

# Georgia Southern University – Armstrong & Liberty Campuses

## Code of Student Conduct

### Spring, Summer 2018

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## Chapter 1 Preamble

- A. Georgia Southern University exists to provide an environment in which intellectual achievement, scholarship, and character development can flourish. The Georgia Southern University community (Students, Faculty, and Staff) willingly shares the responsibility for sustaining a creative and productive atmosphere through adherence to the highest standards of personal and professional conduct. All who are privileged to be a part of Georgia Southern University campus life must remain aware they are representatives of Georgia Southern University, whether they are on campus or elsewhere, and are therefore expected to avoid behavior which brings discredit or dishonor upon themselves or the University as an institution. Recognizing trust is the cornerstone of all human relations, Students will work to build and sustain the trust of their peers, the Faculty, and Staff by following both the letter and the spirit of the Code of Student Conduct.
- B. The University is dedicated not only to learning and the advancement of knowledge, but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through sound educational programs and policies governing Student conduct that encourage independence and maturity.
- C. Student Conduct Proceedings are not a court of law, and therefore do not follow prescribed legal or evidentiary standards. Student Conduct Proceedings are also completely separate from any criminal proceeding and one will have no bearing on the other. Should a Student have a pending legal case, the University will move forward with Student Conduct Proceedings.
- D. The University may apply sanctions or take other appropriate action when the conduct of a Student interferes with the University's (a) responsibility of ensuring the opportunity for attainment of educational objectives; or (b) responsibility of protecting property, keeping records, providing services, and sponsoring non-classroom activities such as lectures, concerts, athletic events, and social functions.
- E. Representatives from the Student Government Association will have an opportunity to provide input in the formation and evaluation of all policies, rules, and sanctions pertaining to Student Conduct.
- F. Academic Integrity violations discussed in this Code are not considered to be all inclusive. Each Department or College may also promulgate course or discipline-specific ethics or professional standards that are consistent with the provisions of this Code.
- G. The Office of Student Conduct utilizes the University assigned student email as its primary means of communication with Students. It is necessary for Students to check their University email daily and to promptly respond to any requests from the Office of Student Conduct or designee.

## **Chapter 2      Georgia Southern University Creed**

As a student of Georgia Southern University, I pledge: to display the highest level of integrity, both inside and outside the classroom; to hold myself and my peers accountable to the standards of academic and personal conduct set forth by the University; and to value and respect each member of Georgia Southern University's diverse community.

### Chapter 3 Definition of Terms

When used in this Code, the following terms have these definitions:

1. **Accused Student** means a Student who has allegedly violated a provision of this Code.
2. **Allegation** means the possible violation(s) of the Code of Student Conduct. Allegations are to be investigated and may or may not result in a charge.
3. **Accused Party** means any Student Group or Student Organization who has allegedly violated a provision of this code.
4. **Code** means the Code of Student Conduct.
5. **Community** means Students, Faculty, and Staff, as well as contractors, vendors, visitors and guests.
6. **Complainant** means an individual lodging a complaint. The complainant may not always be the alleged victim.
7. **Confidential Employees:** Institution employees who have been designated by the Institution's Coordinator to talk with an alleged victim in confidence. Confidential Employees must only report that the incident occurred and provide date, time, location, and name of alleged respondent (if known) without revealing any information that would personally identify the alleged victim. This minimal reporting must be submitted in compliance with Title IX and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"). Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety.
8. **Consent** means 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.

9. **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.
11. **Day** means any day, except Saturday and Sunday, when the University is open.
12. **Director of Student Conduct** means the professional Staff member at Georgia Southern University whose primary responsibility is to administer the Student Conduct system and process.

13. **Domestic Violence:** Violence committed by a current or former spouse or intimate partner of the alleged victim; by a person with whom the alleged victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the alleged victim.
14. **Faculty** means any person employed by Georgia Southern University to provide clinical instruction or classroom activities.
15. **Formal Resolution** occurs when a Student is charged with a violation of this Code and the case is resolved by the Student Conduct Board.
16. **Georgia Southern University** or **University** means the Georgia Southern University Armstrong and Liberty Campuses.
17. **Hearing Officer** means a University official who has the authority to resolve cases of alleged violations of this Code and assign sanctions.
18. **Incapacitation:** The physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep, involuntary physical restraint, status as a minor under the age of 16, or from intentional or unintentional taking of alcohol and/or other drugs. Whether someone is incapacitated is to be judged from the perspective of an objectively reasonable person.
19. **Hearing Officer** means any person designated by the Dean of Student Services to investigate, adjudicate, or otherwise resolve any cases of alleged student misconduct through an informal resolution.
20. **Informal Resolution** occurs when a Student is charged with a violation of this Code and the case is resolved by agreement between the Accused Student and the Hearing Officer.
21. **Major Violation** is a violation of this Code that, based on the violation and the Accused Student's Student Conduct Record, is likely to result in one of the following sanctions: deferred suspension, suspension, or expulsion.
22. **Minor Violation** is a violation of this Code that, based on the violation and the Accused Student's Student Conduct Record, is not likely to result in one of the following sanctions: deferred suspension, suspension, or expulsion.
23. **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.
24. **Office of Student Conduct** means the Director of Student Conduct and others who work within the office.

25. **Privileged Employees:** Individuals employed by the institution to whom a complainant or alleged victim may talk in confidence, as provided by law. Disclosure to these employees will not automatically trigger an investigation against the complainant's or alleged victim's wishes. Privileged Employees include those providing counseling, advocacy, health, mental health, or sexual-assault related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers) or as otherwise provided by applicable law. Exceptions to confidentiality exist where the conduct involves suspected abuse of a minor (in Georgia, under the age of 18) or otherwise provided by law, such as imminent threat of serious harm.
26. **Possession or possessing** means knowingly or intentionally physically holding or controlling an item, or owning or controlling a room, vehicle, or other area where the item is present and where the person owning or controlling the room, vehicle, or other area knew or should have known the item was present.
27. **Respondent:** Individual who is alleged to have engaged in conduct that violates the sexual misconduct policy.
28. **Responsible Employees:** Those employees who must promptly and fully report complaints of or information regarding sexual misconduct to the Coordinator. Responsible Employees include any administrator, supervisor, Faculty member, or other person in a position of authority who is not a Confidential Employee or Privileged Employee. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this Policy (e.g., teaching assistants, residential assistants, student managers, orientation leaders).
29. **Residence Hall** means any room, suite, and/or apartment within a facility designated or managed by Housing and Residence Life.
30. **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:

- i. Invasion of sexual privacy;
  - ii. Prostituting another individual;
  - iii. Non-consensual photos, video, or audio of sexual activity;
  - iv. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity was consensual;
  - v. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
  - vi. Knowingly transmitting an STD or HIV to another individual through sexual activity;
  - vii. Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or Sexually-based bullying.
31. **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.

32. **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.
33. **Staff** means any person employed full time by Georgia Southern University that are not otherwise identified as Faculty.
34. **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.
35. **Student** means an individual who has accepted admission to the University and maintains a continuing relationship with the University by being enrolled in classes or being eligible to enroll in classes.
36. **Student Conduct Record** means the history of responsible findings a Student has with the Office of Student Conduct. This includes Academic Integrity, Behavioral Integrity, and Sexual Misconduct Cases.
37. **Student Group** or **Group** means any number of persons who associate with each other for a common purpose but have not completed the requirements for being a recognized Student Organization.
38. **Student Conduct Board** or **Board** means the board or hearing panel comprised of Students, Faculty and Staff, who address whether a Student, Student Organization, or Student Group has violated the Code of Student Conduct (except alleged Sexual Misconduct violations).
39. **Student Conduct Proceedings** means the procedures and protocols established for the University to address alleged violations of this Code.
40. **Student Organization** or **Organization** means any number of persons who have completed the requirements for being a recognized Student Organization.
41. **University Event** means any event (on-campus or off-campus) sponsored or facilitated by the University, a Student Group, or a Student Organization.

## **Chapter 4      Jurisdiction, Standard of Proof, Due Process, and Role of Advisors to Students**

### **A. Jurisdiction**

1. Georgia Southern University shall take necessary and appropriate action to protect the safety and well-being of its community. Accordingly, student conduct should be addressed when such acts occur on University property, at University-sponsored or affiliated events, or otherwise violate the University's Code of Student Conduct, regardless as to where such conduct occurs. For incidents occurring off campus, the Vice President of Student Affairs or designee will determine if the interests of the University are affected and thus the incident falls under the scope of this Code. An Accused Student may not withdraw from a class where an Academic Integrity violation has been alleged or from the University in order to avoid Student Conduct Proceedings.

