail solicitation for parties or other unauthorized events or the receiving of business offers or goods on University property. Also, students may not solicit on behalf of the University without permission from the Vice President for Student Affairs & Success. Use of any residence hall room, building, grounds, or parking lot for business purposes of any kind, (i.e. the selling of food, tickets, clothing, jewelry, hair, eye

lashes, merchandise, favors, etc.) whatsoever is prohibited.

Section 12. Unlawful Conduct: Conduct deemed unlawful by the criminal statutes of the State of Georgia or the United State of America and/or conduct that endangers or threatens the security of the University community.

Value 13. Smoking in Residence Halls: Smoking in residence halls is a violation of the Student Code of Conduct. Smoking will be defined as the inhalation of the smoke or vapors by means of, but not limited to, burning tobacco encased in cigarettes, pipes, cigars, drugs and/or drug paraphernalia, hookahs, electronic cigarettes/vaporizers.

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.

Possible Sanctions:

The severity of sanctions or corrective actions will depend on the frequency, severity, and/or nature of the offense, history of past conduct, the offender's willingness to accept responsibility, previous University response to similar conduct, and the University's interests. The student conduct panel will determine sanctions and the conduct officer will issue notice of the same, as outlined in part (e) above. The broad range of sanctions include the following types:

Warning

- **Admonishment/Disciplinary Warning:** A warning to the student to deter from any disciplinary matters with no additional sanctions given until the student violates the University's rules and regulations or Student Code of Conduct. Admonishment may be given in writing.
- **Disciplinary Probation** – A specified amount of time involving restrictions, after which University authorities will determine if the student's behavior has improved. Conditions of probation may include attendance at educational activities designed to redirected negative behavior. During the probationary period, the student may receive more severe disciplinary sanctions, which may involve suspension; if he/she is involved in the violations of any type of the Student Code of Conduct and/or breaking of any laws. Disciplinary probation may be for a fixed period of time or de indefinite.

Educational

- **Campus Volunteering and/or Community Service:** Services provided by the student due to violations of the Student Code of Conduct, to a specified area or department of the University without pay, for a specific amount of hours as required.
- **Counseling:** In some instances, this requirement may be imposed when a student is found guilty of engaging in disruptive or uncivil behaviors. In such case, the student may be required to provide evidence to the Judicial Officer of attendance and completion of counseling by professional counseling services.
- **Educational Program/Workshop Participation:** students may be required to present or assist in developing, coordinating, and evaluating special workshops or programs related to the nature of the offense, which the student has committed. Students may also be required to participate in special workshops or programs to enhance their own knowledge and understanding of a particular topic related to the offense committed. Required participation in sensitivity training and/or alcohol and other drug awareness education programs (e.g., Dating Violence Workshop, eCheck TOGO for Drugs and/or Alcohol, TIPS Alcohol Prevention Certification Class including Assessment Fee per program). Additional academic requirements relating to scholarly work or research could also be assigned (e.g., research paper over infraction type).

Financial

- **Assessment Fee** [\$100.00] for drugs and/or alcohol prevention program
- **Fine** [\$50.00 - \$500.00] – A mandatory payment of money by the student made payable to the University for violations of the Student Code of Conduct.

Loss of University Privileges

- **Delays in obtaining administrative services and benefits from the University** (e.g., holding transcripts, delaying registration, graduation, diplomas)
- **Judicial Record Hold:** If a student is accused of a violation of the Student Code of Conduct or if a student fails to complete the conditions of a judicial sanction, a judicial record may be placed on a student's Banner account. With this hold in place, it will prevent the student from conducting University business.
- **Loss of University Privileges and/or Restricted Access:** A student who received this sanction shall be notified in writing as to the privileges, which he/she has lost. The

privileges may consist of removal from residence halls. This written notification shall indicate the time period for which the student has lost certain access, activities or privileges. In addition, as a result of a violation of the student code of conduct, a student may also be required to cease and desist privileges in extracurricular activities such as band, dance, cheerleading, Greek life, sport events, etc. The aforementioned list includes but is not limited to said activities.

