



# **2019 - 2020**

## **Student Code of Conduct**

**Albany    Cairo    Cordele    Waycross**

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## **CHAPTER ONE**

### **I. Office of Student Conduct Mission**

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

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

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

## CHAPTER TWO

### II. Albany State University Guiding Principles

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1. **Aspire to Excellence**

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

2. **Embrace Diversity**

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

3. **Expand Access to Higher Education**

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

4. **Elevate Historically Underserved Populations**

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

5. **Promote Economic Development**

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

## **CHAPTER THREE**

### **III. Student Conduct Authority**

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

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

#### **A. JURISDICTION**

Any individual defined as a Student under this Code of Conduct falls under the jurisdiction of this Code of Conduct. For incidents that happen on campus or online, processes outlined in this Code will be followed. For incidents occurring off campus, the Vice President for Student Affairs and Dean of Students or designee will determine if the interests of the University are affected and hence the incident falls under the scope of this Student Code of Conduct. A Respondent may not withdraw from the University in order to avoid Student Conduct processes.

#### **B. STANDARD OF PROOF**

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

## CHAPTER FOUR

### IV. Students' Rights and Responsibilities

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#### A. STUDENT RIGHTS

Any Student, Student Group and/or Student Organization accused of a violation has been charged with a violation and thus alleged to be involved in misconduct or inappropriate behavior will be granted the following in order to assure fundamental fairness in the student conduct process:

1. **Notice of Charges** – to be informed in written or electronic notification of the specific violation and inappropriate behavior in which the student or organization is suspected of involvement.
2. **Know the Procedures** – Will be provided a copy of the student judicial process when charged.
3. **Hearing** – To have an opportunity to be heard in person before a decision is made.
4. **Remain Silent** – To remain silent and have no interference of guilt drawn from such silence.
5. **Advisor** – To be accompanied at a hearing by an advisor of their choice and up to two family members.
6. **Evidence** – The right to review available evidence in the case. To know the nature of the evidence and to be able to provide questions to be asked of witnesses.
7. **Witness** – To be able to offer a defense by having material and/or character witnesses speak on his/her behalf. The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
8. **Written Decision** – To receive a written notice of the decision and sanctions, including rationale for decision.
9. **Appeal** – To appeal a decision resulting from a formal hearing.
10. **Attend Classes** - Students also have the right to attend classes and required University functions until a hearing is held and decision is rendered except as stipulated below:

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

#### B. STUDENT RESPONSIBILITIES

Students have the responsibility to:

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



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

### **C. ROLE OF THE ADVISOR**

The respondent and alleged victim (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be an attorney) of his or her choosing, and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The advisor may advise his or her advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions posed to the advisee, but shall not participate directly during the investigation or hearing process. The University will not prohibit family members of a party from attending the hearing if the party requests such attendance, but may limit each participant to having two (2) family members present.

### **D. RECUSAL/CHALLENGE FOR BIAS**

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

## CHAPTER FIVE

### V. Definition of Terms

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1. The term “*Allegation*” refers to the possible violations of the Student Code of Conduct. Allegations are to be investigated and may or may not result in a charge.
2. The term “*Business Day(s)*” refers to any day when the University is open for business.
3. The term “*Charge*” refers to a violation of the Student Code of Conduct.
4. The term “*Chief Conduct Officer*” refers to the Associate Dean of Students for Student Support and Director for Student Conduct, or designee, responsible for the oversight and administration of Student Conduct.
5. The term “*Confidential Employee*” refers to University employees who have been designated by the University’s Title IX Coordinator to talk with an alleged victim in confidence. Confidential Employees must only report that the incident occurred and provide date, time, location, and name of alleged Respondent (if known) without revealing any information that would personally identify the alleged victim. This minimal reporting must be submitted in compliance with Title IX and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety.
6. The term “*Code*” means the Student Code of Conduct.
7. The term “*Community*” refers to Students, Faculty, Staff, as well as contractors, vendors, visitors, and Guests.
8. The term “*Complainant*” refers to any person who has filed a report with the Office of Student Conduct or the Equal Opportunity and Title IX Office of an alleged violation of this Code. The Complainant may not always be the alleged victim.
9. The term “*Consent*” refers to words or actions that show a knowing and voluntary willingness to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, intimidation or coercion; by ignoring or acting in spite of objections of another; or by taking advantage of the incapacitation of another where the Respondent knows or reasonably should have known of such incapacitation. Minors under the age of 16 cannot legally consent under Georgia law. Consent is also, absent when the activity in question exceeds the scope of consent previously given. Past consent does not imply present or future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time by either party by using clear words or actions.
10. The term “*Dating Violence*” refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

11. The term "*Domestic Violence*" refers to violence committed by a current or former spouse or intimate partner of the alleged victim; by a person with whom the alleged victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the alleged victim.
12. The term "*Faculty Member or Faculty*" refers to any person employed by Albany State University to provide instruction or classroom activities.
13. The term "*Formal Resolution*" refers to when a Student is charged with a violation of the Student Code of Conduct and the case is resolved by a Hearing Officer or the University Student Conduct Board. As part of this resolution, the Student maintains their right to appeal.
14. The term "*Guest*" refers to any non-student, non-faculty, or non-staff of the University; or non-residents of a specific residence hall unit (e.g. residence hall, apartment, or suite).
15. The term "*Hearing Officer*" refers to any person designated by the Director for Student Conduct or designee to investigate, adjudicate or otherwise resolve any cases of alleged student misconduct.
16. The term "*Incapacitation*" refers to the physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep, involuntary physical restraint, status as a minor under the age of 16, or from intentional or unintentional taking of alcohol and/or other drugs. Whether someone is incapacitated is to be judged from the perspective of an objectively reasonable person.
17. The term "*Informal Resolution*" refers to when a Student is charged with a violation of the Student Code of Conduct and the case is resolved by accepting the outcome. By accepting the outcome, the Student waives their right to a formal hearing and waives their right to an appeal.
18. The term "*Major Violation*" refers to any violation or accumulation of violations, which is likely to result in Status Two, Status Three, Status Four, or any removal from University Housing.
19. The term "*Minor Violation*" refers to any violation that is not likely to result in de Status Two, Status Three, Status Four, or any removal from University Housing.
20. The term "*Nonconsensual Sexual Contact*" refers to any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to touching (or penetrating) of a person's intimate parts (such as genitalia, groin, breasts, or buttocks); touching (or penetrating) a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts.
21. The term "*Policy*" refers to the written regulations of the University as found in, but not limited to, the Student Code of Conduct, University Housing Regulations, and Graduate/Undergraduate Catalogs, and all official publications of the University, whether in print or published on the Internet.

22. The term “*Privileged Employees*” refer to individuals employed by the University 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.
23. The term “*Receipt*” refers to the date correspondence is sent to student Albany State email from the Office of Student Conduct.
24. The term “*Residence Hall*” refers to any residential space or ground managed by University Housing.
25. The term “*Respondent*” refers to any student charged with an alleged violation of the Student Code of Conduct.
26. The term “*Responsible Employee*” refers to 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 Confidential Employee or Privileged Employee. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this Policy (e.g. teaching assistants, resident advisors, student managers, and orientation leaders).
27. The term “*Sexual Exploitation*” refers to taking non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. Examples of Sexual Exploitation may include, but are not limited to, the following:
1. Invasion of sexual privacy;
  2. Prostituting another individual;
  3. Non-consensual photos, video, or audio of sexual activity;
  4. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity was consensual;
  5. Intentional observation of non-consenting individuals who are partially undressed, naked, or engaged in sexual acts;
  6. Knowingly transmitting an STD or HIV to another individual through sexual activity;
  7. Intentionally and inappropriately exposing one’s breasts, buttocks, groin, or genitals in nonconsensual circumstances; and/or
  8. Sexually-based bullying.
28. The term “*Sexual Harassment*” refers to unwelcome verbal, nonverbal, or physical conduct, based on sex or on gender stereotypes, that is implicitly or explicitly a term or condition of employment or status in a course, program, or activity; is a basis for employment or educational decisions; or is sufficiently severe, persistent, or pervasive

to interfere with one's work or educational performance creating an intimidating, hostile, or offensive work or learning environment, or interfering with or limiting one's ability to participate in or to benefit from an institutional program or activity.

29. The term "*Sexual Misconduct*" includes, but is not limited to, such unwanted behavior as Dating Violence, Domestic Violence, nonconsensual sexual contact, Sexual Exploitation, Sexual Harassment and Stalking.
30. The term "*Stalking*" refers to engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.
31. The term "Student" means an individual who has been accepted for admission to the University and maintains a continuing relationship with the University by being enrolled in classes or being eligible to enroll in classes.
32. The term "*Student Conduct Record*" refers to the history of responsible findings a student has with the Office of Student Conduct. This includes Academic Dishonesty, Behavioral Conduct and Sexual Misconduct cases.
33. The term "*Student Group*" or "*Group*" refers to any number of persons who associate with each other for a common purpose but are not a Registered Student Organization.
34. The term "*Registered Student Organization*" or "*Organization*" refers to any number of persons who have completed the requirements for being a Registered Student Organization. This definition includes any Greek Lettered student groups registered as a Student Organization at Albany State University.
35. The term "*System Director*" refers to the University System of Georgia staff member who will be notified for any violations of the Student Code of Conduct that may result in separation from the University. The System Director may provide guidance or assistance with the investigation and preparation for a Major Violation.
36. The term "*University*" means Albany State University or Albany State and includes the Cordele Campus, East Campus, West Campus all online Students.
37. The term "*University Event*" refers to any event (on-campus or off-campus) sponsored or facilitated by the University, a Student Group, or a Student Organization.

38. The term "*University Official*" refers to and includes any person employed by Albany State University, performing assigned administrative or professional responsibilities.
39. The term "*University Disciplinary Committee*" refers to a body trained to hear and make recommendations concerning alleged violations of the Student Code of Conduct. This board may include Students, Faculty, and Staff.
40. The term "*Victim*" refers to any person who has been directly impacted by behavior of a Respondent, which violates or allegedly violates the Student Code of Conduct.

## CHAPTER SIX

### VI. Student Code of Conduct Values

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- A. **VALUE I, Respect for WORTH OF THE INDIVIDUAL:** We value the intrinsic worth of every individual in the community. Our respect for other individuals includes an appreciation of cultural backgrounds different from our own, an understanding of different attitudes and opinions, and an awareness of the consequences of our actions on the broader community. Those values can be violated by behaviors such as harassment, hazing, sexual misconduct, assault, and disorderly conduct.
- B. **VALUE II, Respect for SELF-DISCIPLINE:** We value personal responsibility and recognize the individual's needs for physical, spiritual, social and emotional wholeness. We value the full development of every student in terms of a confident and constructive self-image, of a commitment to self-discipline and of a responsible self-expression. Gambling, disorderly conduct, possessing, consuming or distributing alcohol, intoxication and using or distributing illegal drugs are just a few examples of behaviors which violate the value of self-discipline and will not be tolerated.
- C. **VALUE III, Respect for ACADEMIC INTEGRITY:** We value a campus community that encourages personal growth and academic development in an atmosphere of positive influence. We affirm the necessity of academic standards of conduct that allow students, staff and faculty to study together. We value the fair and efficient administration of these standards of conduct. Academic dishonesty and fraud can violate these values.
- D. **VALUE IV, Respect for PROPERTY AND THE ENVIRONMENT:** We value the rights and privileges of owning and using property, both personal and University, and the benefits of preservation and maintenance of property and of our natural resources. In our stewardship of property, we recognize the accountability of our actions to the future of the Albany State University community. Stealing and being in the possession of stolen or lost property, vandalism, setting a fire and arson, tampering with fire and safety equipment, possessing firearm in unauthorized areas or weapons on campus in unauthorized areas on the campus, possessing or using fireworks on campus and unauthorized entry are examples of behaviors which violate this value.
- E. **VALUE V, Respect for COMMUNITY AUTHORITY:** We value our privileges and responsibilities as members of the University student community and as citizens of the community beyond the campus. We value the community standards of conduct expressed in our system of laws and value the fair administration of those laws, including university, municipal, state or federal laws. These values are violated by aiding, abetting or conspiring to engage in value violations, violating residence hall guidelines, reckless behavior, obscene conduct, insubordination, unauthorized and/or unruly demonstrations, driving while impaired, habitually offending motor vehicle rules and regulations, creating a nuisance by talking, yelling, singing, and playing a musical

instrument or other electronic device loudly enough to disturb members of the university community. All of the above may constitute a student violating a city, state or federal crime as well as University policies.