### **B. Standard of Proof**

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

### **C. Due Process**

1. An Accused Student or Accused Party charged with a violation of this Code is entitled to a hearing by Informal Resolution or Student Conduct Board.
2. An Accused Student or Accused Party will be notified at least five (5) Days in advance of their scheduled Informal or Formal Resolution. The Student, Student Group, or Student Organization has the right to waive this five (5) Day notice if they so choose.

### **D. Role of Advisors to Students, Student Groups, and Student Organizations**

1. The Accused Student, Accused Party, or victim (where applicable), as parties to Student Conduct Proceedings, shall have the right to use advisors (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 Accused Student(s), Accused Party(s), or Complainant(s) is present. The advisor may advise his or her advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions of the advisee, but shall not participate directly. Georgia Southern University will not prohibit family members of a party from attending if the party requests such attendance, but may limit each participant to two family members.

## Chapter 5 Student Rights and Responsibilities and Challenge for Bias

The Code of Student Conduct is included in the Georgia Southern University Catalog and posted on the University website. It is the Student's responsibility to review the Code of Student Conduct each semester. The most up to date version of the Code of Student Conduct can be found on the Georgia Southern University website. Any Student desiring assistance with any matter related to this Code or any other policy should contact the Office of Student Conduct at [student.integrity@armstrong.edu](mailto:student.integrity@armstrong.edu) or 912.344.3300.

- A. **Student Rights.** Any Student, Student Group, or Student Organization accused of a violation of this Code will have the following rights:
1. Right to an impartial and fair hearing.
  2. Right to not give testimony against oneself.
  3. Right to review any and all information pertaining to the alleged Code violations.
  4. Right to present relevant information pertinent to the case.
  5. In an Informal or Formal Resolution, the right to question in writing and through the chair of the Board or Hearing Officer, any individual providing information to the Board or Hearing Officer.
  6. In a Formal Resolution, the right to have access to the audio recording of the hearing after the hearing has concluded.
- B. **Student Responsibilities.** Students are expected to:
1. Exercise integrity in all matters, both academic and behavioral in nature.
  2. Be fair and courteous with others, treat them fairly and with respect, showing sensitivity to cultural, ethnic, and religious diversity and personal dignity.
  3. Accept personal responsibility for appropriate behavior as defined by the Code.
  4. Know the violations under this Code and potential sanctions for violating them.
  5. Understand they are responsible for knowing and following any additional written or verbal requirements given by Faculty members which relate to academic or behavioral integrity and which are inherent to the classroom or University functions.
  6. Remember they are representatives of Georgia Southern University and they must always conduct themselves in a manner that brings credit upon themselves and the University.
- C. **Recusal or Challenge for Bias**
1. Any party may challenge the participation of any Georgia Southern University official, employee, or student panel member in the process on the grounds of personal bias by submitting a written statement to the Office of Student Conduct or designee setting the basis for the challenge. The individual receiving the challenge may not be the same individual who is responsible for investigating or adjudicating the conduct allegation. The written challenge should be submitted within a reasonable time after the individual knows or reasonably should have known of the existence of the bias. The individual receiving the challenge will determine whether to sustain or deny the challenge, and if sustained, the replacement be appointed.

## Chapter 6 Academic Integrity – Prohibited Conduct and Procedures

- A. **Academic Integrity Prohibited Conduct.** All prohibited conduct listed in this Code applies to Students, Student Groups, and Student Organizations.
1. **Plagiarism** is the offering of the words, ideas, computer data programs, or graphics of others as one's own in any academic exercise. Examples of plagiarism include (but are not limited to):
    - a. The offering of another's work, whether verbatim or paraphrased, as original material in an academic paper.
    - b. The offering of another's original ideas or concepts as one's own, in an academic paper or assessed exercise.
    - c. The inclusion of another's material in one's own work without appropriate or accurate citation or credit.
    - d. The inclusion of one's own previous work without appropriate or accurate citation or credit, or without prior approval from the Faculty member (self-plagiarism).
  2. **Cheating** is (a) the use or attempted use of unauthorized materials, information, or study aids in any academic exercise; or (b) actions taken to gain unfair or undue advantage over others. Examples of cheating include but are not limited to:
    - a. Receiving or providing unauthorized assistance on any work required to be submitted for any course (including using online services or social media to write papers).
    - b. Using unauthorized materials or assistance during an examination, including looking at another's examination.
    - c. Alteration or insertion of any academic grade or evaluation so as to obtain unearned academic credit.
    - d. Taking, or attempting to take, an examination for another Student. This act constitutes a violation for both the Student enrolled in the course and for the proxy or substitute.
    - e. Tampering with another Student's work or impairing the Faculty member's ability to assess the academic performance of another Student.
    - f. Using false excuses to obtain extensions of time or other considerations which would or may yield an unfair advantage over other Students.
    - g. Impeding the ability of Students to have fair access to materials assigned or suggested by the Faculty member (e.g., removal or destruction of library or other source materials).
  3. **Fabrication** is the unauthorized falsification or invention of information or citation in any academic exercise. Examples of fabrication include but are not limited to:
    - a. The offering of contrived or fraudulently created information as the result of systematic research that was never conducted.
    - b. The deliberate alteration of legitimate research data to obtain a desired result.
    - c. The alteration or distortion of laboratory experiments to reach a desired result.
    - d. The deliberate distortion of another's work or results in order to rebut or undermine the original author's work or concept.

4. **Facilitating Academic Dishonesty** is to help or attempt to help another Student to violate any provision of this Code. Examples of facilitating academic dishonesty include but are not limited to:
  - a. Instigating, encouraging, or abetting plagiarism, cheating, or fabrication in others.
  - b. Giving perjured testimony before the Student Conduct Board.
  - c. Failing to report a known violation to the Office of Student Conduct.
  
5. **Coursework Copyright Infringement** is the sharing of course content (e.g. presentations, tests, study guides, lectures or other materials) to a public forum such as a website without the Faculty member's prior consent. It is also the recording of class lectures and presentations without the Faculty member's prior consent (this does not include accommodations approved by Disability Services).

#### B. Academic Integrity Procedures

1. **Report Procedures:** Reports should be submitted to the Office of Student Conduct or the Faculty member of the class where the alleged violation occurred. Reports will be reviewed to determine if the alleged behavior is in violation of this Code.
  - a. Reports
    - i. A suspected Academic Integrity violation may be reported in one of two ways.
      - a. Self-reporting. Students who have committed Academic Integrity violations should report themselves to the Office of Student Conduct or to their Faculty member.
      - b. Reporting by others. Any Georgia Southern University community member who is aware of an Academic Integrity violation should report the offense directly to the Office of Student Conduct.
    - ii. This report should include:
      - a. The type of alleged misconduct.
      - b. Name of the Accused Student.
      - 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).
  - b. Confidentiality
    - i. Where a Complainant or alleged victim requests that his or her identity be withheld or the allegation(s) not be investigated, the University should consider whether or not such request(s) can be honored while still providing a safe and nondiscriminatory environment for the University and conducting an effective review of the allegations. The Office of Student Conduct will inform the requesting party that Georgia Southern University cannot guarantee confidentiality. Honoring the request may limit Georgia Southern University's ability to respond fully to the incident and may limit Georgia Southern University's ability to discipline the respondent.
  - c. Retaliation
    - i. Anyone who, in good faith, reports what she or he believes 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 he or she has been the target of retaliation for reporting, participating or cooperating in, or otherwise being associated with an investigation should immediately contact the 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 Georgia Southern University's policy.

d. False Complaints

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

e. Amnesty

- i. Individuals are encouraged to come forward and to report violations of law or 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.

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

Anyone wishing to report a suspected violation should contact the Office of Student Conduct at [student.integrity@armstrong.edu](mailto:student.integrity@armstrong.edu) or 912.344.3300.