- **Loss of Student Office/Leadership Position:** Students in elected/appointed positions may lose the position as a result of a violation of the Student Code of Conduct for a specified amount time (minimal one semester).
- **Temporary or permanent separation of parties** (e.g., change in classes, reassignment of residence, no contact orders, limiting geography where parties can go on campus) with additional sanctions or violating orders.

Dismissal

- **Expulsion:** shall be deprived of his/her opportunity to reenter the University. The student is permanently separated from the University.
- **Financial Restitution:** Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- **Suspension** for an identified time frame or until satisfaction of certain conditions or both. Students suspended are restricted from the campus, classes, grounds, any activity or buildings of Albany State University until your suspension ends. Non-compliance will lead in a trespassing violation. Students may be recommended for suspension from the university for up to three (3) academic years. Moreover, recommendations exceeding this time frame may lead to expulsion from the university.

Disciplinary Terms:

- **Business Day** – A day of normal business operation as designated by the University.
- **Community:** Students, faculty and staff, as well as contractors, vendors, visitors, and guests.
- **Complainant:** An individual lodging a complaint. The complainant may not always be the alleged victim.
- **Consent:** Words or actions that show a knowing and voluntary willingness to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, intimidation or

coercion, by ignoring or acting in spite of objections of another, or by taking advantage of the incapacitation of another, where the respondent knows or reasonably should have known of such incapacitation. 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. Minors under the age of 16 cannot legally consent under Georgia law.

- **Consolidated Proceedings**– Means a hearing in which two or more students or organizations are charged with violating one or more University conduct regulations arising from the same set of circumstances or events.
- **FERPA**– the Family Educational Rights and Privacy Act, a federal law that protects the privacy of student educational records. The law applies to all school that receive funds under an applicable program of the U.S. Department of Education
- **Hearing body** – Any person or persons who have been authorized by the University to determine whether a student has violated the Code and to recommend sanctions that may be imposed with a Code violation has been committed.
- **Incapacitation:** The physical and/or mental inability to make informed, rational judgments, and can result from mental disability, sleep, involuntary physical restraint, 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.
- **In-violation**– The charged student has been found in-violation or accepted Responsibility for violating provision(s) of the Code.
- **Preponderance of Evidence Standard** – The information presented supports the finding that it is more likely than not that the violation occurred.
- **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. Further, Privileged Employees must still submit anonymous statistical information for Clery Act purposes.

- **Mediation** – The process in which all parties voluntarily agree to meet with an impartial mediator to communicate their concerns and needs to each other and to reach their own agreement on the resolution of the case. The participants are responsible for keeping their agreement or renegotiating if necessary. In the event the participants do not agree to mediate or mediate but do not reach a full and final resolution, the case will be referred back for disciplinary action. Breach of a mediated agreement may result in a follow up mediation session or the matter may be referred back through the conduct process.
- **Mediator** – Any neutral member of the University community who has been trained in conflict resolution to assist parties in reaching a mutual agreement to resolve their differences. The Mediator shall not have personal connections with either party or have prior knowledge of the disagreement.
- **Respondent:** Individual who is accused 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 Title IX Coordinator. Responsible Employees include any administrator, supervisor, faculty member, or other person in a position of authority who is not a 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, etc.). Responsible Employees are not required to report information disclosed at public awareness events (e.g., “Take Back the Night,” candlelight vigils, protests, “survivor speak-outs” or other public forums in which students may disclose incidents of prohibited conduct).
- **Sanction** – A penalty imposed upon a student after the student has admitted that he/she is Responsible or has been determined Responsible by the University Judicial Officer or a hearing body for violating a provision(s) of the Code.
- **Student** – Any person admitted, enrolled, or registered for study at the University. This includes persons not officially registered or enrolled for a particular term but who are eligible to enroll or are associated with the University because he/she has not completed a course or program. The term “student” will also refer to student clubs and organizations.
- **Value** – A principle or quality.

Pre-Hearing Conference and Formal Hearing Proceedings:

The investigative report of the alleged violation(s) shall be made in writing to the University Judicial Officer (UJO) or his/her designee. The UJO or designee shall hold a pre-hearing conference with the offender or he/she will refer the case to the appropriate disciplinary committee. The UJO shall set the date, time and location for formal hearing proceedings and shall notify committee members, respondent and alleged victim (where applicable), and any witnesses deemed necessary by the University to testify at the hearing.