- F. **VALUE VI, Respect for COMMUNITY, DIVERSITY AND INCLUSIVENESS:** We value Community, Diversity and Inclusiveness by fostering an environment free from racism, sexism, ageism, heterosexism, homophobia, ableism and xenophobia. The University has a number of policies and statements that reinforce the campus community's commitment to diversity, civility, and equity.



## CHAPTER SEVEN

### VII. Behavioral Regulations, Procedures and Sanctions

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#### A. Behavioral Regulations

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

#### Value I, Respect for Worth of the Individual

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

**Section 2. Assault:**

- a. Includes but is not limited to, any physical contact of an insulting or provoking nature.
- b. Any violence, physical abuse, injury, or physical harm of another person.

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

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

- a. Any conduct or behavior that threatens or endangers the health or safety of any person in the University environment, including oneself.
- b. A direct expression to inflict injury or damage. This includes, but is not limited to verbal threats to injure or harm another, horse playing, practical jokes, abductions, kidnapping, and gang related activity.

**Section 5. Harassment (Verbal or Physical) and/or Bullying**

Speech or other expression (words, pictures, symbols) that constitutes fighting words and is sufficiently severe, pervasive, or persistent so as to interfere, limit, or deny one's ability to participate in or benefit from an educational program. Fighting words may include, but are not limited to, words, pictures or symbols that:

- a. Are directed to an individual or individuals based on that person's race, color, sex, religion, creed, age, sexual orientation, gender, gender identity, disability, veteran status or national origin, and; threaten violence, tend to incite an

immediate breach of the peace or provoke a violent response.

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

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

- a. Any act, intentional or unintentional, which endangers the emotional, mental, financial, physical health or safety of a Student, with or without their expressed permission, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
- b. Any act, intentional or unintentional, which causes physical discomfort, embarrassment and/or ridicule of another person for the purposes mentioned above participation in Hazing, either by facilitating or encouraging the act, or allowing oneself to be subject to acts of Hazing.

**Section 7. Retaliation:** Anyone who, in good faith, reports what he/she believes to be student misconduct shall not be subjected to retaliation. Anyone who believes he/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 8. Representation without Consent:** Representing the University or any recognized student organization without the specific prior consent of the officials of that group. Representation without consent also includes joining a suspended organization (i.e. fraternity or sorority) or attempting to join an organization through improper membership procedures.

**Section 9. Bad-Faith or False Complaints:** Individuals who intentionally give false statements to University official, or who submit false complaints or accusations, including during a hearing, in violation of policy shall be subject to disciplinary action pursuant to the institution's policy.

**Section 10. Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Section 11. Domestic Violence:** Violence committed by a current or former spouse or intimate partner of the alleged victim; by a person with whom the alleged victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the alleged victim.

**Section 12. Nonconsensual Sexual Contact:** Any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to touching (or penetrating) of a person's intimate parts (such as genitalia, groin, breasts, or buttocks); touching (or penetrating) a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts.

**Section 13. Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited.

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

1. Invasion of sexual privacy;
2. Prostituting another individual;
3. Non-consensual photos, video, or audio of sexual activity;
4. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity was consensual;
5. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
6. Knowingly transmitting an STD or HIV to another individual through sexual activity;
7. Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or,
8. Sexually-based bullying.

**Section 14. Sexual Harassment:** Unwelcome verbal, nonverbal, or physical conduct, based on sex or on gender stereotypes, that is implicitly or explicitly a term or condition of employment or status in a course, program, or activity; is a basis for employment or educational decisions; or is sufficiently severe, persistent, or pervasive to interfere with one's work or educational performance creating an intimidating, hostile, or offensive work or learning environment, or interfering with or limiting one's ability to participate in or to benefit from an institutional program or activity.

**Section 15. Sexual Misconduct:** Includes, but is not limited to, such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, sexual exploitation, sexual harassment and stalking.

**Section 16. Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

## **Value II, Respect for Self-Discipline**

### **Section 1. Alcohol Possession or Use:**

- a. Possession, use, and/or consumption of alcoholic beverages by persons under the age of 21.
- b. Possession of alcohol containers by persons under the age of 21.
- c. Operating a motor vehicle while under the influence of alcohol or while impaired by the consumption of alcohol.
- d. Possession or consumption of alcoholic beverages in public locations on campus, including Residence Hall common spaces; common spaces in Residence Halls refer to any public space that exists outside the bedroom of a specific residential unit. Examples include, but are not limited to kitchens, living rooms, bathrooms, group study/lounge spaces, laundry rooms, elevator lobbies, computer rooms etc. Common spaces also include the public spaces located on the outside grounds of a Residence Hall. If alcohol is found in the common area, all Students may be charged and/or found responsible.
- e. The sale, distribution, or furnishing of alcoholic beverages, or otherwise facilitating consumption of alcohol by persons under the age of 21.
- f. Participation in drinking games or what could be perceived as drinking games, contests, forced or ritualized consumption of alcohol (e.g. beer pong, water pong, flip cup, etc.).
- g. Possession or use of common source containers (e.g. kegs, pony kegs, beer bongs)
- h. Providing alcoholic beverages to a person who is intoxicated.
- i. The use, consumption, possession, sale, and/or distribution of alcoholic beverages on University property, in cars or other vehicles, or at any of the University activities (whether on or off campus) are prohibited.
- j. Being in public on or off University premises while intoxicated or under the influence of alcohol or illicit drugs is strictly prohibited. This includes any

- disorderly conduct regardless of whether such conduct results in injury to person or property, as a result of intoxication shall be considered a violation.
- k. Any activity or conduct involving the use of alcohol that is in violation of law.

**Section 2. Disorderly Conduct/Obstruction/Disruption and/or Unlawful Gathering:** A person commits the offense of disorderly conduct when such a person or their guest on campus commits any of the following:

1. Acts in a violent or tumultuous manner toward another person which can cause fear or damage to a person's life, limb or health.
2. Acts of violence that may cause damage to person's property.
3. Behavior that substantially disrupts the normal operations of the University.
4. Failure to properly dispose of trash or food trays, shouting, loud stereo or radio sets; horseplay, practical jokes, and general annoyances; throwing any dangerous objects in a University facility or from the window of a University facility or onto the premise of the University.
5. Breaking lines, such as in the cafeteria, during registration, at campus events and activities.
6. Withholding information vital to any investigation carried out by an authorized agent of the University.
7. Creating excessive noise which can be heard in other areas of the campus and which interferes with the normal operations of the University; creating excessive noise which interferes with another's campus demonstration which disrupts the normal operations of the University community; leading or inciting others to disrupt scheduled and/or ordinary activities within the University premises. It includes excessive noise, noise after quiet hours, misuse of musical instruments, noise producing devices, talking excessively loud.

**Section 3. Drugs (illegal) and/or Drug Paraphernalia:**

1. The possession or use of an illegal substance (substance controlled by Federal or Georgia law) or synthetic cannabinoid (i.e. Spice or K2).
2. 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.
3. 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, injecting, ingesting, inhaling, or otherwise introducing a controlled substance into the body.
4. 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, hookahs, using screens, water pipes, hollowed cigars, rolling papers and any other equipment, products and materials that can be directly linked to the usage of controlled substances.

5. Improper behavior or conduct on the campus which is a result of the use of illegal drugs which means that one who, having consumed or used drugs, experiences a restriction or a loss of the normal use of his/her mental and/or physical faculties.
6. Misuse or improper possession of prescription medication.
7. Operating a motor vehicle under the influence or while impaired by the consumption of substances controlled by state and/or federal law.
8. Any activity or conduct involving drugs that is in violation of local, state, or federal law.

**Section 4. Gambling:** A person commits the offense of gambling when he or she makes a bet upon partial or final result of any game or contest or upon the performance of any participant in such game, contest, etc. Gambling and games of chance, including but not limited to betting card games, video games, or betting of any kind, are prohibited. If a faculty/staff/security officer encounters what appears to be a game of chance, they will confiscate any materials associated with the event (cards, poker chips, money, etc.).

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

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

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

1. Engaging in inappropriate or irresponsible conduct using any ASU affiliated webpage, email, and/or social media resource is strictly prohibited.
2. The use of social media sites (Facebook, MySpace, Instagram, Vine, Twitter, LinkedIn, YouTube, Flickr, Snap Chat, etc.) to harass, cause mental harm or used to violate the law is also prohibited.
3. Students who are alleged to be in violation of misuse of electronic or social media sites may be subject to criminal or civil penalties, as well as university disciplinary actions.
4. Some examples include, but are not limited to the following:
  - Derogatory language or demeaning statements about or threats to any third party;
  - Inappropriate or incriminating images depicting hazing, sexual harassment or sexual misconduct, vandalism, fighting, stalking, underage drinking, illegal drug use, pornography or any other inappropriate behavior; or inappropriate language;
  - Content that violates state or federal law;
  - Class Elections or SGA Elections or Royal Court Elections under the Student Handbook, Student Code of Conduct and officer election

- guidelines (SGA Constitution);
- Online gambling;
- Information or images that could be considered obscene or untrue;
- Content that harasses third parties;

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

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

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

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

### **Section 9. Deception**

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

## **Value III, Respect for Academic Integrity**

**Section 1. Academic Dishonesty:** The intentional misrepresentation of one's work to deceive for personal gain, when in fact said work is not that person's or assisting another to do the same. When the instructor has sufficient evidence of cheating or plagiarism, he or she may impose disciplinary actions such as assigning a failing grade to the student's assignment, quiz, paper, or test. If the plagiarism or cheating involves major course work such as plagiarizing a research paper or cheating on a final exam, the instructor may fail the student in the course. Academic Dishonesty includes, but is not limited to cheating, plagiarism, and fabrication.

- **Definition of Cheating:** Cheating can be, but is not limited to, a student using electronic technology, notes, or other written materials not permitted by the instructor; looking at other students' papers without the instructor's permission;

requesting answers from other students, alteration of grades or marks by the student in an effort to change the earned grade or credit; or working with other students when independent work is required. Situations where cheating may occur are during tests, exams, quizzes, or other similar methods of evaluation.

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

## **Section 2. Forgery, Dishonesty, Fraudulent Acts and/or Misrepresentation:**

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



resources or computer data, files, or other information; engaging in or attempting to engage in a denial of service; failing to comply with laws, license agreements, and contracts governing network, software and hardware use.

6. Using University computing resources for unauthorized commercial purposes or personal gain.
7. Proving use of your personal account or password to another person; using another owner's account or password with or without authorization; accessing or causing to be accessed, downloading or causing to be downloaded, pornographic or obscene materials.