2. **Information Gathering:** When a Faculty member suspects an Academic Integrity violation has occurred, he or she will collect and review any relevant information pertaining to the allegation. When there is an allegation of an Academic Integrity violation, a grade of Incomplete will be given for the assignment and/or overall course until the case is resolved.
3. **Adjudication:** An alleged Academic Integrity violation may be resolved in one of two ways: (a) Informal Resolution with the Faculty member of the class where the alleged violation occurred or (b) Formal Resolution through the Student Conduct Board. Students are only eligible for an Informal Resolution if they have no prior Academic Integrity cases where they were found responsible. If the severity of the offense is of a magnitude to warrant more than a failing grade for the class, a Formal Resolution must occur. If the Accused Student is currently on conduct probation or deferred suspension with the University, a Formal Resolution must occur. The Accused Student may also be charged with violations of [Chapter 7](#) of this Code if the interest of the University has been compromised by a Student's conduct.

#### 4. Minor Violation

##### a. Informal Resolution

- i. An Academic Integrity Informal Resolution is between the accusing Faculty member and the Accused Student.
- ii. An Accused Student is eligible for an Informal Resolution only if he or she has no previous findings of responsibility for the violations listed in this chapter. Any Accused Student with prior findings of responsibility for Academic Integrity violations or who is currently on conduct probation or deferred suspension must be referred to the Office of Student Conduct for adjudication.
- iii. In an Informal Resolution, both the Faculty member and the Accused Student must agree to both the findings and the sanctions of the Informal Resolution. The Accused Student has five (5) Days to decide whether or not to accept the Informal Resolution. The Accused Student is encouraged to contact the Office of Student Conduct to discuss his or her options.
- iv. The Faculty member will provide the Accused Student with written notice of a scheduled meeting at least five (5) Days prior to the meeting. The purpose of the meeting will be to review and discuss the charges before a final decision is reached.
- v. A third party observer may be present at the request of the Faculty member or Accused Student.
- vi. Documentary evidence and written statements may be relied upon by the Faculty member, as long as the Accused Student is allowed to respond to them at the meeting. Accused Students may also be allowed to bring relevant witnesses.
- vii. If the Accused Student accepts responsibility for the violation, the Faculty member and Accused Student may then resolve the problem in a manner acceptable to both. If the Accused Student denies the violation, or does not accept the sanction(s) determined by the Faculty member, the case must then be referred to the Office of Student Conduct within a reasonable amount of time.
- viii. Should the Faculty member conclude there was no violation of the Code of Student Conduct, the case will be closed. The Faculty member will send all relevant documentation to the Office of Student Conduct.
- ix. Upon conclusion of the process, the Faculty member and Accused Student must both sign and date the Informal Resolution form, detailing the specific offense(s) and the sanction(s) assigned. Each party will retain a copy. The original form, along with all relevant documentation, will be submitted to the Office of Student Conduct and will become part of the Accused Student's permanent file. The Accused Student will receive a letter from the Office of Student Conduct, outlining the agreed upon outcome of the case.
- x. By accepting the Informal Resolution, the Accused Student waives his or her right to an appeal.
- xi. If the Accused Student fails to attend the Informal Resolution, a formal hearing will be scheduled for the student.

**b. Formal Resolution**

- i. In a Minor Violation Formal Resolution, the Accused Student appears before the Student Conduct Board for adjudication of his or her case.
- ii. The Accused Student 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 Code of Student Conduct, and the names of the Student Conduct Board members who will adjudicate the case. The Accused Student will then have three (3) Days from the delivery of this notice to challenge any individual scheduled to be a part of the Board hearing the case. The composition of the Board 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 or designee who will render a decision.
- iii. During the Student Conduct Board hearing, the Complainant will have the opportunity to be present to answer any questions the Board may have, as well as any questions the Accused Student may have. The Complainant will also have the opportunity to question the Accused Student. All questions from the Complainant and Accused Student must be directed in writing to the chair of the Board. As per [Chapter 5](#), the Accused Student is entitled to an Advisor who may advise him or her and assist in drafting questions. The Board will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the charge leveled against the Accused Student. The reason for any question not asked will be read into the record.
- iv. The Director of Student Conduct reserves the right to allow a party to testify in a separate room or from a remote location. If this occurs, the Director of Student Conduct will ensure proper sequestration in a manner that ensures testimony has not been tainted and the sequestration will not disadvantage any party.
- v. The Student Conduct Board 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.
- vi. A written copy of the Student Conduct Board's recommendations will be submitted to the Dean of Student Services or designee as a recommendation for administrative action. The Dean of Student Services or designee will review the hearing and all associated materials and will either affirm the recommended sanctions or reduce the recommended sanctions. The Dean of Student Services or designee will submit a final written decision to the Accused Student, Faculty member, and the Office of Student Conduct. This written decision will include the findings and sanctions of the case (if any), the rationale for the decision, and the appeal procedure. The Accused Student retains his or her appeal rights as stated in [Chapter 11](#) of this Code.
- vii. If the Accused Student refuses to cooperate with the Office of Student Conduct or fails to attend the hearing, the hearing will be held in his or her absence. If the Accused Student is found in violation, sanctions will be recommended.

## 5. Major Violation

### c. Formal Resolution

- i. The Office of Student Conduct or designee will notify the USG System Director of any report that involves allegations of conduct that could lead to suspension or expulsion. The System Director will work with the University to determine whether any interim measure(s) are necessary, to assign an investigator and will work collaboratively supervise the investigation with the appropriate University professional (e.g., Title IX Coordinator, Dean of Student Services).
- ii. If an allegation is not initially identified as one that could lead to suspension or expulsion of the Accused Student(s), but facts arise during the course of the investigation that would require oversight from the System Director, then the University shall report that case to the System Director or designee prior to proceeding.
- iii. In a Major Violation Formal Resolution, the Accused Student appears before the Student Conduct Board for adjudication of his or her case.
- iv. Upon receipt of the written notice, the Accused Student will have three (3) Days from the delivery of this notice to respond. In this response, the Accused Student will have the right to admit or deny the allegations, to set forth a defense with facts, witnesses, and documents (written or electronic) to support that defense, and to challenge any individual scheduled to be a part of the Board hearing the case. The composition of the Board 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 or designee who will render a decision. A non-response from the Accused Student will be considered a general denial of the allegations and no challenge of the individuals assigned to the Board.
- v. During the Student Conduct Board hearing, the Complainant will have the opportunity to be present to answer any questions the Board may have, as well as any questions the Accused Student may have. The Complainant will also have the opportunity to question the Accused Student. All questions from the Complainant and Accused Student must be directed in writing to the chair of the Board. As per [Chapter 4](#), the Accused Student is entitled to an Advisor who may advise him or her and assist in drafting questions. The Board will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the charge leveled against the Accused Student. The reason for any question not asked will be read into the record.
- vi. The Director of Student Conduct reserves the right to allow a party to testify in a separate room or from a remote location. If this occurs, the Director of Student Conduct will ensure proper sequestration in a manner that ensures testimony has not been tainted and the sequestration will not disadvantage any party.
- vii. The Student Conduct Board 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.

- viii. A written copy of the Student Conduct Board's recommendations will be submitted to the Dean of Student Services or designee as a recommendation for administrative action. The Dean of Student Services or designee will review the hearing and all associated materials and will either affirm the recommended sanctions or reduce the recommended sanctions. The Dean of Student Services or designee will submit a final written decision to the Accused Student, Faculty member, and the Office of Student Conduct. This written decision will include the findings and sanctions of the case (if any), the rationale for the decision, and the appeal procedure. The Accused Student retains his or her appeal rights as stated in [Chapter 11](#) of this Code.
- ix. If the Accused Student refuses to cooperate with the Office of Student Conduct or fails to attend the hearing, the hearing will be held in his or her absence. If the Accused Student is found in violation, sanctions will be recommended.