Pre-Hearing Conference (PHC): The UJO or designee shall issue a notice of charges to the accused student. The notice shall contain at minimum:

- Date of incident;
- Alleged violations;
- Copy of the investigative report and evidence to be used in support of the alleged violation(s);
- Date, time and location for pre-hearing conference;

The notice will request for the respondent to meet with the UJO or designee. Or, the UJO may choose to by-pass this step and forward a case for formal hearing proceedings at his/her discretion. The respondent shall be notified of the PHC via student email account and/or by U.S. mail when applicable to the mailing address located in Banner at least three (3) business days prior to the PHC date. It is the student's responsibility to make sure that his/her local and home address are updated in Banner. (Failure of the student to have a valid email or mailing address on file with the University shall not invalidate the notice).

At the PHC the student offender will be given the opportunity to accept responsibility for the violation(s), waive his/her rights to all formal hearing and appeal proceedings and accept a disciplinary sanction or the student can request formal hearing proceedings. A non-response to the PHC notice will be deemed a denial to the charges. A formal hearing will automatically be scheduled for the respondent.

Formal Hearing Proceedings

The University Judicial Officer (UJO) or designee shall, at least five (5) business days in advance of the hearing, notify the respondent and alleged victim (where applicable) in writing via student email and/or by U.S. mail when applicable to the mailing address located in Banner. (Failure of student to have a valid email or mailing address on file with the institution shall not

invalidate the notice). The notice of the charges shall contain the minimum:

- a. The date, time and location of the hearing;
- b. A copy of the investigative report;
- c. A statement of the specific charges; and,
- d. Any witness that the University may call to testify at the hearing;

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

Request for continuance must be made by the student in writing and received by the University Judicial Officer at least three (3) business days prior to the scheduled hearing. The University Judicial Officer may reschedule the hearing if the request is timely and for good cause (**i.e. incarceration, death in family, hospitalization, deployment, etc.**). **Note that approval for rescheduling hearing proceedings is at the discretion of the University. Documentation will need to be presented to and verified by the University Judicial Officer before the continuance is granted.**

Deliberations are conducted in executive session with a hearing panel only. The decision reached after deliberations shall be made by majority vote. A quorum shall consist of three members, two faculty and/or staff members and one student. One of the two faculty and/or staff members shall serve as the Chairperson who votes only in case of a tie. A written summary, recommendations and audio tape shall be forwarded to the University Judicial Officer or designee, as deemed appropriate, who shall communicate the findings in writing to the respondent and alleged victim (where applicable). The notice of the findings will notify the student of their right to appeal.

While an appeal is pending, any action assessed by the hearing body shall be suspended, pending the outcome applicable appeals to the President of the University (see exceptions below)¹.

¹ Exceptions to this would be made when the student's presence would create a clear and present danger to others, self, or a material interference with the normal operation and processes or the requirements of appropriate discipline at the University. In such cases, the Office of the Vice President for Student Affairs & Success or designee may impose temporary protective measures, including interim suspension pending a hearing, which may be reasonably necessary. It is understood that such temporary protective measures, if applied, will be without avoidable prejudice to the student. (Clear and present danger is anything that interrupts the normal operations of the University community. This can include but is not

Rules of Procedure in Formal Hearings:

1. In cases involving more than one student, the University Judicial Officer or designee may consolidate the cases for the 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 student's behalf. In addition, students who would like to have an advisor/attorney present will need to notify the University Judicial Officer of the person's name and contact information at least three (3) business days in prior to the scheduled hearing. This prior notification will provide the opportunity for the University Judicial Officer to request the University Legal Counsel's presence at the hearing.
3. Rules of common courtesy and decency shall be observed. Willful disrespect, to include, but not limited to use of profanity, threatening behavior, derogatory remarks, and/or gestures will not be tolerated.
4. Any person may be dismissed from the hearing that interferes with or obstructs the hearing or who fails to abide by the rulings of the chairperson.
5. The questioning of any person appearing before the hearing panel shall not be in a badgering, unduly repetitious, or irrelevant manner. It shall be at the discretion of the chairperson to curtail a participant's further opportunity for questioning if such behavior occurs.
6. The chairperson shall have the right to call additional witnesses, require the presentation of additional evidence, and/or require additional investigation.
7. An audio taped record of the hearing shall be maintained and filed with the University Judicial Officer. The recording of the hearing shall be maintained for seven (7) years. In cases of expulsion, the record will be retained permanently.
8. The panel has ten (10) business days to render a decision and all hearings will be closed.
9. Board of Regent's appeal is discretionary.
10. ***Due Process*** shall be afforded the offender and complainant at formal hearings and the both shall be entitled :
 - a. To be present at the hearing and hear all testimony presented.