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

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

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

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

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

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

## **Value IV, Respect for Property and the Environment**

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

- a. Having pets or other animals (dogs, cats, snakes, birds, hamsters, etc.) on campus and/or in campus buildings are prohibited **with the exception of service animals and comfort therapeutic animals, when accompanied by their owner**, and tropical fish in an aquarium or other approved containers in buildings, including student residences, classrooms, and offices.
- b. The feeding of stray animals in or around residential facilities is also prohibited for students' safety purposes. Stray animals are not vaccinated and may cause harm to students, faculty, staff or the campus community.
- c. Any abuse, inappropriate handling, or causing death to wildlife and/or animals.
- d. Excessive noise, or destruction of property from service or assistance animals.
- e. Failure to clean up after the animal.

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

### **Section 3. Damage to Property/Destruction of Property and/or Vandalism:**

1. Damage, vandalism or destruction of property owned or leased by the University or personal property belonging to an individual. This includes, but is not limited to, car vandalism, walking on roofs of a university building, defacing structures, and facilities, littering, unauthorized biking, skating and/or skate boarding in inappropriate areas, marking, egging, keying, painting, spraying University property or the property of others.
2. Intentionally damage any property of another without consent of that other person and the damage thereto is interfering with the possession or use of the property of another person without consent of that person.
3. Damaging university property such as light fixtures, ceiling fans, walls, and pictures is prohibited.
4. A violation of this policy includes, but is not limited to:
  - a. Intentionally and maliciously breaking or damaging furnishings;
  - b. Damaging to the kitchen/living area of residence halls; or,
  - c. Damaging to your assigned room space or unit in the residence halls (i.e. ceilings, floors, carpets, door, door frame, etc.);
  - d. Damaging to other University property (i.e. University vehicles, landscaping, golf carts, etc.).

### **Section 4. Weapons and Firearms:**

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

**Exceptions:**

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

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

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

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

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

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

**Definitions:**

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

"Weapon" means and includes any pistol, revolver, or any instrument designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to

allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any instrument of like kind, and any stun gun or taser as defined in subsection (a) of Georgia Code Section 16-11- 106. This paragraph excludes any of these instruments used for classroom work authorized by the faculty member.

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

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

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

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

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

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

## **Section 6. Tampering and/or Destroying of Safety Devices/Safety Procedures:**

1. Tampering with safety equipment is a serious violation of the Student Code of Conduct.
2. Turning in a false fire or bomb alert, by any means including a telephone call, via electronic media or by a warning device is a violation.
3. 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.

### **Section 7. Theft/Misappropriation:**

1. Theft or attempted theft of the property or services of the University, any organization, or any individual by means of taking, selling, deceiving, misappropriating, or misusing, as well as receiving and or possessing such stolen property is a violation of the Code.
2. Theft is also defined as the wrongful taking of, or the attempt to take money or property without the consent of the owner. Examples may include but is not limited to the theft of credit or debit cards, social security cards, driver's license, university I.D., keys, etc.
3. Theft may also include stealing from another person, agency, institution, or the University; the taking of property belonging to another, with the intent of converting the property for one's personal use; the unauthorized use of another's credit or debit card; and failure to return another's personal property upon request or within a reasonable period of time.
4. Misappropriation is the taking of property belonging to another by mistake and/or without the owner's permission. This includes unauthorized moving or relocation of University furniture to one's own room or to some other area, illegal and/or unauthorized possession or sale of any property without the proper authorization, and property, which has been reported lost or stolen.

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

### **Section 9. Unauthorized Use of University Facilities**

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

### **Section 10. Unauthorized Entry**

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

- authorization; or,
- d. Remaining overnight in public areas of the residence hall or surrounding areas without approval from University Housing staff.

### **Section 11. Unauthorized Use of Computer or Electronic Resources**

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

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

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

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

**Section 2. Violation of Sanction:** A violation of sanction is defined as failure to comply with disciplinary actions as sanctions imposed by a judicial body or judicial administrative officer or staff person. Failure to comply with the terms and actions of a sanction may require the student to pay a disciplinary fine in addition to the imposition of additional sanctions.

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

**Section 4. Failure to Comply:** Failure to comply with the directions of University officials (including Resident Assistants) acting in the performance of their duties; Failure to promptly identify oneself to University officials when requested; failure to comply with disciplinary sanctions. This includes direct disobedience of a lawful

order of a University official, as well as failure to evacuate a building during a fire alarm, drill or when otherwise so ordered by a University official, fire department staff or law official.

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

- a. If a guest is found to be in violation of the Code of Conduct while in the company of the student host or with the student host's knowledge, applicable charges will be brought against the guest, as well as against the student host or the host student organization. All guests within the residence halls, whether a student or non-student of the University, must abide by the Student Code of Conduct.
- b. Residents will assume responsibility for their guests/visitors upon the arrival in the residence hall and should escort their guests/visitors throughout the residence halls at all times.
- c. Any guests/visitors involved in an incident or policy violation will be asked to leave the residence hall by the housing staff and/or the Albany State University Police Department.

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

- a. Violations of properly constituted rules and regulations governing the use of motor vehicles (automobiles, motorcycles, etc.) on University-owned or controlled property or at University sponsored or supervised activities is prohibited.
- b. Driving and parking on grass and sidewalks.
- c. Failure to obey traffic and parking regulations is punishable by the University Police Department and/or the Office of Vice President for Student Affairs and Enrollment Management. This includes, but is not limited to, operating or attempting to operate a motor vehicle on campus while under the influence of alcohol or illicit drugs, wreck-less driving, and parking in improper zones.
- d. Failure to register a vehicle as required by the ASU Police Department; unauthorized use of a decal or permit; operation on the campus of a vehicle in violation of an imposed ban; flagrant or repeated violation(s) of the ASU Police Department Rules and Regulations. Moreover, applicable local, state, and federal traffic laws are enforced. Dangerous behavior is also applicable.

**Section 7. Nuisance with Noise:** Violations of this section includes; but is not limited to the following: talking, yelling, singing, car music, playing a musical instrument, CD player, electronic device, and other noise makers that are loud enough to disturb members of the University community are prohibited.

**Section 8. Repeat Violations:** Repeated violations of published rules and regulations of the University, which cumulatively indicate an unwillingness or inability to conform to the standards of the University for student life, are prohibited.

**Section 9. Solicitation:**

- a. Unauthorized selling, collection of monies, and promotion on campus or within University buildings is not permitted. This includes but is not limited to use of any residence hall room, building, grounds, or parking lot for business purposes of any kind, (i.e. the selling of food, tickets, clothing, jewelry, hair, eye lashes, merchandise, favors, etc.) whatsoever is prohibited.
- b. Students may not act as agents for promotion companies or business firms which entail solicitation for parties or other unauthorized events or the receiving of business offers or goods on University property.
- c. Students may not solicit on behalf of the University.

**Section 10. Unlawful Conduct:** Violation of this section includes, but is not limited to the following: Any act that violates a provision of the laws of the United States, the laws of any state in which such act occurs, the ordinances of any county, city, municipality, or other political subdivision, or the laws of another nation or political subdivision thereof in which such act occurs, is deemed to be a violation of the Student Conduct Code when that act includes any of the following but is not limited to:

- a. Occurs on or off campus of the University, including all property owned, leased, licensed, or otherwise controlled by the University;
- b. Occurs in the context of any event planned, presented, sanctioned, or made available by the University, any affiliate of the University, or any student organization including while studying abroad;
- c. Occurs at any intercollegiate athletic event in which one of the University's teams is participating, home or away including while studying abroad; or,
- d. Involves more than one member of the University community; or otherwise adversely affects the University.

**Section 11. Tobacco**

- a. The use of all forms of tobacco products on property owned, leased, rented or belonging to Albany State University, or in any way used by the University or its affiliates, is expressly prohibited. "Tobacco Products" is defined as cigarettes, cigars, vapes, pipes, all forms of smokeless tobacco, clove cigarette and any other smoking devices that use tobacco such as hookahs or simulate the use of tobacco such as electronic cigarettes.

**Section 12. Tampering or Destroying of Fire Safety Devices/Safety Procedures**

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

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



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

## **B. BEHAVIORAL CONDUCT PROCEDURES**

### **1. Reporting**

All suspected violations should be immediately reported to the Office of Student Conduct by any person who has knowledge of the commission of any such violation. To report any violation of the Student Code of Conduct please go to [www.asurams.edu/studentconduct](http://www.asurams.edu/studentconduct). Any member of the Albany State University community may submit a report. Reports are reviewed to determine if the alleged behavior is in violation of this Student Code of Conduct. A report of an alleged violation of the Behavioral Conduct policy should include:

- a. The type of alleged misconduct.
- b. Name of the Respondent.
- c. Date, time, and place of misconduct.
- d. Name and contact information for any witnesses.
- e. Any evidence available.
- f. Whether or not a criminal complaint was filed (if applicable).

### **2. Confidentiality**

Where a Complainant requests that his or her identity be withheld or the allegation(s) not be investigated, the Office of Student Conduct will inform the requesting party that Albany State University generally cannot guarantee confidentiality. The Office of Student Conduct will consider whether or not such request(s) can be honored while still providing a safe and nondiscriminatory environment for the University. Honoring the request may limit Albany State University's ability to respond fully to the incident and may limit Albany State University's ability to discipline the respondent.

### **3. Retaliation**

Anyone who, in good faith, reports what they believe to be Student misconduct, who participates or cooperates in, or who is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes they have been the target of retaliation for reporting, participating or cooperating in, or otherwise being associated with an investigation should immediately contact the Office of Student Conduct. Any person found to have engaged in retaliation in violation of the Code of Student Conduct shall be subject to disciplinary action, pursuant to Albany State University's policy.

### **4. False Complaints**

Individuals who intentionally give false statements to an Albany State University official, or who submit false complaints or accusations, including during a hearing, shall be subject to disciplinary action pursuant to Albany State University's policy.

## **5. Amnesty**

Individuals are encouraged to come forward and to report violations of policy, notwithstanding their 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 disciplinary proceedings and will not be voluntarily reported to law enforcement. However, individuals may be provided with resources on drug and alcohol counseling or education.

## **6. Sexual Misconduct**

All allegations of Sexual Misconduct will be reviewed by the Title IX Coordinator. The Title IX Coordinator will facilitate any investigation needed based on the needs of the case. Any Formal Hearing(s) will be heard and adjudicated by a trained sexual misconduct board. During an Informal or Formal Hearing, the Respondent and Victim will be given the opportunity to present a personal impact statement to the board or hearing officer. Both the Respondent(s) and Victim(s) will receive dual notification of the outcome of any adjudication.

## **C. MINOR VIOLATIONS**

### **1. Minor Violation - Informal Resolution**

- a. In an Informal Resolution, the Respondent will meet with the Office of Student Conduct or designee to resolve their case;
- b. The Office of Student Conduct or designee will contact the Respondent five (5) business days in advance of an Administrative Hearing via their Albany State University email account to notify them of:
  - i. An explanation of the charges(s);
  - ii. Date/Time/Location of meeting;
  - iii. Possible sanctions
- c. An advisor may be present at the request of the Respondent.
- d. The Respondent will have the opportunity to review any and all information pertaining to the charge(s).
- e. The Hearing Officer will find the Respondent in violation or not in violation for the charge(s). If the Respondent accepts the Informal Resolution, they waive their right to a formal hearing and an appeal. The Respondent will be notified of the outcome of the Informal Resolution meeting no later than three (3) days after the meeting occurred.
- f. If the Respondent does not accept the offered Informal Resolution, they can have their case resolved before the University Disciplinary Committee or a Formal Hearing Officer for a Formal Resolution.
- g. If the Respondent fails to attend the Informal Resolution, a decision will be rendered in the Respondent's absence. However, the Respondent will be given an opportunity to appeal the decision rendered within five (5) business days of the official notice by using the following link:  
[https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout\\_id=5](https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout_id=5).
- h. The Chief Conduct Officer or designee may also refer any case to the University Disciplinary Committee or Formal Hearing Officer.