## Chapter 7 Behavioral Integrity – Prohibited Conduct and Procedures

- A. **Behavioral Integrity Prohibited Conduct.** All prohibited conduct listed in this Code applies to Students, Student Groups, and Student Organizations. In a Student Group or Student Organization case, Students may be individually charged as well. The following types of conduct are prohibited:
1. **Drugs**
    - a. The possession or use (without valid medical or dental prescription) of substances controlled by Federal law, Georgia law, or synthetic marijuana.
    - b. Sale, manufacture, delivery, or taking delivery of substances controlled by Federal law, Georgia law, or synthetic marijuana.
    - c. Operating a motor vehicle while under the influence or while impaired by the consumption of substances controlled by Federal law, Georgia law, or synthetic marijuana.
    - d. The possession or use of drug paraphernalia including hookahs, bong, pipes, scales, rolling papers, or other devices used for drug activity.
  2. **Alcohol**
    - a. Use, consumption, or possession of alcoholic beverages by anyone under the age of 21.
    - b. Use, consumption, or possession of alcoholic beverages in prohibited areas of campus.
    - c. Furnishing, selling, distributing, or otherwise facilitating consumption of alcohol by those under the age of 21.
    - d. Operating a motor vehicle while under the influence of alcohol or while impaired by the consumption of alcohol.
    - e. Possession of alcohol containers in prohibited areas of campus.
    - f. Possession or use of common source containers (e.g. kegs, pony kegs, beer bong) or participation in drinking games, regardless of age.
  3. **Sexual Misconduct** (Defined in [Chapter 8](#))
    - a. Nonconsensual Sexual Contact
    - b. Sexual Exploitation
    - c. Sexual Harassment
    - d. Dating Violence
    - e. Domestic Violence
    - f. Stalking
  4. **Intimidation, Bullying, or Harassment.** Any act of intimidation, bullying, or harassment directed against any person or group of persons including, but not limited to, acts motivated by ethnicity, race, national origin, religion, gender (perceived or actual), gender identity, sexual orientation, disability, or political beliefs.
  5. **Physical Assault** of another individual (including fighting) or the threat of physical assault.

6. **Failure to Comply.** Interfering with, giving false name to, or failing to cooperate with any properly-identified University employee (e.g. University Police or Housing & Residence Life) while these persons are in the performance of their duties.
7. **Hazing** means any activity, intentional or unintentional, by a Student, Student Group, or Student Organization, related to membership in a Student Group or Organization, that endangers the mental, physical, or emotional health of a person, regardless of whether such person has consented to participation in the activity. Any actions that demean, disgrace, or embarrass a person may also be considered Hazing. Hazing can occur either on or off campus. While Hazing is typically associated with membership selection and initiation into a group or organization, it is possible for Hazing to occur before, during, after or separate from membership selection and initiation, and regardless of status or position in the Student Group or Student Organization.
8. **Disorderly Conduct** is a breach of the peace on University property or at a University Event. Disorderly conduct includes:
  - a. Conduct such as fighting, threatening behavior, public disturbance, or drunk and disorderly conduct.
  - b. Conduct in the classroom such as loud, aggressive, or combative behavior that disrupts or interferes with the normal functions of a class, including but not limited to failure to conform to the Faculty member's announced expectations for the classroom. Disruptive behavior also includes use of cell phones or other electronic devices for voice or text communication in class, unless permitted by the Faculty member.
9. **Interference with Normal University Operations.**
  - a. Personal conduct on University property or at a University Event, which materially interferes with the normal operation of the University.
  - b. Assembling on campus for the purpose of creating a riot, destruction, or disorderly diversion which interferes with the normal operation of the University. This is not to deny any Student the right of peaceful, non-disruptive assembly or expression.
  - c. The abuse or unauthorized use of sound amplification equipment indoors or outdoors during classroom hours is prohibited. Use of sound amplification equipment must have prior approval by the Division of Student Affairs.
10. **Interference with Student Conduct Proceedings**
  - a. Intimidating or attempting to intimidate Student Conduct Board members, Sexual Misconduct Board members, or witnesses appearing before the Student Conduct Board or Sexual Misconduct Board.
  - b. Deliberately misleading or deceiving University administrators conducting an investigation of a violation.
  - c. Providing misleading or deceiving information in a Student Conduct Proceeding.

**11. Trespassing**

- a. Entering, or attempting to enter, any University Event without credentials for admission (e.g. ticket, identification card, invitation) or other reasonable criteria established for attendance.
- b. Making unauthorized entry into any University building, office or any restricted area (including, but not limited to attics, basements, mechanical rooms, and roofs), or remaining without authorization in any building after normal closing hours.
- c. Making unauthorized use of any University facility.

**12. Destruction of Property.** The malicious or unauthorized intentional damage or destruction of property belonging to a member of the University community, to the University itself, or to a visitor of the campus.

**13. Fire Safety**

- a. Tampering with, molesting, or destroying fire safety equipment, including, but not limited to, smoke detectors, fire sprinklers, fire extinguishers, fire hydrants, and fire hoses.
- b. Setting, or causing to be set, any unauthorized fire in or on University property.
- c. Making, or causing to be made, a false fire alarm.
- d. Failing to evacuate a building when the fire alarm is activated.

**14. Explosives**

- a. Possessing, furnishing, selling, or use of explosives or incendiary devices of any kind on University property or at any University Event.
- b. Making, or causing another individual to make, false bomb threats.
- c. Possession or use of fireworks on University property or at any University Event. Fireworks are defined as any substance prepared for the purpose of producing a visible or audible effect of combustion, explosion, or detonation.

**15. Weapons.** Possessing firearms or other weapons on University property or at any University Event, except where allowed by law. This includes, but is not limited to, possession or use of any illegal knives, swords, dangerous chemicals, or air guns. In unclear cases of definition, the context in which a particular object was used will determine whether it is a weapon.

**16. Theft and Possession of Stolen Property**

Taking, attempting to take, or keeping in a Student's possession, items belonging to the University, Student, Faculty, Staff, Student Groups, or Student Organizations or visitors to the campus without proper authorization.

**17. Falsification of Records.** Altering, falsifying, counterfeiting, forging, or causing to be altered, falsified, counterfeited, or forged any records, forms or documents used by or submitted to the University.

**18. Misuse of Identification Cards**

- a. Lending, selling, or otherwise transferring an identification card.
- b. Use of an identification card by anyone other than its original holder.

19. **Gambling.** Playing of cards or any other game of chance or skill for money or other items of value.
20. **Tobacco.** Use of any tobacco product on campus, including, but not limited to, smokeless tobacco, cigarettes, cigars, and electronic cigarettes.
21. **Computer Use.** Theft or abuse of computer facilities including, but not limited to:
  - a. Unauthorized entry into, manipulation of, or transfer of a file.
  - b. Unauthorized use of another individual's identification or password.
  - c. Use of computing facilities that interfere with the work of another Student, Faculty member, or University official.
  - d. Use of computing facilities that interfere with a University computing system.
  - e. Use of the University computing facilities to violate federal, state or local laws or University policy. For purposes of this provision, "Computing facilities" includes computers and data and/or voice communications networks.
22. **Joint Responsibility for Infractions.** Students who knowingly act in concert to violate University regulations have individual and joint responsibility for such violations.
23. **Furnishing False Information.** Furnishing false information to the University.
24. **Violation of Local Ordinance or State/Federal Law.** Conduct that is a violation of local ordinance, state law, or federal law.
25. **Other Published Policies.** Under this Code, sanctions may be imposed for the violation of any published University rule or policy, including but not limited to:
  - a. [Residential Community Guide](#)
  - b. [Tobacco-Free Campus Policy](#)
  - c. [Parking Regulations](#)
  - d. [Intramural Sports Handbook](#)
  - e. [Responsible Access Use of Information Technology Resources and Services](#)
  - f. [Copyright Policy](#)

- B. **Residential Community Guide prohibited conduct.** All prohibited conduct listed within this Code applies to Students, Student Groups, and Student Organizations in relation to the policies within Housing and Residence Life. In a Student Group or Student Organization case, Students may be individually charged as well. The following types of conduct are prohibited within Housing and Residence Life:

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

On the Georgia Southern University, persons 21 years of age or older in the Finish Strong Community (University Terrace 1 building B and University Crossings building 800) are the only persons permitted to have alcohol within the residential unit. The behaviors listed below are a violation of the Alcohol Policy in Housing and Residence Life.

Refer to Residential Community Guide and the University Alcohol Policy for more information.

**1. Animals**

- a. Possession of any animal within a Residence Hall, with the exception of an approved service or assistance animal or fish in a properly maintained aquarium with a capacity of ten gallons or under, for any length of time.
- b. Feeding of stray animals within 100 ft. of a residential facility.

**2. Community Living**

- a. Violating any provisions of the Residential Community Guide or other published University Housing or Agreements.
- b. Violating any provision of a signed Roommate or Apartment Agreement.
- c. Failure to abide by the specific Housing agreements and requirements of a special residential community.
- d. An accumulation of University Housing violations; the student has been found responsible for and sanctioned for three (3) or more University Housing violations (i.e. violations listed in 7B of this Code).