limited to: Drugs, Alcohol, Weapons, Sexual Misconduct, Hazing and Gang Related Activities.

- b. To examine prior to the hearing, evidence to be presented.
 - c. To have an advisor of his/her choice.
 - d. To question witnesses in accordance with the rules.
 - e. To remain silent and have no interference of guilt drawn from such silence.
 - f. To appeal if the committee imposes suspension or expulsion.
 - g. To attend classes and required college functions until a hearing is held and a decision is rendered.
11. An audio recording of the proceedings shall be kept and made available at the student's request for the sole purpose of appeal from a decision of suspension or expulsion.

Title IX Adjudication Procedure

All Title IX alleged violations will be addressed by the university's Title IX Coordinator's Office. See board policy 4.1.7 Sexual Misconduct Policy for complete procedures.

Student Conduct Panels: In establishing a responsible community, it is imperative that students, faculty and staff assist in the enforcement of university regulations. Albany State University community members are accountable to both civil authorities and to the University for acts, which constitute violations of the law and the community. The University refer matters to federal and/or state authorities for prosecution when appropriate. Students accused of violating the value standards of conduct of this code or the zero tolerance policy shall be given prompt written notice of the allegations, and shall be entitled to an informal hearing before a student judicial body or person. There are three (3) committees:

a. Non-Academic Violations

University Disciplinary Committee (UDC): Charged with hearing alleged violations of the Student Code of Conduct referred by the Vice President for Student Affairs & Success (VPSAS) or the University Judicial Officer. The Disciplinary Committee of the University shall consist of thirty (30) members that are full-time faculty and/or staff appointed by the Faculty Senate and Staff Counsel. Fifteen (15) additional members shall be regularly enrolled full-time students recommended by the University Judicial Officer, in collaboration with Student Government Association. Only five (5), two students, two faculty/staff and one faculty/staff chairperson will be needed per hearing. The President or the VPSAS shall appoint each year, several faculty or staff members to act as Chairpersons of the Disciplinary

Committee. The Disciplinary Committee shall hear cases involving alleged violations of the Student Code of Conduct. An audio taped record of the proceedings will be made.

Housing Review Board (HRB): Charged with hearing alleged violations of Residence Hall policies, rules and regulations, by residents and/or their guests. Incident reports are submitted to the Director of Housing and Residence or his/her designee for review. The HRB of the University shall consist of five (5) members of whom two shall be members of the Residence Life staff or two staff members from the Disciplinary Committee and two shall be regularly enrolled full time students from the Disciplinary Committee or two student Resident Assistants and one (1) Chairperson appointed by the Director of Housing and Residence Life or by the VPSA. The Director of Housing and Residence Life shall appoint a Hall Manager to act as Chairperson of the Housing Review Board. The Chairperson of the University Disciplinary Committee may also serve as the Chair of the Housing Review Board. If a violation of the code is established, punishment imposed by the board may include but is not limited to relocation, restitution, fines, residence hall probation, suspension or dismissal from the Residence Hall. The HRB shall provide a brief written summary and tape of each Case, along with written recommendations to the Director of Housing and Residence Life. The Office of Student Life & Activities must also receive a copy of all paperwork for record purposes.

b. Academic Violations

Academic Review Committee (ARC) - Charged with hearing alleged violations of the Academic Integrity Value, including but not limited to plagiarism, cheating, misrepresentation and/or fabrication of one's work and all other forms of academic dishonesty shall be referred to the ARC by the Provost & Vice President of Academic Affairs or Vice Presidents for Student Affairs & Success (if deemed appropriate). Cases involving academic dishonesty may initially be heard by bodies of established by the University, or the faculty member who may offer the student a grade sanction. The Academic Review Committee of the University shall consist of fifteen (15) members full-time faculty members recommended by the Faculty Senate. Fifteen (15) additional members shall be regularly enrolled full-time students recommended by the University Judicial Officer, in collaboration with Student Government Association. Only five (5), two students, faculty and one faculty chairperson will be needed per hearing. The President or his/or designee shall appoint, each

year, a faculty member to act as Chairperson of the Academic Review Committee. An audio tape record of the proceedings will be made.