## **2. Minor Violations – Formal Resolution**

- a. In a Formal Resolution, the Respondent appears before the University Disciplinary Committee or Formal Hearing Officer for adjudication of their case.
- b. The Respondent will be notified in writing of the date, time, and location of the hearing. This notice will also include a statement of the alleged behavior, any alleged violations of the Student Code of Conduct and the names of the University Disciplinary Committee members five (5) business days in advance of the scheduled formal hearing.
- c. The Respondent will then have three (3) Days from the Receipt of this notice to challenge any individual scheduled to be a part of the University Disciplinary Committee hearing the case. The composition of the University Disciplinary Committee may be challenged only on the basis of a conflict of interest or perceived bias. Challenges should be submitted in writing to the Office of Student Conduct who will render a decision.
- d. During the University Disciplinary Committee hearing, the Complainant and witness (if applicable) will have the opportunity to be present to answer any questions the University Disciplinary Committee may have, as well as any questions the Respondent may have. The Complainant and witness (if applicable) will also have the opportunity to question the Respondent. All questions from the Complainant, witness, and Respondent must be directed in writing to the Chair or designee of the University Disciplinary Committee.
- e. The Chair or designee will ask the University Disciplinary Committee questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record.
- f. The Respondent is entitled to an Advisor who may advise them and assist in drafting questions. The Chair or designee will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record.
- g. The Chief Conduct Officer or designee reserves the right to allow a party to testify in a separate room or from a remote location. If this occurs, the Chief Conduct Officer or designee will ensure proper sequestration in a manner that ensures testimony has not been tainted and the sequestration will not disadvantage any party. If a party is unable to ask questions, the Chief Conduct Officer or designee will work to provide reasonable accommodations to allow the party to ask questions of any person providing testimony.
- h. The University Disciplinary Committee or Formal Hearing Officer will determine findings and recommend any authorized sanction or combination of sanctions it deems warranted by the circumstances of the case. Prior conduct history will not be considered until the sanctioning phase of the hearing.
- i. A written copy of the University Disciplinary Committee or the Formal Hearing Officer's recommendations will be submitted to the Office of Student Conduct or designee as a recommendation for administrative action. The Chief Conduct Officer or designee will review the hearing and all associated materials and will

either affirm the recommended findings and sanctions or reduce the recommended sanctions. The Director of Student Conduct or designee will submit a final written decision to the Respondent, Faculty Member, and the Office of Student Conduct normally within ten (10) business days of the hearing.

- j. If the Respondent refuses to cooperate with the Office of Student Conduct or fails to attend the hearing, the hearing will be held in their absence. If the Respondent is found in violation, sanctions will be recommended.
- k. If the Respondent fails to attend the Informal Resolution, a decision will be rendered in the Respondent's absence. However, the Respondent will be given an opportunity to appeal the decision rendered within five (5) business days of the official notice by using the following link:

[https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout\\_id=5](https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout_id=5).

#### **D. Major Violations – Formal Resolution**

1. Notice of Investigation
  - a. The Office of Student Conduct or designee will contact the Respondent at their Albany State University email account to notify them of:
    - i. Preliminary Charges;
    - ii. Possible sanctions;
    - iii. Available support services;
    - iv. Request for recusal for bias procedure;
    - v. The investigator who will be involved;
    - vi. The link to provide a written response
2. Upon receipt of the written notice, the respondent shall have at least three (3) business days to respond in writing. In that response, the respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A non-response will be considered a general denial of the alleged misconduct. Any alleged victim shall also be provided three business days to respond to or to supplement the notice.
3. If the respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
4. If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of discipline, then the complaint should be dismissed.
5. An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any party's proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.
6. The initial investigation report shall be provided to the respondent and the alleged victim (where applicable). This report should clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions. For purposes of this policy, a charge is not a finding of responsibility, but indicates that there is sufficient evidence to warrant further consideration and adjudication.

7. The final investigation report should be provided to the Formal Hearing Panel or Formal Hearing Officer for consideration in adjudicating the charges brought against the respondent. A copy shall also be provided to the respondent and alleged victim (where applicable) before any hearing.
8. The investigator may testify as a witness regarding the investigation and findings, but shall otherwise have no part in the hearing process and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing.
9. In a Major Violation Formal Resolution, the Respondent appears before the University Disciplinary Committee or Formal Hearing Officer for adjudication of their case.
10. Upon Receipt of the Formal Resolution notice, the Respondent will have three (3) days from the Receipt of this notice to respond. In this response, the Respondent will have the right to challenge any individual scheduled to be a part of the University Disciplinary Committee assigned to hearing the case. The composition of the University Disciplinary Committee may be challenged only based on a conflict of interest or perceived bias. Challenges should be submitted in writing to the Office of Student Conduct who will render a decision.
11. A non- response from the Respondent will be considered a general denial of the allegations and no challenge of the individuals assigned to the University Disciplinary Committee.
12. During the University Disciplinary Committee hearing, the Complainant and witness (if applicable) will have the opportunity to be present to answer any questions the University Disciplinary Committee may have, as well as any questions the Respondent may have. The Complainant and witness (if applicable) will also have the opportunity to question the Respondent. All questions from the Complainant, witness, and Respondent must be directed in writing to the Chair or designee of the University Disciplinary Committee. The Chair or designee of the University Disciplinary Committee will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record. If the Respondent is unable to ask questions, the Chief Conduct Officer will work to provide reasonable accommodations to allow the Respondent to ask questions of any Witnesses or Complainants present.
13. The Respondent is entitled to an Advisor who may advise them and assist in drafting questions. The Chair or designee will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record.
14. The Chief Conduct Officer or designee reserves the right to allow a party to testify in a separate room or from a remote location. If this occurs, the Chief Conduct Officer or designee will ensure proper sequestration in a manner that ensures testimony has not been tainted and the sequestration will not disadvantage any party.
15. The University Disciplinary Committee or Formal Hearing Officer will determine findings and recommend any authorized sanction or combination of sanctions it

deems to be warranted by the circumstances of the case. Prior conduct history will not be considered until the sanctioning phase of the hearing.

16. A written copy of the University Disciplinary Committee or Formal Hearing Officer's recommendations will be submitted to the Director of Student Conduct or designee as a recommendation for administrative action. The Director of Student Conduct or designee will review the hearing and all associated materials and will either affirm the recommended findings and sanctions or reduce the recommended sanctions. The Director of Student Conduct or designee will submit a final written decision to the Respondent, Faculty Member, and the Office of Student Conduct normally within ten (10) business days of the hearing.
17. Any outcome from a Sexual Misconduct Committee hearing will be submitted to the Office of Student Conduct as a directive from the committee. The final written decision will be submitted to the Respondent and victim (where applicable).
18. If the Respondent refuses to cooperate with the Office of Student Conduct or fails to attend the hearing, the hearing will be held in their absence. If the Respondent is found in violation, sanctions will be recommended.
19. If the Respondent fails to attend the Informal Resolution, a decision will be rendered in the Respondent's absence. However, the Respondent will be given an opportunity to appeal the decision rendered within five (5) business days of the official notice by using the following link:

[https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout\\_id=5](https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout_id=5).

## **E. BEHAVIORAL CONDUCT SANCTIONS**

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

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

1. The frequency, severity, and/or nature of the offense;
2. History of past conduct;
3. Offender's willingness to accept responsibility;
4. Previous institutional response to similar conduct;
5. Strength of the evidence;
6. Wellbeing of the university community.

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

1. Expulsion – permanent forced withdrawal from the University;
2. Suspension for an identified time frame and/or until the satisfaction of certain conditions or both;
3. Temporary or permanent separation of the parties (e.g., change in classes, reassignment of residence, no contact orders, limiting geography of where parties can go on campus) with additional sanctions for violating orders;
4. Required participation in sensitivity training/awareness education programs;
5. Required participation in alcohol and other drug awareness and abuse prevention programs;

6. Referral, such as but not limited to counseling, evaluation, treatment, or mentoring;
7. Volunteering/community service;
8. Loss of institutional privileges;
9. Delays in obtaining administrative services and benefits from the institution (e.g., holding transcripts, delaying registration, graduation, diplomas);
10. Forced withdrawal from a course and/or department within which the offense occurred, either with or without credit for the course, as may be adjudged;
11. Additional academic requirements relating to scholarly work or research;
12. Financial restitution or fees, which may be associated with specific violations; or,
13. Any other discretionary sanctions directly related to the violation or conduct.

## CHAPTER EIGHT

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

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#### Academic Honor Code

##### **Academic Honor Code Statement:**

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

##### **Academic Honor Pledge:**

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

##### **Student Responsibility:**

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

#### Academic Misconduct Procedures

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



## **Informal Resolution**

### **A. Faculty Disposition**

1. The faculty member shall issue a written notice of the alleged academic dishonesty violation(s) and provide access to review all evidence to support the charge(s). Visual or audio observations by the faculty member will be considered acceptable forms of evidence.
2. Notice will be sent via Albany State University email outlining the violation(s); evidence; date, time and location for an initial meeting.
3. It is the student's responsibility to ensure that he/she has a working University email. Failure of the student to have a valid email address on file with the University shall not invalidate the notice.
4. During this meeting the responding student will be given the opportunity to accept responsibility for the violation(s), waive their rights to all formal hearing and appeal proceedings, and accept the terms of the faculty disposition.
5. Academic penalties that may be imposed during faculty disposition include:
  - i. A reprimand from the faculty member;
  - ii. A requirement to complete a comparable assignment in which the violation occurred;
  - iii. A grade change;
  - iv. A grade reduction; or,
  - v. Failing grade for assignment or exam in which the violation occurred.
6. **Both the faculty member and responding student must sign the Faculty Disposition form prior to submitting to the Department Chair for review.**
7. A copy of the Faculty Disposition Form will be filed with the course division Dean and the Office of Provost and Vice President for Academic Affairs. In addition, a copy of the completed case file including signed documents and any evidence should be forwarded to the Office of Student Conduct for inclusion in the student's discipline record.

### **B. Faculty Referral**

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

## Formal Resolution

### C. Academic Honor Code Committee

1. The Academic Honor Code Committee (AHCC) is charged with hearing alleged violations of academic integrity referred by the Office of the Provost and Vice President of Academic Affairs for formal hearing proceedings. Violations include but are not limited to plagiarism, cheating, misrepresentation and/or fabrication of one's work.
2. Normally, these are cases in which there is a possibility of suspension or expulsion of the accused student.
3. Cases are referred to the Academic Honor Code Committee through the Office of Student Conduct. The Office of Student Conduct sets the time, date, and location for a hearing and notifies panel members from that point.
4. The Academic Honor Code Committee of the University consists of five (5) members, two (2) students and three (3) full-time faculty members, where one (1) faculty member will serve respectively as Chairperson per hearing.
5. Student members must be currently enrolled full-time students.
6. The Provost and Vice President for Academic Affairs shall appoint, each year, two (2) faculty members to serve respectfully as Chairperson and CoChairperson of the Academic Honor Code Committee.
7. **Deliberations are conducted in an executive session with the hearing panel only. The decision reached after deliberations will be made by a majority vote. The Chairperson will only vote in the case of a tie.**
8. Any member of the Academic Honor Code Committee shall disqualify himself or herself if their personal involvement in the case does not allow them to be objective or is of such a nature as to be detrimental to the interest of the accused or of the University.
9. The Academic Honor Code Committee will make an audio recording and written summary of the proceedings. The digital recording will be placed in the custody of the Chief Conduct Officer or designee immediately following the hearing to include in the student's disciplinary record. No other recording devices or court reporters are permitted to record or transcribe an Academic Honor Code Committee hearing.
10. A written summary and recommendations shall be forwarded to the Chief Conduct Officer or designee to include in the student's discipline record.
11. The Office of Student Conduct will communicate the findings in writing to the student with a copy to the Office of the Provost and Vice President for Academic Affairs, the respective college dean, and the instructor of record in the course in which the alleged violation occurred.
12. The notice of the findings will inform the student of their right to appeal (if applicable).