**3. Facilities and Equipment**

- a. Tampering with/removing window screens or throwing/dropping any items from Residence Hall windows.
- b. Unauthorized use of cable, computer access, or telephone access (including the splicing of wires.)
- c. Possession of prohibited items as outlined in the Residential Community Guide.
- d. Failure to keep a safe distance of 100 feet 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 near a building).
- e. Participation in any athletic games or activities in the Residence Hall without prior approval from University Housing
- f. Loaning or transferring University-issued keys to any person for any period of time.
- g. Removal of any doors from its hinges.
- h. Suspending hammocks from any surface within a Residence Hall, patio or signs on Residence Hall grounds.
- i. Tampering with or intentionally damaging temperature control settings on a thermostat.

**4. Residential Fire Safety**

- a. Propping apartment, suite, exit, or fire doors within Residence Halls.
- b. Possession or use of candles, incense or any object with an open flame or open heating element in any Residence Hall.
- c. Failure to comply with permitted and prohibited appliances list, as outlined in the Residential Community Guide.
- d. Engaging in unsafe cooking practices that create or increase the risk of fire.

- e. Storing or riding a bicycle or similar object to anything other than bicycle racks provided by University Housing.
- f. Failure to evacuate during planned or unplanned fire alarm.
- g. Any object, action, or activity that blocks or limits ease of exit from any room or building.
- h. Parking, storing or operating any motorcycle, moped, scooter, or other motorized device anywhere that is not a designated parking area; including but not limited to apartment/suite unit or patio/patio closets.

**5. Furniture**

- a. Removing or tampering with furniture from a designated residential area, such as either a student unit 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. Constructing a loft or any other structure within a Residence Hall without the prior approval of University Housing.

**6. Guest and Visitation.** Residents assume responsibility for their guests, both behaviorally and financially, upon the guest's arrival at a Residence Hall. Guests within or around a residential facility must abide by all Code of Student Conduct and Housing Polices.

- a. Guests must be escorted within residential areas at all times.
- b. Permission of all residents assigned to a unit must be obtained before allowing entry to a guest.
- c. Overnight guests must be at least 18 years of age and, in Windward Commons, must be of the same gender as the host.
- d. Guests are only permitted to remain a total of 2 consecutive nights per visit and may stay no more than 4 nights per month.
- e. Guests involved in an incident/policy violation may be asked to leave the residential facility and/or ground by Housing Staff or University Police.
- f. Each resident may host no more than two guests at one time.

**7. Littering/Trash Disposal**

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

**8. Noise** refers to sound or volume that can be viewed as disruptive to another individual or individuals within a community or interrupts academic progress. Specific expectations related to noise within a Residence Hall are outlined below:

- a. Courtesy hours are in effect 24 hours per day. Living in the Residence Halls involves respecting the needs of all community members at all times. Residents are expected to show courtesy to their neighbors and honor all reasonable requests.
- b. Failure to abide by the Quiet or Courtesy Hours policy. Quiet hours begin every weekday at 10:00 p.m. and continue until 10:00 a.m. the following morning. On weekends (Friday and Saturday), quiet hours start at midnight. During final exams, quiet hours may be extended to 24 hours a day.

9. **Posting.** Posting any material inside Residence Hall common spaces (i.e.: community rooms or study lounges, kitchens, or clubhouses) or outside of on-campus residential facilities without prior approval from University Housing.

10. **Room Changes**

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

11. **Room Decorations**

- a. Failure to keep posters or decorations at least six inches from the ceiling and/or floor; and covering more than 50% of a given wall with postings or decorations.
- b. Suspending any item from the ceiling, including, but not limited to: fishnets, parachutes, poles, decorative lights, and flags.
- c. Affixing any item to a wall, ceiling, or floor in a manner that may create damage to the surface.
- d. Display of any item facing outward toward public spaces in windows of on-campus residential facilities.
- e. Curtains or window treatments that do not possess a fire retardant label from manufacturer.
- f. 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.
- g. Failure to remove items in response to room inspection or fire marshal request.

12. **Sanitation and Cleanliness**

- a. Failure to observe reasonable standards of cleanliness and sanitation in room.
- b. Disposal of any waste material on floors, walls, etc.
- c. Deliberately or attempting to clog plumbing fixtures.
- d. Use of cooking facilities for purposes other than food preparation.
- e. Unauthorized use of public cooking facilities. Please see the Residential Community Guide for more information.

C. **Behavioral Integrity Procedures (See Chapter 8 for Sexual Misconduct Procedures)**

1. **Report Procedures:** 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. Any member of the Georgia Southern University community may submit a report. Reports are reviewed to determine if the alleged behavior is in violation of this Code.

a. Reports

- i. A suspected Behavioral Integrity violation may be reported in one of two ways.
  - a. Self-reporting. Students who have committed Academic Integrity violations should report themselves to the Office of Student Conduct.

- b. Reporting by others. Any Georgia Southern University community member who is aware of a Behavioral Integrity violation should report the offense directly to the Office of Student Conduct.
- b. A report of an alleged violation of the Behavioral Integrity policy should include:
  - i. The type of alleged misconduct.
  - ii. Name of the Accused Student.
  - iii. Date, time, and place of misconduct.
  - iv. Name and contact information for any witnesses.
  - v. Any evidence available.
  - vi. Whether or not a criminal complaint was filed (if applicable).
- c. Confidentiality
 

Where a Complainant or alleged victim requests that his or her identity be withheld or the allegation(s) not be investigated, the University should consider whether or not such request(s) can be honored while still providing a safe and nondiscriminatory environment for the University and conducting an effective review of the allegations. The Office of Student Conduct will inform the requesting party that Georgia Southern University cannot guarantee confidentiality. Honoring the request may limit Georgia Southern University's ability to respond fully to the incident and may limit Georgia Southern University's ability to discipline the respondent.
- d. Retaliation
  - i. Anyone who, in good faith, reports what she or he believes 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 he or she has been the target of retaliation for reporting, participating or cooperating in, or otherwise being associated with an investigation should immediately contact the 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 Georgia Southern University's policy.
- d. False Complaints
  - i. Individuals who intentionally give false statements to a Georgia Southern University official, or who submit false complaints or accusations, including during a hearing, shall be subject to disciplinary action pursuant to Georgia Southern University's policy.
- e. Amnesty
  - i. Individuals are encouraged to come forward and to report violations of law or 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.

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

## 2. Challenge and Notice

### a. Notice and Investigation

- i. The Office of Student Conduct or designee will contact the Accused Student at his or her Georgia Southern University email address to notify him or her of:
  - a. The alleged violations.
  - b. Preliminary charges.
  - c. Possible sanctions.
  - d. Available support services.
  - e. Any investigator who may be involved.
  - f. The opportunity to schedule a preliminary meeting.
- ii. The Accused Student will have three (3) Days from delivery of this notice to challenge the assignment of the Hearing Officer assigned to the case. The assignment of the Hearing Officer 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. In the event the Hearing Officer is the Director of Student Conduct, the challenge should be submitted in writing to the Dean of Student Services. A non-response from the Accused Student will be considered a general denial of the allegations and no challenge of the Hearing Officer assigned to the Board.
- iii. Based on this response, the Hearing Officer will interview the Accused Student and any incident witnesses, collect and review documents or other physical or electronic information, and perform other steps as appropriate. The Hearing Officer should retain written notes or obtain written or recorded statements from each interview. The Hearing Officer should also keep a record of any proffered witnesses not interviewed, along with a brief, written explanation.

1. **Information Gathering:** When a report is filed that a student has allegedly violated the Code of Student Conduct, the Director of Student Conduct or designee will collect and review any relevant information pertaining to the allegation. When there is an allegation in which the outcome may result in deferred suspension, suspension or expulsion, an investigation report will be completed by Director of Student Conduct or designee.

2. **Adjudication:** An alleged Behavioral Integrity violation may be resolved in one of two ways: (a) Informal Resolution with the Hearing Officer assigned to the case or (b) Formal Resolution through the Student Conduct Board.

## 3. Minor Violation

### b. Informal Resolution

- i. In a Minor Violation Informal Resolution, the Accused Student will meet with the Office of Student Conduct or designee to resolve his or her case.