Appeals

Where the sanction imposed includes a suspension or expulsion (even for one held in abeyance), the following appellate procedures must be provided to the respondent. The alleged offender shall have the right to appeal the outcome on any of the following grounds: (1) to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing; (2) to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by bias; or (3) to allege that the finding was inconsistent with the weight of the information. Appeals may be made by the alleged offender for the above reasons in any case where sanctions are issued – even those in which such sanctions are held “in abeyance,” such as probationary suspension or expulsion.

The appeal must be made in writing, and must set forth one or more of the bases outlined above, and must be submitted within five (5) business days of the date of the final written decision.

The appeal should be made to the Vice President for Student Affairs or his/her designee. The appeal shall be a review of the record only, and no new meeting with the respondent or any alleged victim will be held. The Vice President, or his/her designee, may affirm the original finding and sanction; affirm the original finding but issue a new sanction 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/her designee shall then issue a decision in writing to both the respondent within a reasonable time period.

The decision of the Vice President or his/her designee may be appealed in writing within five (5) business days (as determined by the date of the decision letter) to the President of the institution solely on the four grounds set forth above.

The President may affirm the original finding and sanction; affirm the original finding but issue a new sanction of greater or lesser severity, remand the case back to the decision maker to correct a procedural or factual defect; or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The President's decision shall be issued in writing to both the respondent within a reasonable time period. The President's decision shall be the final decision of the institution.

Should the respondent wish to appeal the President's decision, he or she may appeal to the Board of Regents in accordance with the Board of Regents Policy 8.6.

Recusal/Challenge for Bias

Any party may challenge the participation of any institution official, employee or student panel member in the process on the grounds of personal bias by submitting a written statement to the Vice President of Student Affairs or his/her designee setting forth the basis for the challenge. The designee may not be the same individual responsible for investigating or adjudicating the conduct allegation. The written challenge should be submitted within a reasonable time after the individual reasonably should have known of the existence of the bias. The Vice President for Student Affairs will determine whether to sustain or deny the challenge, and if sustained, the replacement to be appointed.

Board of Regents Disciplinary Reporting System

Other than suspension or expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. In addition, all students who are suspended or expelled from the University will have their name reported in the Board of Regents University System of Georgia Students Disciplinary Reporting System.

Withdrawal Policy for Student Misconduct (Suspension or Expulsion)

In the case of suspension or expulsion, a student will receive a "W" for each course in which he or she is enrolled. However, a student will receive a "WF" for course withdrawals identified after the 16 hour limit regardless of the time of the infraction. A student will also forfeit the right to a refund of any fees (i.e. tuition, mandatory fees, housing, etc.). This also includes any zero tolerance infractions.

A student may not voluntarily withdraw from the university without penalty if a decision of suspension or expulsion is rendered against the student. In addition, all students who are

suspended or expelled from the university will have their name reported in the **BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA STUDENT DISCIPLINARY ACTIONS REPORTING SYSTEM.**

The University may, in its sole discretion, place a hold on the student's academic records at the time of the incident, which will affect access to transcripts, re-entry to the university and other educational records until the disciplinary process is complete.

Financial aid is not guaranteed for students who are involved in disciplinary proceedings.

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

Campus Resources

Office	Phone Number
Academic Advisement and Retention Center	(229) 430-3976
Career Services	(229) 430-4654
Counseling and Student Disability Services	(229) 903-3610
First & Second Year Experience	(229) 420-1639
Information Technology (Help Desk)	(229) 430-4909
Judicial Affairs	(229) 420-7030
Police Department	(229) 430-4711
Student Activities	(229) 903-3606
Student Affairs & Success	(229) 903-3607
Student Health Services	(229) 430-4766
Title IX Office	(229) 430-0578

NOTES