### D. Formal Hearing Procedures for Academic Integrity Cases

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

- a. In the case of a first violation, it is encouraged that disputes of academic integrity be handled between the faculty member and the student.

- b. Cases not adjudicated between the faculty member and the student will be processed through the appropriate academic levels prior to referral to the Office of Student Conduct.
- c. Any allegations of violation of academic integrity which is referred to the formal hearing process will be heard by the Academic Honor Code Committee unless the student requests to waive their right to a formal hearing and appeal proceedings and requests an administrative hearing.
- d. All formal charges shall be presented to the accused student in written form. A time shall be set for a meeting which normally will not be less than three (3) business days and will not be more than twenty (20) calendar days after the student has been presented with the charges. Maximum time limits for the scheduling of meetings may be extended at the discretion of the Office of Student Conduct.
- e. A student cannot drop a course or withdraw from the university to avoid being charged with academic dishonesty.
- f. The faculty member (complainant) responsible for filing the academic dishonesty charge(s) will be responsible for providing information that supports his/her claims.
- g. A hearing will be conducted in private.
- h. The Academic Honor Code Committee will make an audio recording and written summary of the proceedings. The digital recording will be placed in the custody of the Chief Conduct Officer or designee immediately following the hearing to be included in the student's disciplinary record. No other recording devices or court reporters are permitted to record or transcribe an Academic Honor Code Committee hearing.
- i. The Chief Conduct Officer or designee will present the case for the complainant and the University.
- j. The complainant and the accused student (as well as any witness who is not also the complaining party) shall have the right to be assisted by an advisor. The advisor will be of the individual's own choosing (this may be an attorney), and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The student may have family members accompany them to meetings and proceedings, at their request and this will be limited to two (2) family members.
- k. The accused student will be responsible for presenting his/her case and may be assisted by an advisor. The advisor may advise his/her advisee in any Page | 43 manner, including providing questions, suggestions, and guidance on responses to any questions of the advisee, but shall not participate directly.
- l. The complainant, Chief Conduct Officer or designee and the accused student have the right to call witnesses.
- m. The members of the Academic Honor Code Committee may question witnesses, including the complainant and the accused student. The complainant and the accused student may question witnesses, including each other. The complainant and the accused student will be permitted to review and examine evidence during the hearing, if approved by the Honor Code Committee Chairperson and Chief Conduct Officer or designee.

- n. Pertinent records, exhibits and written statements may be accepted as evidence for consideration at the discretion of the Academic Honor Code Committee Chairperson and the Chief Conduct Officer or designee.
- o. Procedural questions are subject to the final decision of the Chief Conduct Officer or designee of Students.
- p. After the hearing, the Academic Honor Code Committee will go into closed session. The Chairperson may participate in the deliberations of the board. After deliberations, a decision will be forwarded to the Chief Conduct Officer or designee.
- q. The Academic Honor Code Committee's findings of fact and recommendation will be made on the basis of whether, by a preponderance of the evidence presented at the hearing, it is more likely than not that the accused student committed academic dishonesty as charged.
- r. Should an accused student fail to appear for his/her hearing or choose to limit or withhold a response to charges against him/her, the Chairperson shall nevertheless proceed with the hearing in the student's absence. An accused student shall not be found responsible for a violation of the Academic Honor Code Policy and Student Conduct Code solely because he/she chooses to remain silent.
- s. The Chief Conduct Officer or designee will inform students of the decision via their University email account, normally within ten (10) business days of the hearing date.
- t. The Chief Conduct Officer or designee will inform students of their right to appeal the decision and be given a written statement of the decision and the penalty. The student has the right to appeal any decision provided that relevant grounds for an appeal be cited.
- u. Student must send appeal electronically by using this link [https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout\\_id=5](https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout_id=5) within five (5) business days after the receipt of the original decision by the Academic Honor Code Committee to the Chief Conduct Officer or designee.
- v. The Provost and Vice President for Academic Affairs (or to such other person he/she may designate) shall constitute the final appeal for all academic dishonesty cases not resulting in suspension or expulsion. Second appeals are only allowed if sanctions include suspension or expulsion. The Provost and Vice President for Academic Affairs or designee may:
  - i. Affirm the original finding and sanction.
  - ii. Affirm the original finding and issue a new sanction in lesser severity.
  - iii. Remand the case back to the decision-maker to correct procedural or factual deficit.
  - iv. Reverse or dismiss the case if there was a procedural or factual deficit.
- w. The Provost and Vice for Academic Affairs or designee will communicate, within seven (7) business days, to the student by electronic mail the decision regarding the appeal, including the process for a further appeal to the President, if applicable.
- x. Second appeals are allowed for academic dishonesty cases which include suspension or expulsion and have gone through the first level of appeal. Second level appeals are made to the President by using this link [https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout\\_id=5](https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout_id=5) within

five (5) business days (as determined by receipt of the decision letter from the previous appeal) after the Provost and Vice President for Academic Affairs has communicated to the student.

- y. The President will communicate within seven (7) business days, to the student by electronic mail the decision regarding the second appeal, including further appeal to the Board of Regents, if applicable.
- z. Should the responding student wish to appeal the President's decision, he/she may request review by the Board of Regents in accordance with the USG Policy 6.26 Discretionary Review.

### **Perjury**

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

## CHAPTER NINE

### IX. Student Sexual Misconduct Policy

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

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

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

#### **(A) Institutional Reports**

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

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

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

Coordinator shall transfer oversight to the System Director or designee. The System Director shall have the discretion to retain oversight or transfer oversight to the institution.

### **(B) Law Enforcement Reports**

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

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

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

### **(C) Anonymous Reports**

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

### **(D) Retaliation**

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

### **(E) False Complaints**

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

### **(F) Amnesty**

Individuals should be encouraged to come forward and to report sexual misconduct notwithstanding their choice to consume alcohol or to use drugs. Information reported by an individual during an investigation concerning use of drugs or alcohol will not be used

against the particular individual in a disciplinary proceeding or voluntarily reported to law enforcement; however, individuals may be provided with resources on drug and alcohol counseling and/or education, as appropriate.

## **Handling Reports of Sexual Misconduct**

### **(A) Support Services**

The complainant, respondent and alleged victim (where applicable) will receive written information from the Title IX Coordinator about support services, such as counseling, advocacy, housing assistance, academic support, disability services, health and mental health services, and legal assistance, available at the student's institution. Information on support services will be provided regardless as to whether an individual elects to go forward with filing a formal complaint of sexual misconduct or with notifying law enforcement.

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

### **(B) Interim Measures**

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

Before an interim suspension is issued, the institution must make all reasonable efforts to give the respondent the opportunity to be heard, consistent with the provisions in USG Policy 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings.

### **(C) Jurisdiction**

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

### **(D) Advisors**

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

### **(E) Informal Resolutions**

Allegations of sexual misconduct may be resolved informally, without a determination of misconduct, if all of the following are met:

1. When complainant(s) and respondent agree to an informal resolution;



2. When the initial allegation could not result in expulsion;
3. When the complainant(s) and respondent(s) agree to the terms of the informal resolution; and,
4. When the investigator concludes that informal resolution is in the best interest of the parties and the institution's community.
5. The alleged victim(s) and respondent(s) have the option to end informal resolution discussions and request a formal process at any time before the terms of an informal resolution are reached. However, matters resolved informally shall not be appealable.

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

**(G) Investigations**

All sexual misconduct investigations involving a student respondent, whether overseen by the Title IX Coordinator or the System Director, shall follow the investigation process set forth in USG Policy 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings.

**(H) Hearings, Possible Sanctions and Appeals**

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

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

## CHAPTER TEN

### X. University Housing Regulations

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

#### A. University Housing Regulations

##### 1. Alcohol possession and Use within the Residence halls:

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

##### 2. Animals

- a. Animals are prohibited inside of the residence halls at all times with the exception of:
  - i. Service animals: A dog or miniature horse that is trained, or in the process of being trained under the auspices of a recognized training facility to perform tasks for the benefit of a person with a disability
  - ii. Emotional comfort animals that are approved by the Office of Counseling and Disability Services.
- b. The feeding of stray animals in or around residential facilities is prohibited Stray

##### 3. Community Living

- a. Violating any provision of the RAM Life Guide or other published University Housing Guidelines or Agreements.
- b. Violating any provision of a signed Roommate or Apartment Agreement.

##### 4. Damage to Property

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

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

## **5. Facilities and Equipment**

- a. Tampering with/removing window screens or throwing/dropping any item from Residence Hall windows.
- b. Unauthorized use of cable, computer access, or telephone access (including the splicing of wires).
- c. Painting or drawing on any surface in a Residence Hall room or common area, hallways, patios, and /or Residence Hall grounds.
- d. Loaning or transferring University-issued keys, including proximity access cards, to any person for any period of time.
- e. Entering or exiting a Residence Hall through windows or unauthorized doors.
- f. Entering or attempting to enter any restricted area (including, but not limited to: attics, basements, mechanical rooms, and roofs).
- g. Tampering with, adding, or removing any locking device on any Residence Hall door or window.
- h. Removal of any door from its hinges.
- i. Suspending hammocks from any surface within a Residence Hall, patio or signs on Residence Hall grounds.
- j. Tampering with/or damaging temperature control settings on a thermostat.

## **6. Furniture**

- a. Removing or tampering with furniture from a designated residential area, such as a student unit or floor common areas, from inside apartment units to patios, or moving furniture in public spaces without permission.
- b. Placing furniture into elevators or stairwells.
- c. Suspending any furniture from the ceiling.
- d. Possession or use of a waterbed in a Residence Hall.
- e. Constructing a loft or any other structure within a Residence Hall without the prior approval of University Housing Officials.

## **7. Guest Behavior**

- a. Students are responsible for the behavior of their guests whom they invite to the campus or permit to visit on the campus. Please refer to Chapter Seven, Value V, Section 5. Guest Behavior of the Student Code of Conduct for more information.

## **8. Guests and Visitation – Refer to the RAM Life Guide for regulations specific to Guests within University Housing.**

- a. Failure to abide by the regulations for Guests and Visitors as outlined in the RAM Life Guide.
- b. Failure to escort a Guest within the Residence Halls.
- c. Failure to gain permission from all residents assigned to a unit prior to allowing entry for a Guest.
- d. Hosting a Guest within a Residence Hall for more than two consecutive nights.

- e. Hosting a Guest for more than four nights within a calendar month.
- f. Hosting more than three Guests at one time.

#### **9. Excessive Health and Safety Violations**

- a. Health and Safety inspections are completed at least twice a semester in each residence hall. Repeat violations are considered excessive and pose a health and safety risk to the residential community. Health and safety violations consist of but are not limited to lack of cleanliness and sanitation, obstruction to exits, prohibited appliances, excessive trash, etc.