- ii. The Accused Student will have the opportunity to review any and all information pertaining to the alleged violation(s).
- iii. The Hearing Officer will find the Accused Student responsible or not responsible for the alleged violation(s). The Accused Student will be notified of the outcome of the Informal Resolution meeting no later than five (5) Days after the meeting occurred. If the Accused Student is found in violation, sanctions will be assigned.
- iv. If the Accused Student accepts responsibility for the violation, the Hearing Officer and Accused Student may then resolve the problem in a manner acceptable to both. If the Accused Student denies the violation, or does not accept the sanction(s) determined by the Hearing Officer, the case must then be referred to a Formal hearing within a reasonable amount of time.
- v. Should the Hearing Officer conclude there was no violation of the Code of Student Conduct, the case will be closed.
- vi. Upon conclusion of the process, Hearing Officer and Accused Student must both sign and date the Informal Resolution form (Case Resolution Form), detailing the specific offense(s) and the sanction(s) assigned. The original form, along with all relevant documentation, will be submitted to the Office of Student Conduct and will become part of the Accused Student's permanent file. The Accused Student will receive a letter from the Office of Student Conduct, outlining the agreed upon outcome of the case.
- vii. By accepting the Informal Resolution, the Accused Student waives his or her right to an appeal.
- viii. If the Accused Student fails to attend the Informal Resolution, a formal hearing will be scheduled for the student.

**c. Minor Violation Formal Resolution**

- i. In a Minor Violation Formal Resolution, the Accused Student appears before the Student Conduct Board for adjudication of his or her case.
- ii. The Accused Student 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 Code of Student Conduct, and the names of Student Conduct Board members who will adjudicate the case. The Accused Student will then have three (3) Days from the delivery of this notice to challenge any Board member scheduled to be part of the Board hearing the case. The composition of the Board 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.
- iii. During the Student Conduct Board hearing, the Complainant will have the opportunity to be present to answer any questions the Board may have, as well as any questions the Accused Student may have. The Complainant will also have the opportunity to question the Accused Student. All questions from the Complainant and Accused Student must be directed in writing to the chair of the Board. As per [Chapter 4](#), the Accused Student is entitled to an Advisor who may advise him or her and assist in drafting questions. The Board will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the charge leveled against the

Accused Student. The reason for any question not asked will be read into the record.

- iv. The Director of Student Conduct reserves the right to allow a party to testify in a separate room or from a remote location. If this occurs, the Director of Student Conduct will ensure proper sequestration in a manner that ensures testimony has not been tainted and the sequestration will not disadvantage any party.
- v. The Student Conduct Board 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.
- vi. A written copy of the Student Conduct Board's decision will be submitted to the Dean of Student Services or designee as a recommendation for administrative action. The Dean of Student Services or designee will review the hearing and all associated materials and will either affirm the recommended sanctions or reduce the recommended sanctions. The Dean of Student Services or designee will submit a final written decision to the Accused Student and Office of Student Conduct. This written decision will include the findings and sanctions of the case (if any), the rationale for the decision, and the appeal procedure. The Accused Student retains his or her appeal rights as stated in [Chapter 11](#) of this Code.
- vii. If an Accused Student refuses to cooperate with the Office of Student Conduct or fails to attend the hearing, the hearing will be held in his or her absence. If the Accused Student is found in violation, sanctions will be recommended.

### 3. Major Violations

#### a. Notice and Investigation

- i. The Office of Student Conduct or designee will notify the USG System Director of any report that involves allegations of conduct that could lead to suspension or expulsion. The System Director will work with the University to determine whether any interim measure(s) are necessary, to assign an investigator and will work collaboratively supervise the investigation with the appropriate University professional (e.g., Title IX Coordinator, Dean of Student Services).
- ii. If an allegation is not initially identified as one that could lead to suspension or expulsion of the Accused Student(s), but facts arise during the course of the investigation that would require oversight from the System Director, then the University shall report that case to the System Director or designee prior to proceeding.
- iii. The Office of Student Conduct or designee will contact the Accused Student at his or her Georgia Southern University email address to notify him or her of:
  - a. The alleged violations.
  - b. Preliminary charges.
  - c. Possible sanctions.
  - d. Available support services.

- e. Any investigator who may be involved.
  - f. The opportunity to schedule a preliminary meeting.
- iv. Upon receipt of the written notice, the Accused Student will have three (3) Days from the delivery of this notice to respond. In this response, the Accused Student will have the right to admit or deny the allegations, to set forth a defense with facts, witnesses, and documents (written or electronic) to support that defense, and to challenge the assignment of the Hearing Officer or Investigator assigned to the case. The assignment of the Hearing Officer or Investigator 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. In the event the Hearing Officer is the Director of Student Conduct, the challenge should be submitted in writing to the Dean of Student Services. A non-response from the Accused Student will be considered a general denial of the allegations and no challenge of the Hearing Officer.
- v. If the Accused Student(s) has admitted responsibility and has voluntarily decided to participate in the informal process, the Hearing Officer will review all information related to the case and the case may be resolved informally as outlined in section b, Major Violation Informal Resolution.
- vi. If the case is unable to be resolved by an informal resolution, the Investigator will interview the Accused Student and any incident witnesses, collect and review documents or other physical or electronic information, and perform other steps as appropriate. The Investigator will retain written notes and/or obtain written or recorded statements from each interview. The Investigator will also keep a record of any proffered witnesses not interviewed, along with a brief, written explanation.
- vii. The Investigator will summarize all information obtained as part of the investigation process in a preliminary investigative report. This preliminary investigative report will indicate resulting charges (or no charges), facts and evidence in support of those charges, witness statements, and possible sanctions. The report will be submitted to the Accused Student in hardcopy in a meeting with the Investigator.
- viii. The Accused Student will have the opportunity to respond in writing within three (3) Days to this investigative report. This response should indicate the Accused Student's plea to all preliminary charges and, where applicable, his or her defense and facts, witnesses, and documents (written or electronic) to support that defense. A non-response from the Accused Student will be considered a denial of the charge(s).
- ix. The Investigator may conduct further investigation determined necessary and warranted by the Accused Student's response to the investigative report.
- x. The final investigative report will be provided to the Student Conduct Board and to the Accused Student if the case is resolved formally.

**b. Major Violation Informal Resolution**

- i. In a Major Violation Informal Resolution, the Accused Student will meet with a Hearing Officer to resolve his or her case.

- ii. The Accused Student will have the opportunity to respond in writing and to review all case materials as stated above.
- iii. The Hearing Officer will find the Accused Student responsible or not responsible for the alleged violation(s). The Accused Student will be notified of the outcome of the Informal Resolution meeting no later than five (5) Days after the meeting occurred.
- iv. If the Accused Student accepts responsibility for the violation, the Hearing Officer and Accused Student may then resolve the problem in a manner acceptable to both. If the Accused Student denies the violation, or does not accept the sanction(s) determined by the Hearing Officer, the case must then be referred to a Formal hearing within a reasonable amount of time.
- v. Should the Hearing Officer conclude there was no violation of the Code of Student Conduct, the case will be closed.
- vi. Upon conclusion of the process, Hearing Officer and Accused Student must both sign and date the Informal Resolution form (Case Resolution Form), detailing the specific offense(s) and the sanction(s) assigned. The original form, along with all relevant documentation, will be submitted to the Office of Student Conduct and will become part of the Accused Student's permanent file. The Accused Student will receive a letter from the Office of Student Conduct, outlining the agreed upon outcome of the case.
- vii. By accepting the Informal Resolution, the Accused Student waives his or her right to an appeal.
- viii. If the Accused Student fails to attend the Informal Resolution, the case will be referred to the Student Conduct Board for adjudication.