#### **10. Improper Behavior**

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

#### **11. Littering and Trash Disposal**

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

#### **12. Room Decorations**

- a. Failure to keep posters or decorations at least six inches from the ceiling; covering more than 50% of any given wall with postings or decorations.
- b. Suspending any item from the ceiling, including, but not limited to: fishnets, parachutes, stripper poles, holiday lights, and flags.
- c. Possession or displaying of alcohol paraphernalia, including, but not limited to: funnels, beer bongs, shot dispensers, or other methods of alcohol delivery.
- d. Affixing any item to a wall, ceiling, or floor in a manner that may create damage to the surface.

- e. Display of any item facing outward toward public spaces in windows of on-campus residential facilities.
- f. Curtains or window treatments that do not possess a fire retardant label from the manufacturer.
- g. Failure to use “low tack” tape (i.e.: blue painters tape) or approved low tack hanging devices (i.e.: 3M Command products) when hanging decorations.

### **13. Residence Hall Computer Labs**

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

### **14. Tobacco Use in Residence Halls**

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

### **15. Residential Fire Safety**

- a. Tampering with or removal of fire safety equipment within the residence halls is prohibited. This equipment includes but is not limited: to fire alarm pull stations, fire extinguishers, sprinkler systems, smoke detectors and any other safety devices located within the residence halls.
- b. Removing and/or covering smoke detectors;
- c. Activating an alarm lacking an emergency situation;
- d. Removing and/or tampering with covers on fire alarm pull stations;
- e. Removing and/or tampering with common area and room sprinkler systems;
- f. Propping of emergency exit doors is a violation and compromises the student safety within the residence halls;
- g. Discharging a fire extinguisher for any purpose other than putting out a fire; etc.
- h. Propping of interior doors such as suite/unit and bedroom doors are also considered a safety hazard and is prohibited;
- i. Tampering with or removing window screens from residence hall windows.

## **16. Room Changes**

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

## **B. INSTITUTIONAL SANCTIONS FOR UNIVERSITY HOUSING REGULATIONS**

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

1. Animals—Students found in violation for violating the Animals Policy will be subject to at least the following sanctions:
  - a. First Offense: \$150.00 fine, additional charges for damages and/or cleanup and a disciplinary warning.
  - b. Second Offense: \$300.00 fine, additional charges for damages and/cleanup and disciplinary probation for no less than one academic semester.
  - c. Third Offense: Referral to the Office of Student Conduct for further conduct action to include removal from the Residence Hall without refund for the entire term of the contract and further conduct action.
2. Guests and Visitation - Students responsible for violating items “d” and/or “e” of the Guests & Visitation Policy may be subject to at least the following sanctions:
  - a. First Offense: \$100.00 fine damages and disciplinary warning.
  - b. Second Offense: \$200.00 fine and disciplinary probation for no less than one academic semester.
  - c. Third Offense: Referral to the Office of Student Conduct for further conduct action to include removal from the Residence Hall without refund for the entire term of the contract and further conduct action.
3. Health and Safety Violation - Students found in violation for violating the Health and Safety Policy will be subject to at least the following sanctions:
  - a. First Offense: \$50.00 fine and disciplinary warning.
  - b. Second Offense: \$100.00 fine and disciplinary probation for no less than one academic semester.
  - c. Third Offense: Referral to the Office of Student Conduct for further conduct action to include removal from the Residence Hall without refund for the entire term of the contract and further conduct action.
4. Littering and Trash Disposal – Students found in violation for violating the Littering and Trash Disposal Policy will be subject to at least the following sanctions:
  - a. First Offense: \$25.00 fine and disciplinary warning.

- b. Second Offense: \$50.00 fine and disciplinary probation for no less than one academic semester.
  - c. Third Offense: Referral to the Office of Student Conduct for further conduct action to include removal from the Residence Hall without refund for the entire term of the contract and further conduct action.
- 5. Fire and Safety Violations- Students found in violation for tampering with any life safety device will be subject to at least the following sanctions as well as possible criminal charges:
  - a. **Level One Violations** (i.e. mini fridge, unburnt candle, microwave, holiday decorations, plug in air fresheners, flags/banners, storage of bicycles, and like items):
    - i. First Offense: Disciplinary warning.
    - ii. Second Offense: \$50.00 fine and disciplinary probation for no less than one academic semester.
  - b. **Level Two Violations** (i.e. burnt candle, unsafe cooking practices, items containing an open flame or heating source, covering a smoke detector, failure to evacuate during a fire alarm, and like items):
    - i. First Offense: \$100.00 fine and possible removal from the Residence Hall without refund and/or suspension from Albany State University.
    - ii. Second Offense: \$200.00 fine and possible removal from the Residence Hall without refund and/or suspension from Albany State University.
  - c. **Level Three Violations** (i.e. activating a sprinkler head, disabling smoke detectors, tampering with doors or windows to prevent egress, pulling a fire alarm pull station without just cause, and like items):
    - i. First Offense: \$250.00 fine, restitution, and possible removal from the Residence Hall without refund and/or suspension from Albany State University.
    - ii. Second Offense: \$500.00 fine, restitution, and possible removal from the Residence Hall without refund and/or suspension from Albany State University.

## CHAPTER ELEVEN

### XI. University Hearing Panels

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#### A. University Hearing Panels

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

#### B. Training

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

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



## CHAPTER TWELVE

### XII. Appeals

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#### A. ACADEMIC DISHONESTY

1. All levels of appeals will only be considered for the following reasons:
  - a. to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing;
  - b. to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by bias; or,
  - c. to allege that the finding was inconsistent with the weight of the information.
2. A Student may appeal to the Provost and Vice President for Academic Affairs or designee, provided the basis for the appeal is limited to the criteria listed above. Students who have accepted an Informal Resolution are not eligible for an appeal.
3. All appeal request and responses in this process are transmitted by using the following electronic form online at [https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout\\_id=5](https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout_id=5) (which accommodates distance learning Students).
4. A Student found responsible for violating this Student Code of Conduct will have five (5) business days from the date of the decision letter to appeal. The appeal packet will be limited to a review of the record of the Academic Honor Code Committee, supporting documents, and the Student's written appeal. The Student must explicitly state why they believe an appeal is warranted.
5. Any Student wishing to appeal should submit their appeal in writing to the Office of Student Conduct. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the Provost and Vice President for Academic Affairs or designee. The Provost and Vice President for Academic Affairs or designee may:
  - a. Affirm the original finding and sanction,
  - b. Affirm the original finding but issue a new sanction of lesser severity,
  - c. Remand the case back to the decision-maker to correct a procedural or factual defect, or
  - d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
6. The Provost and Vice President for Academic Affairs or designee shall then issue a decision via Albany State University email to both the respondent

and the alleged victim (where applicable) in writing within a reasonable time period.

7. The decision of the Provost and Vice President for Academic Affairs or designee may be appealed in writing within five business days (as determined by the date of the decision letter) to the President of the University solely on the three grounds set forth above.
8. Any Student wishing to appeal the Provost and Vice President for Academic Affairs decision should submit their appeal in writing to the Office of Student Conduct. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the President of the University or designee. The President or designee may:
  - a. Affirm the original finding and sanction,
  - b. Affirm the original finding but issue a new sanction of lesser severity,
  - c. Remand the case back to the decision-maker to correct a procedural or factual defect, or,
  - d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
9. Should the respondent or alleged victim (where applicable) wish to appeal the President's decision, he or she may request review by the Board of Regents in accordance with the Board of Regents' Policy on Discretionary Review.

## **B. BEHAVIORAL CONDUCT**

1. All levels of appeals will only be considered for the following reasons:
  - a. to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing;
  - b. to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by bias; or,
  - c. to allege that the finding was inconsistent with the weight of the information.
2. A Student may appeal to the Vice President for Student Affairs and Dean of Students or designee, provided the basis for the appeal is limited to the criteria listed above. Students who have accepted an Informal Resolution are not eligible for an appeal.
3. All appeal request and responses in this process are transmitted by using the following electronic form online at [https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout\\_id=5](https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout_id=5) (which accommodates distance learning Students).
4. A Student found responsible for violating this Student Code of Conduct will have five (5) business days from the date of the decision letter to appeal. The appeal packet will be limited to a review of the record of the University Disciplinary Committee, supporting documents, and the Student's written

appeal. The Student must explicitly state why they believe an appeal is warranted.

5. Any Student wishing to appeal should submit their appeal in writing to the Office of Student Conduct. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the Vice President for Student Affairs and Dean of Students or designee. The Vice President for Student Affairs and Dean of Students or designee may:
  - a. Affirm the original finding and sanction,
  - b. Affirm the original finding but issue a new sanction of lesser severity,
  - c. Remand the case back to the decision-maker to correct a procedural or factual defect; or,
  - d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
6. The Vice President for Student Affairs and Dean of Students or designee shall then issue a decision via Albany State University email to both the respondent and the alleged victim (where applicable) in writing within a reasonable time period.
7. The decision of the Vice President for Student Affairs and Dean of Students or designee may be appealed in writing within five business days (as determined by the date of the decision letter) to the President of the University solely on the three grounds set forth above.
8. Any Student wishing to appeal the Vice President for Student Affairs and Dean of Students decision should submit their appeal in writing to the Office of Student Conduct. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the President of the University or designee. The President or designee may:
  - a. Affirm the original finding and sanction,
  - b. Affirm the original finding but issue a new sanction of lesser severity,
  - c. Remand the case back to the decision-maker to correct a procedural or factual defect, or,
  - d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
9. Should the respondent or alleged victim (where applicable) wish to appeal the President's decision, he or she may request review by the Board of Regents in accordance with the Board of Regents' Policy on Discretionary Review.

### **C. SEXUAL MISCONDUCT**

1. All levels of appeals will only be considered for the following reasons:
  - a. to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing;
  - b. to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or

- whether the decision was tainted by bias; or,
- c. to allege that the finding was inconsistent with the weight of the information.
2. A Student may appeal to the Vice President for Student Affairs and Dean of Students or designee, provided the basis for the appeal is limited to the criteria listed above. Students who have accepted an Informal Resolution are not eligible for an appeal.
  3. All appeal request and responses in this process are transmitted by using the following electronic form online at [https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout\\_id=5](https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout_id=5) (which accommodates distance learning Students).
  4. A Student found responsible for violating this Student Code of Conduct will have five (5) business days from the date of the decision letter to appeal. The appeal packet will be limited to a review of the record of the University Disciplinary Committee, supporting documents, and the Student's written appeal. The Student must explicitly state why they believe an appeal is warranted.
  5. Any Student wishing to appeal should submit their appeal in writing to the Office of Student Conduct. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the Vice President for Student Affairs and Dean of Students or designee. The Vice President for Student Affairs and Dean of Students or designee may:
    - a. Affirm the original finding and sanction,
    - b. Affirm the original finding but issue a new sanction of lesser severity,
    - c. Remand the case back to the decision-maker to correct a procedural or factual defect; or,
    - d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
  6. The Vice President for Student Affairs and Dean of Students or designee shall then issue a decision via Albany State University email to both the respondent and the alleged victim (where applicable) in writing within a reasonable time period.
  7. The decision of the Vice President for Student Affairs and Dean of Students or designee may be appealed in writing within five business days (as determined by the date of the decision letter) to the President of the University solely on the three grounds set forth above.
  8. Any Student wishing to appeal the Vice President for Student Affairs and Dean of Students decision should submit their appeal in writing to the Office of Student Conduct. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the President of the University or designee. The President or designee may:
    - a. Affirm the original finding and sanction,
    - b. Affirm the original finding but issue a new sanction of lesser severity,
    - c. Remand the case back to the decision-maker to correct a procedural or factual defect, or,

- d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
- 9. Should the respondent or alleged victim (where applicable) wish to appeal the President's decision, he or she may request review by the Board of Regents in accordance with the Board of Regents' Policy on Discretionary Review.

#### **D. UNIVERSITY HOUSING VIOLATIONS**

- 1. All levels of appeals will only be considered for the following reasons:
  - a. to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing;
  - b. to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by bias; or,
  - c. to allege that the finding was inconsistent with the weight of the information.
- 2. A Student may appeal to the Director for Housing and Residence Life or designee, provided the basis for the appeal is limited to the criteria listed above. Students who have accepted an Informal Resolution are not eligible for an appeal.
- 3. All appeal requests and responses in this process are transmitted by using the following electronic form online at [https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout\\_id=1](https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout_id=1) (which accommodates distance learning Students).
- 4. A Student found responsible for violating any University Housing Regulation will have five (5) business days from the date of the decision letter to appeal. The appeal packet will be limited to a review of the record of the Housing Review Board, supporting documents, and the Student's written appeal. The Student must explicitly state why they believe an appeal is warranted.
- 5. Any Student wishing to appeal should submit their appeal in writing to the Department of Housing and Residence Life. The Department of Housing and Residence Life will compile all pertinent information and deliver the appeal packet to the Director for Housing and Residence Life or designee or designee. The Director of Housing and Residence Life or designee may:
  - a. Affirm the original finding and sanction,
  - b. Affirm the original finding but issue a new sanction of lesser severity,
  - c. Remand the case back to the decision-maker to correct a procedural or factual defect; or,
  - d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

6. The Director for Housing and Residence Life or designee shall then issue a decision via Albany State University email to the Responding Student in writing within a reasonable time period.
7. The decision of the Director for Housing and Residence Life or designee is final for Institutional Housing Regulation violations.

## CHAPTER THIRTEEN

### **XIII. Sexual Misconduct**

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

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

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

#### **1. Institutional Reports**

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

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

The Title IX Coordinator shall refer to his or her Supervisor and the System Director any allegation(s) of sexual misconduct that could, standing alone as reported, lead to the suspension or expulsion of the respondent(s). The

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

## **2. Law Enforcement Reports**

Because sexual misconduct may constitute criminal activity, a complainant also has the option, should he or she so choose, of filing a report with campus or local police, for his or her own protection and that of the surrounding community. The institution may assist the complainant in reporting the situation to law enforcement officials. Complainants considering filing a report of sexual misconduct with law enforcement should preserve any evidence of sexual misconduct, including, but not limited to, the following:

- i. Clothing worn during the incident including undergarments;
- ii. Sheets, bedding, and condoms, if used;
- iii. Lists of witnesses with contact information;
- iv. Text messages, call history, social media posts;
- v. Pictures of injuries; and/or,
- vi. Videos.

## **3. Anonymous Reports**

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

## **4. Retaliation**

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

## **5. False Complaints**

Individuals are prohibited from intentionally giving false statements to a system or institution official. Any person found to have intentionally submitted false complaints, accusations, or statements, including during a hearing, in



violation of this Policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated under the student conduct policy.

**6. Amnesty**

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

**7. Handling Reports of Sexual Misconduct**

**A. Support Services**

The complainant, respondent and alleged victim (where applicable) will receive written information from the Title IX Coordinator about support services, such as counseling, advocacy, housing assistance, academic support, disability services, health and mental health services, and legal assistance, available at the student's institution. Information on support services will be provided regardless as to whether an individual elects to go forward with filing a formal complaint of sexual misconduct or with notifying law enforcement. Information on support services will also be provided to students and employees, regardless of where the alleged misconduct occurs.

**B. Interim Measures**

Interim measures may be undertaken at any point after the institution becomes aware of an allegation of sexual misconduct and should be designed to protect the alleged victim and the community. Before an interim suspension is issued, the institution must make all reasonable efforts to give the respondent the opportunity to be heard, consistent with the provisions in USG Policy 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings.

**C. Jurisdiction**

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

**D. Advisors**

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

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

- a. When complainant(s) and respondent agree to an informal resolution;
- b. When the initial allegation could not result in expulsion;
- c. When the complainant(s) and respondent(s) agree to the terms of the informal resolution; and,
- d. When the investigator concludes that informal resolution is in the best interest of the parties and the institution's community.
- e. The alleged victim(s) and respondent(s) have the option to end informal resolution discussions and request a formal process at any time before the terms of an informal resolution are reached. However, matters resolved informally shall not be appealable.

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

**6. Timeframe Efforts**

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

**7. Investigations** All sexual misconduct investigations involving a student respondent, whether overseen by the Title IX Coordinator or the System Director, shall follow the investigation process set forth in USG Policy 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings.

**8. Hearings, Possible Sanctions and Appeals**

All sexual misconduct hearings, sanctions, and appeals involving a student respondent, whether overseen by the Title IX Coordinator or the System

Director, shall follow the investigation process set forth in USG Policy 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings.

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

## **9. POSSIBLE SANCTIONS FOR SEXUAL MISCONDUCT**

1. Possible sanctions for a Student found in violation of sexual misconduct may include but are not limited to disciplinary probation, suspension, or expulsion from Albany State University.
2. In any campus disciplinary proceedings related to this policy, the Complainant and the Respondent will be informed of the outcome of the case, along with any sanctions imposed. The Title IX Office may also implement other interim measures, including but not limited to no contact agreements and bans from certain areas of campus. Violation of any, such no contact agreement or ban may result in a separate charge of Failure to Comply. The University may impose an interim suspension when it is determined it is appropriate against a Respondent under this policy.

## **J. RIGHTS AND OPTIONS**

1. The alleged victim and the respondent have the right to be treated with respect, dignity, and sensitivity throughout the process.
2. Students, faculty or staff who are parties to a complaint have a right to a prompt, thorough, equitable and fair review process.
3. The alleged victim and respondent have a right to be heard.
4. In sexual assault cases, the alleged victim has the right to choose which course of action he/she wishes to take in addressing his/her grievance. An alleged victim may elect to initiate action through the University's prescribed method for handling Sexual Misconduct cases and/or the criminal justice system. Staff or faculty choosing to file a grievance may pursue a course of action through the Human Resources Equal Employment Opportunity process and/or the criminal justice system.
5. The alleged victim has the right to make a report to a privileged employee. A privileged employee is one who is employed by the University as a licensed counselor, or healthcare professional.
6. The alleged victim or complainant has a right to file his/her complaint with the United States Department of Education Atlanta Office of Civil Rights by calling (404) 974-9406 or emailing [OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov).
7. The alleged victim and the respondent have the right to be informed of campus and community support services such as counseling, health, advocacy, legal assistance and other services.

8. Students, faculty or staff who are parties to a complaint have a right to have the complaint reviewed through a process which is administered by persons who receive annual training regarding how to conduct an impartial investigation and review that protects the safety of the alleged victim and assures fairness and due process to the respondent.
9. Cases involving sexual misconduct in any form, including but not limited to, dating violence, domestic violence, or stalking will be evaluated using a preponderance of the evidence standard. The standard takes into account the weight of the evidence presented by both parties. Having heard, viewed and/or read evidence presented by both parties, the Title IX Coordinator or hearing panel decides whether it is “more likely than not” that the incident did or did not occur.
10. The alleged victim and the respondent have the right to be informed of and receive a copy of the grievance process.
11. If a grievance is filed, the alleged victim and respondent have a right to a copy of all available evidence including documents, statements or printed evidence before the hearing.
12. The alleged victim and the respondent will have the right to review his/her own statement and to make written comments regarding what has been recorded. An addendum may be added to the report prior to sending the file to the Title IX Coordinator for processing.
13. The alleged victim and respondent have a right to present any relevant evidence on his/her behalf including witnesses, written/electronic statements and documentation. Each party will provide the names and contact information for their witnesses. Reasonable attempts will be made to contact the witnesses.
14. The alleged victim and the respondent have a right to select an advisor/advocate of his/her choice and to have that person available for support during the student conduct proceeding. However, the advisor/advocate shall be present solely for support and consultation, and shall not be permitted to speak on behalf of the student.
15. The alleged victim and the respondent have the right to receive written electronic notice of any meeting or hearing they are required to or are eligible to attend.
16. The alleged victim and the respondent have the right to ask questions of the Title IX Coordinator and via the decision maker indirectly request responses from other parties and any other witnesses present.
17. The alleged victim and the respondent have the right to make an impact statement prior to the hearing panel issuing any sanction(s).
18. The alleged victim and respondent have the right to be simultaneously informed in writing of the outcome of the disciplinary proceeding including any sanction(s). Family Education Rights and Privacy Act (FERPA) does not prohibit the alleged victim from receiving information about the outcome of the disciplinary proceedings including any sanction(s).

19. A student who reports having been under the influence of alcohol or drugs at the time he or she was sexually assaulted may be granted amnesty from University alcohol and drug related sanctions. Generally, the admission of alcohol or drug use will not adversely affect him/her in the University disciplinary proceedings nor will it be voluntarily reported to law enforcement. However, students may be referred to Albany State University Counseling & Student Disability Services for a drug and alcohol assessment and education. In cases where repeated violations of the University drug and alcohol policy are at issue, the Title IX Coordinator reserves the right to take judicial action on a case by case basis. The amnesty policy does not provide protection from legal charges which a student may be facing because of his/her involvement with illegal drugs or alcohol.
20. The alleged victim and respondent have a right to be informed of the various sanctions which may be imposed if the respondent(s) is found responsible for an incident of sexual violence, domestic violence, dating violence or stalking. Sanctions may range from fines to expulsion depending on the circumstances specific to the complaint. Faculty or staff found responsible for sexual violence, dating violence, or stalking will be subject to discipline up to and including written reprimand, suspension, demotion or termination. Also, please note that the respondent may be subject to criminal and civil penalties under federal and state law.
21. The alleged victim and respondent may have the right to appeal a decision.
22. The alleged victim, the respondent and other persons who are in any way involved in the grievance process have a right to be free from retaliation, intimidation, threats and coercion which may be committed by any party, anyone acting on behalf of any party or on behalf of the University.
23. Following the report of an incident, if it is determined that there is a continued threat to the alleged victim or to the health and safety of any campus community member, interim measures may be implemented to ensure safety and to avoid an ongoing hostile environment. The interim measures shall be in place as long as necessary and shall be disclosed only to those with a legitimate need to know.
24. The respondent has the right to have unrelated charges and cases investigated separately, but he/she may consent to having the charges aggregated.
25. During the investigation and adjudication of the matter, the respondent has a right to remain silent with any adverse inference resulting. However, if the respondent chooses to remain silent, the investigation and adjudication may ultimately still proceed.
26. The parties have the right to be informed in advance of any public release of information regarding the incident. Further, the parties have the right not to have any personally identifiable information released to the public without his/her consent.

27. The parties have a right to regular updates on the status of the investigation and/or resolution.
28. The parties have a right to the preservation of privacy to the extent permissible by law.
29. The parties have the right to request recusal of any person involved in the investigation or adjudication of the complaint on the basis of bias.
30. The alleged victim have the right to provide evidence by means other than being in the room with the responding party.