**c. Major Violation Formal Resolution**

- i. In a Major Violation Formal Resolution, the Accused Student appears before the Student Conduct Board for adjudication of his or her case.
- ii. The Accused Student will be notified in writing at least five (5) Days in advance of the date, time, and location of the hearing. This notice will also include:
  - a. A statement of the alleged behavior.
  - b. Formal charges.
  - c. Potential sanctions.
  - d. Available support services.
  - e. The names of the Student Conduct Board members who will adjudicate the case
- iii. Upon receipt of the written notice, the Accused Student will have three (3) Days from the delivery of this notice to respond. In this response, the Accused Student will have the right to admit or deny the allegations, to set forth a defense with facts, witnesses, and documents (written or electronic) to support that defense, and to challenge any individual scheduled to be a part of the Board hearing the case. The composition of the Board 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. A non-response from the Accused Student will be considered a general denial of the allegations and no challenge of the individuals assigned to the Board. The Accused Student

- may also elect to waive their right to respond in writing and review the case material and to proceed directly to a Student Conduct Board hearing.
- iv. During the Student Conduct Board hearing, the Complainant will have the opportunity to be present to answer any questions the Board may have, as well as any questions the Accused Student may have. The Complainant will also have the opportunity to question the Accused Student. All questions from the Complainant and Accused Student must be submitted in writing to the chair of the Student Conduct Board. As per [Chapter 4](#), the Accused Student is entitled to an Advisor who may advise him or her and assist in drafting questions. The Board will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the charge leveled against the Accused Student. The reason for any question not asked will be read into the record.
  - v. The Director of Student Conduct reserves the right to allow a party to testify in a separate room or from a remote location. If this occurs, the Director of Student Conduct will ensure proper sequestration in a manner that ensures testimony has not been tainted and the sequestration will not disadvantage any party.
  - vi. The Student Conduct Board 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.
  - vii. A written copy of the Student Conduct Board's decision will be submitted to the Dean of Student Services or designee as a recommendation for administrative action. The Dean of Student Services or designee will review the hearing and all its associated materials and will either affirm the recommended sanctions or reduce the recommended sanctions. The Dean of Student Services or designee will submit a final written decision to the Accused Student and Office of Student Conduct. This written decision will include the findings and sanctions of the case (if any), the rationale for the decision, and the appeal procedure. The Accused Student retains his or her appeal rights as stated in [Chapter 11](#) of this Code.
  - viii. If an Accused Student refuses to cooperate with the Office of Student Conduct or fails to attend the hearing, the hearing will be held in his or her absence.

#### **4. Interim Measures**

- a. When the University determines the continued presence of an Accused Student or Accused Party on the University campus or in Housing & Residence Life poses a substantial threat to others, or to the stability and continuance of normal University functions, the Vice President for Student Affairs or designee may suspend the Accused Student or Accused Party for an interim period, pending the outcome of Student Conduct Proceedings. Before this Interim Suspension is issued, the party will be offered an opportunity to meet with the Vice President of Student Affairs or designee to be heard on whether or not his or her presence poses a threat.
- b. At the discretion of the Vice President of Student Affairs or designee, an Accused Student or Accused Party who persists in disrupting a particular class in violation

of this Code after a warning by the Faculty member may be suspended from that class only, for an interim period pending the outcome of Student Conduct Proceedings.

- c. At the discretion of the Vice President of Student Affairs or designee, an Accused Student or Accused Party who persists in disrupting the community in which he or she lives may be suspended from living on campus and Housing & Residence Life property for an interim period pending the outcome of Student Conduct Proceedings.
- d. At the discretion of the Vice President of Student Affairs or designee, an issuance of a “no contact” directive may be given to all parties from the Office of Student Conduct.
- e. At the discretion of the Vice President of Student Affairs or designee, other measures designed to promote the safety and well-being of the parties and the University Community may be implemented.
- f. If an Interim Suspension from the University, from a class, or from Housing & Residence Life is issued, it is effective immediately. The Vice President for Student Affairs or designee may terminate the interim suspension at any time, including prior to the outcome of Student Conduct Proceedings.

## Chapter 8 Sexual Misconduct – Prohibited Conduct and Procedures

[See Board of Regents Policy 4.1.7](#)

As members of the USG, Georgia Southern University is required to follow all policies set forth by the Board of Regents. In accordance with Title IX of the Education Amendments of 1972 (“Title IX”), the University System of Georgia (USG) and Georgia Southern University do not discriminate on the basis of sex in any of its education programs or activities or in employment. The USG and Georgia Southern University are committed to ensuring a safe learning and working environment for all members of the USG and Georgia Southern University communities. To that end, this Policy prohibits sexual misconduct, as defined herein.

In order to reduce incidents of sexual misconduct, USG institutions are required to provide prevention tools and to conduct ongoing awareness and prevention programming and training for the campus community. Such programs will promote positive and healthy behaviors and educate the campus community on consent, sexual assault, alcohol use, dating violence, domestic violence, stalking, bystander intervention, and reporting.

When sexual misconduct does occur, all members of the USG community are strongly encouraged to report it promptly through the procedures outlined in this Policy. The purpose of this Policy is to ensure uniformity throughout the USG in reporting and addressing sexual misconduct.

### Reporting Structure

All Equal Opportunity directors and others having responsibility for coordination of Title IX (“Coordinators”) at USG institutions shall have a direct reporting relationship to both Georgia Southern University’s President or the President’s designee and the USG System Director for Equity and Investigations (“System Director”). The President of Georgia Southern University shall determine the organizational and operating reporting relationships for the Coordinators at Georgia Southern University and exercise oversight of institutional issues relating to sexual misconduct. However, the System Director shall have authority to direct the Coordinators’ work at Georgia Southern University as needed to address system-wide issues or directives. The President of Georgia Southern University shall consult with the System Director on significant personnel actions involving Coordinators, to include but not be limited to, appointment, evaluation, discipline, change in reporting structure, and termination.

#### A. Reporting Sexual Misconduct

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

All reports of sexual misconduct alleged to have been committed by a student must be handled consistently with requirements set forth in USG Policy, 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 Georgia Southern University community will be addressed and/or resolved through Georgia Southern University'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 or the Coordinator. Responsible Employees informed about sexual misconduct allegations involving any student should not attempt to resolve the situation, but must notify and report all relevant information to the Coordinator as soon as practicable. Confidential Employees are not bound by this requirement but may be required to report limited information about incidents without revealing the identities of the individuals involved to the Title IX Coordinator, consistent with their ethical and legal obligations. All members of the Georgia Southern University community are encouraged to report incidents of sexual misconduct promptly.

The Coordinator's identity and contact information can be located on the University website in the Office of Equity, Diversity & Inclusions. shall be published by each institution prominently on the institution's website, as well as in any relevant publication.

Georgia Southern University encourages complainants to report their complaints in writing, though oral complaints should also be accepted, taken seriously, and investigated, to the extent possible. While complaints should be made as quickly as possible following an alleged incident of sexual misconduct, all reports should be accepted regardless of when reported.

The Coordinator shall refer to the 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 University.

**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 University 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**

Georgia Southern University is able to 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 Coordinator or the Office of Student Conduct. 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 Code of Student Conduct.

**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.

**B. Handling Reports of Sexual Misconduct**

**1. Support Services**

Once a student or employee makes a complaint or receives notice that a complaint has been made against him or her, or the coordinator otherwise learns of a complaint of sexual

misconduct. The complainant, respondent and alleged victim (where applicable) should receive written information about support services, such as counseling, advocacy, housing assistance, academic support, disability services, health and mental services, and legal assistance, available at Georgia Southern University.

Information on support services will be provided regardless as to whether an individual elects to go forward with filing a formal complaint of sexual misconduct or with notifying law enforcement. Information on support services will also be provided to students and employees, regardless of where the alleged misconduct occurs.

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

## **2. Interim Measures**

Interim measures may be undertaken at any point after the University 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 University must make all reasonable efforts to give the respondent the opportunity to be heard, consistent with the provisions in USG Policy.

## **3. Jurisdiction**

Georgia Southern University shall take necessary and appropriate action to protect the safety and well-being of its community. Sexual misconduct allegedly committed by a student are addressed by this Policy when the misconduct occurs on Georgia Southern University property, or at Georgia Southern University sponsored or affiliated events, or off-campus, as defined by this Code.

## **4. 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 the GSU Policy.

## **5. Informal Resolutions**

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

- i. When complainant(s) and respondent agree to an informal resolution;
- ii. When the initial allegation could not result in expulsion;
- iii. When the complainant(s) and respondent(s) agree to the terms of the informal resolution; and
- iv. When the investigator concludes that informal resolution is in the best interest of the parties and the University's community.