## CHAPTER FOURTEEN

### **XIV. Student Groups and Recognized Student Organizations**

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

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

1. **Notice of Charges** – to be informed in written or electronic notification of the specific violation and inappropriate behavior in which the student or organization is suspected of involvement. Note is sent to President and Advisor and is saved in Maxient as organizational file.
2. **Know the Procedures** - Will be provided a copy of the student judicial process when charged.
3. **Hearing** – To have an opportunity to be heard in person before a decision is made.
4. **Advisor** - To be accompanied at a hearing by an advisor of their choice and up to two family members.
5. **Evidence** – The right to review available evidence in the case. To know the nature of the evidence and to be able to provide questions to be asked of witnesses.
6. **Witness** – To be able to offer a defense by having material and/or character witnesses speak on his/her behalf. The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
7. **Written Decision** – To receive a written notice of the decision and sanctions, including rationale for decision.
8. **Appeal** – To appeal a decision resulting from a formal hearing.
9. **Attend Classes** - Students also have the right to attend classes and required University functions until a hearing is held and decision is rendered except as stipulated below:

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

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

Student Groups and Student Organizations are expected to:

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

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

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

1. **Group or Organization Sanctions.** When a Student Organization is charged with a violation, the advisor(s), any applicable regional, national, international offices, and the Office of Student Engagement will be notified. The official outcome will become part of the Organization's file in the Office of Student Engagement and the Office of Student Conduct.
2. A Student Group and or Organization found responsible for violating the Student Code of Conduct may receive one or more of the sanctions listed below, as determined by the Chief Conduct Officer or designee after review of the findings of fact and recommendations of the University Disciplinary Committee or Hearing Officer. Prior to issuing a sanction, the Chief Conduct Officer or designee will inform the University Disciplinary Committee or the Hearing Officer if the Respondent has any previous violations of the Student Code of Conduct. This may have an effect on the type and level of the sanction(s) to be imposed.
3. When a Student Group or Student Organization engages in an act of misconduct, the University reserves the right to take action not only against the Group or Organization but also against individual Student members of the Group or Organization.
4. This list is not to be regarded as all-inclusive but rather as a sample of sanctions that may be imposed. Other University policies and regulations may impose specific penalties for specific violations, and nothing in this chapter is intended to limit the imposition of those specific sanctions.
5. Respondents who fail to complete their sanctions by their determined deadline will be assessed a late fee and are unrecognized until complete. The University is not responsible for any financial loss incurred by the Student Group or Organization for any sanction.
6. **Institutional Sanctions:**
  - a. **Organizational Disciplinary Warning:** Formal notice from the Office of Student Conduct indicating further violations may result in more severe sanctions.
  - b. **Restitution:** Requiring restitution allows for the compensation of loss, damage or destruction caused by a Student Group or Student Organization's misconduct. Compensation may take the form of appropriate service, and/or monetary or material replacement. Requests for property or money to be exchanged between parties in the conduct process will be referred to mediation. The Office of Student Conduct will not take responsibility for the facilitation of these exchanges.



- c. **Organizational Disciplinary Probation:** A status in which a Student Group or Student Organization is considered to not be in good disciplinary standing with the University. The Student Group or Student Organization may seek and add members and host activities unless otherwise specified. Further violations may result in a temporary or permanent Organizational Suspension.
- d. **Educational Sanction(s):** An educational sanction may consist of the assignment of specific projects to be performed by a Student Group or Student Organization, such as writing a research paper on a specific topic, performing community service hours, attending an educational program, and/or writing reaction papers on a specified topic. Educational sanctions might also include completing mandated alcohol, drug or other behavioral education programs and/or enrolling in web based online alcohol and drug education programs.
- e. **Loss of Privileges:** Exclusion of specific privileges such as restriction/exclusion from activities consistent with the violation committed, for a designated period of time.
- f. **Organizational Social Probation:** During the period of social probation, the Student Group or Organization must not host nor participate in any social events to include any event where alcoholic beverages are/will be served, formals, semi-formals, homecoming activities, tailgate events or any other event in which the purpose is purely socialization or entertainment. Student Groups or Student Organizations may host and participate in chapter meetings, council meetings, business meetings, philanthropy events, and any educational sessions offered through Student Engagement and/or your national office.
- g. **Organizational Suspension:** A status in which the University recognition of a Student Group or Student Organization is removed for a definite period of time. During a period of Organizational Suspension, the Student Group or Student Organization may continue to occupy or hold property, but may not seek or add members, hold or sponsor events, or sponsor or attend any events that are social in nature.
- h. **Organization Expulsion:** A status in which the University recognition of a Student Group of Student Organization is permanently revoked. The Student Group or Student Organization may no longer function or have a presence on University property or at University sponsored activities.

## CHAPTER FIFTEEN

### XV. Administrative Regulations

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#### **A. Amnesty Policy**

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

#### **Amnesty Relating to Sexual Misconduct Reports (ONLY):**

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

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

1. For those who request assistance for others Students are encouraged to request or call for help and assistance for others. Albany State University pursues a policy of amnesty for violations when students request help for others in need (alcohol and drugs violations only). At the discretion of the Chief Conduct Officer or designee, amnesty may also be extended on a case-by-case basis to the person receiving assistance. If amnesty is granted, no conduct proceedings or disciplinary charges will result; however, a meeting may be required where educational and support options will be provided.
2. For victim Albany State University provides amnesty to victims of other offenses who may be hesitant to report to University officials because they fear they may be accused of policy violations (alcohol and drugs violations only), at the time of the offense. If amnesty is granted, no conduct proceedings or disciplinary charges will result; however, a meeting may be required where educational and support options will be provided.
3. For those participating as a complainant or witness in the conduct process Information reported in good faith by student (witness or victim) during an investigation concerning their own use of drugs or alcohol only will not be used against that individual in a disciplinary hearing and will not be voluntarily reported to law enforcement; however, a meeting may be required where educational and support options will be provided.

## **B. Policy on Drug Use**

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

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

### **Institutional Penalties – Drugs**

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

#### **STRIKE ONE**

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

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

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

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

#### **STRIKE TWO**

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

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

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

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

### **STRIKE THREE**

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

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

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

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

#### **Special Note:**

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

### **C. Policy on Alcohol Use**

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

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

#### **Institutional Penalties – Alcohol**

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

### **STRIKE ONE**

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

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

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

eCheckup TOGO Alcohol + \$100 Assessment Fee, \$100 Fine, Counseling (3) sessions minimum, Disciplinary Probation Period of no less than one (1) academic semester, Parental Notification, and Loss of Leadership Position and/or Eligibility.

### **STRIKE TWO**

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

TIPS (Alcohol Prevention Program Class) + \$100 Assessment Fee, probationary period for no less than two (2) academic semesters, \$250 fine, Counseling three (3) sessions minimum, possible removal from campus housing and/or suspension from University and Parental Notification.

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

TIPS (Alcohol Prevention Program Class) + \$100 Assessment Fee, Probationary period for no less than two (2) academic semesters, \$250 fine, possible removal from campus housing and/or suspension from University, and Parental Notification

### **STRIKE THREE**

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

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

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

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

#### **Special Note:**

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

#### **D. Treatment**

If a student is in need of counseling and therapy for a substance abuse problem, the student will be referred to the Student Counseling Department. There the student will have access to licensed professional counselors prepared to assist. Please contact the Counseling and Student Disability Department at (229) 500-2013. The normal hours of operation are 8:00 a.m. – 5:00 p.m. on Monday – Friday for more information. All services are free and strictly confidential.

#### **E. Inspection, Search and Seizure**

Students are guaranteed the rights of any citizen and therefore will not be subject to unreasonable searches and seizures. The courts, however, have recognized the right of the University to conduct reasonable inspections, searches and seizures in order

to enforce University regulations. Albany State University reserves the right to conduct such inspections, searches and seizures within limits of the law.

1. Inspections

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

2. Searches

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

3. Administrative Search Procedures/Guidelines

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

## **F. Parental Notification**

Albany State University is committed to the eradication of alcohol and drug abuse within the University community. The safety and welfare of students will always be a great concern. The approach to violation of the alcohol and drug policy is to be proactive. Although the primary approach to alcohol and drugs violations is educational, it should be clearly understood that violations of the alcohol and drug policy will result in disciplinary sanctions being issued by the University. The Office of Student Conduct will notify parents or legal guardians of students under the age of twenty-one (21) who are found responsible for violating the alcohol and/or drug policy.

## **G. Record Keeping and Release of Information**

1. **Maintenance of Disciplinary Files:** A case referral results in the creation of a disciplinary file in the name of the Respondent. Disciplinary files will be retained for five (5) years after graduation or date of last attendance but at least one (1) year after final notice to Immigration and Naturalization Service. Disciplinary files containing records of Suspension or Expulsion will be permanently retained.
2. **Release of Information:** Student disciplinary files shall be governed by the Family Educational Rights and Privacy Act 20 U.S.C. § 1232g.
  - a. Academic or non-academic misconduct resulting in expulsion may be released to third parties indefinitely.
  - b. Academic misconduct that resulted in suspension may be released to third parties in accordance with federal or state law.
  - c. Academic misconduct that resulted in suspension or expulsion will be noted on the student's academic transcript.
  - d. Any non-academic misconduct that resulted in suspension where a potential threat to the campus community exists (including but not limited to illegal drug distribution, endangering or harming any person, or jeopardizing the safety of any person) may be released to third parties for five (5) years after sanction completion. In instances of suspension where no threat to the community is identified, the suspension may be reported until the sanction is complete.
  - e. Any academic or non-academic misconduct that did not result in suspension or expulsion is not released to third parties.
  - f. Other than expulsion, non-academic disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record.
3. **Parent/Legal Guardian Notification:** Parents/Legal Guardians of students under the age of 21 may be notified when a student is found responsible for violating Albany State University's policy on Alcohol and other Drugs.
4. **Transcript Encumbrances:** In pending cases that could result in suspension or expulsion, the Office of Student Conduct will normally place a temporary encumbrance (hold) on a Respondent's records.
5. **Student Banner Account:** The Office of Student Conduct will also place a temporary encumbrance (hold) on a Respondent's records if the

Respondent fails to respond to an official request to meet with the Chief Conduct Officer or other representative from the Office of Student Conduct, if the Respondent fails to complete assigned sanctions by the assigned deadline; or if the Respondent is placed on Interim Suspension. Note that if a Responding student is expelled from the University, a permanent hold will be placed on the student's record.

6. **Records Requests:** Access to student records is provided to each student in accordance with the Family Educational Rights and Privacy Act (FERPA). The University requires a specific written request from the student to release the entire disciplinary record to third parties. Requests for conduct records by anyone other than the student can be made utilizing the Georgia Open Records Act Request Process through the Albany State University Office of Legal Affairs by emailing to [openrecords@asurams.edu](mailto:openrecords@asurams.edu).

#### H. Interim Measures

Interim measures may be provided by the University at any point during an investigation and are designed to protect the alleged victim and the community. To the extent interim measures are imposed, they should minimize the burden on both the alleged victim and the respondent, where feasible. Interim measures may include, but are not limited to:

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

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

Before an interim suspension is issued, the University will make all reasonable efforts to give the respondent the opportunity to be heard on whether his or her presence on campus poses a danger.

If an interim suspension is issued, the terms of the suspension take effect immediately. Upon request, the respondent will have an opportunity to be heard by the respective conduct officer, Title IX Coordinator, or System Director, as appropriate, within three (3) business days in order to determine whether the interim suspension should continue.



## **I. Student Conduct Revisions**

The contents of this edition of the Student Conduct Code, revised on August 09, 2019 supersede all previous editions. Albany State University reserves the right to revise or correct the Student Code of Conduct as needed. Revisions and corrections will be posted on the Internet at [www.asurams.edu/studentconduct](http://www.asurams.edu/studentconduct). Those revisions and corrections shall supersede all earlier printed and Internet versions. For more information, relating to policies and procedures located in this document, contact the Office of Student Conduct at (229) 500-3554.