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

#### **6. 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.

#### **D. Investigations**

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

#### **E. Hearings, Possible Sanctions and Appeals**

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

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

## Chapter 9 Student Conduct Board

### A. Student Conduct Board

1. The Student Conduct Board will be composed of Students, Faculty, and Staff, selected by the Office of Student Conduct. Students not in good conduct standing with the University may not serve. Appointments to the Board will be made as needed to keep the Student Conduct Board Staffed to adjudicate cases in a prompt manner. These appointments may constitute permanent or temporary replacements, as the Office of Student Conduct deems necessary.
2. There must be at least three (3) Board members present to hear a case. Boards must consist of at least one (1) Student and one (1) Faculty or Staff. Cases of Academic Integrity will consist of at least one (1) Faculty provided such board members are available for the scheduled formal hearing. In cases involving graduate level Accused Students, an effort will be made to have at least one (1) of the Board members be a graduate Student. A majority vote is required for findings and sanction recommendations.
3. If a Student Conduct Board member has a conflict of interest or personal knowledge of the case or the Accused Student, the Board member must recuse himself or herself from the hearing.

### B. Advisors to the Board

1. The Director of Student Conduct or designee will serve as advisor to the Student Conduct Board.
2. It is the duty of the advisor to consult with the Board and to offer advice to members of the Board on substantive and procedural questions. The advisor or his or her designee will be present at all meetings and hearings of the Board.

### C. Training

1. The Student Conduct Board will receive annual training on this Code and the involved procedures. This training will be conducted by a designee from the Office of Student Conduct in conjunction with the Director of Student Conduct.

## Chapter 10 Sanctions

The following list of sanctions is not all inclusive and other sanctions may be assigned to Students, Student Groups, or Student Organizations. Any Student who fails to complete his or her sanctions by the determined deadlines will receive a hold on his or her Student account. Any Student Group or Student Organization that fails to complete any sanction by the determined deadline may have additional sanctions assigned. The University is not responsible for any financial loss incurred by any Student, Student Group, or Student Organization for any sanction.

The Hearing Officer, Student Conduct Board, or Sexual Misconduct Board will consider the following when determining sanctions: frequency, severity, or nature of the offense; the Accused Student's Student Conduct Record; the Accused Student's willingness to accept responsibility; previous institutional response to similar conduct; and the institution's interest. A decision to suspend or expel must be supported by substantial evidence.

### A. Individual Sanctions

1. **Written Warning:** Formal notice from the Office of Student Conduct indicating further violations may result in more severe sanctions.
2. **Restrictions:** Exclusion from such specified Student privileges as may be consistent with the violation committed.
3. **Reduction of a Grade:** Reduction of a grade for either the course assignment at issue or for the overall course grade (i.e., complete loss of credit for the course).
4. **Parental/Guardian Notification:** The University may notify parents/guardians of Students under the age of 21 found responsible for drug or alcohol violations. Exceptions may be made for Students who are financially independent from their parents.
5. **Restitution:** Reimbursement for damage to or misappropriation of property. This may be in the form of appropriate service or other compensation and may be imposed in addition to other sanctions.
6. **Conduct Probation:** The Student is not in good conduct standing with the University for a definite or indefinite period of time. Further violations of this Code could result in removal from housing, suspension, or expulsion from the University.
7. **Housing Removal:** Removal and ban from Housing & Residence Life for a definite period of time. Removal from Housing due to conduct sanctions may result in loss of any room or board paid for that semester.
8. **Permanent Housing Removal:** Removal and ban from Housing & Residence Life for an indefinite period of time. Removal from Housing due to Student Conduct sanctions may result in loss of any room or board paid for that semester.
9. **Deferred Suspension:** Notice to the Student that any further violations *will* result in suspension or expulsion from the University.

10. **Suspension:** The temporary separation of a Student's relationship with the University. Students who are suspended are banned from campus and all University Events. Conditions for readmission may be specified. The Student is also added to the University System of Georgia's Student Disciplinary Actions Reporting System. Upon completion of the term of suspension, Students must re-apply to the University and meet with the Office of Student Conduct prior to enrolling for classes.
  11. **Expulsion:** The permanent separation of the Student's relationship with the University. Students who are expelled are banned from campus and all University Events. The Student is also added to the University System of Georgia's Student Disciplinary Actions Reporting System.
  12. **Other Sanctions:** Other sanctions may include research papers, letters of apology, educational presentations, reflective essays, interviewing members of campus, or other assignments deemed appropriate.
- B. **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 Life will be notified. The official outcome will become part of the Organization's file in the Office of Student Life.
1. **Written Warning:** Formal notice from the Office of Student Conduct indicating further violations may result in more severe sanctions.
  2. **Registration Probation:** A status in which a Student Organization is not considered to be in good Conduct standing with the University. The Organization may seek and add members and host activities unless otherwise specified. Further violations may result in Registration Suspension or Revocation.
  3. **Registration Suspension:** A status in which the University recognition of a Student Organization is removed for a definite period of time. During a period of Registration Suspension, the 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.
  4. **Registration Revocation:** A status in which the University recognition of a Student Organization is permanently revoked. The Student Organization may no longer function or have a presence on University property or at University sponsored activities.
  5. **Other Student Group or Student Organization Sanctions:** Restriction/exclusion from activities, restitution, or suspension of recruitment or intake processes.

## Chapter 11 Appeals

### A. Academic Integrity Violations

1. A Student may appeal to the Provost or designee, provided the basis for the appeal is limited to the criteria listed below. Students who have accepted an Informal Resolution are not eligible for an appeal.
2. A Student found responsible for violating this Code will have five (5) Days from the delivery of the official outcome letter to appeal. The appeal packet will be limited to a review of the record of the Student Conduct Board, supporting documents, and the Student's written appeal. The Student must explicitly state why he or she believes an appeal is warranted. 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.
  - c. To allege that the finding was inconsistent with the weight of the information.
3. Any Student wishing to appeal should submit his or her 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. The Provost may:
  - a. Affirm the findings and sanctions.
  - b. Affirm the 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.
  - d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

The Provost will make a decision in a reasonable period of time. For cases including Deferred Suspension, Suspension, or Expulsion, the decision may be appealed to the President as outlined below. For cases not including Deferred Suspension, Suspension, or Expulsion, the decision of the Provost is the final institutional action. There is no further right of institutional appeal.

4. When eligible, the decision of the Provost or designee may be appealed in writing within five (5) Days to the President, based solely on Chapter 11, Section A-2. The appeal must be submitted to the Office of Student Conduct. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the President. The President may:
  - a. Affirm the findings and sanctions.
  - b. Affirm the finding but issue a new sanction of greater or lesser severity.
  - c. Remand the case back to the decision-maker to correct a procedural or factual defect.

- d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

The President will make a decision in a reasonable period of time. Should the Accused Student wish to appeal the President's decision, he or she may appeal to the University System of Georgia Board of Regents in accordance with [Board of Regents Policy 8.6](#).

## **B. Behavioral Integrity Violations**

1. A Student may appeal to the Vice President for Student Affairs or designee, provided the basis for the appeal is limited to the criteria listed below.
2. A Student found responsible for violating this Code will have five (5) Days from the delivery of the official outcome letter to appeal. The appeal packet will be limited to a review of the record of the Informal Resolution or Student Conduct Board Formal Resolution, supporting documents, and the Student's written appeal. The Student must explicitly state why he or she believes an appeal is warranted. 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.
  - a. To allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by bias.
  - c. To allege that the finding was inconsistent with the weight of the information.
3. 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. The Vice President for Student Affairs may:
  - a. Affirm the findings and sanctions.
  - b. Affirm the 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.
  - d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

The Vice President for Student Affairs will make a decision in a reasonable period of time. For cases including Deferred Suspension, Suspension, or Expulsion, the decision may be appealed to the President as outlined below. For cases not including Deferred Suspension, Suspension, or Expulsion, the decision of the Vice President of Student Affairs is the final institutional action. There is no further right of institutional appeal.

5. When eligible, the decision of the Vice President of Student Affairs or designee may be appealed in writing within five (5) Days to the President, based solely on Chapter 11, Section B-2. The appeal must be submitted to the Office of Student Conduct. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the Office of the President. The President may:

- a. Affirm the findings and sanctions.
- b. Affirm the finding but issue a new sanction of greater or lesser severity.
- c. Remand the case back to the decision-maker to correct a procedural or factual defect.
- d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

The President will make a decision in a reasonable period of time. Should the Accused Student wish to appeal the President's decision, he or she may appeal to the University System of Georgia Board of Regents in accordance with [Board of Regents Policy 8.6](#).

### C. Sexual Misconduct Violations

1. A Student or Complainant may appeal to the Vice President for Student Affairs or designee, provided the basis for the appeal is limited to the criteria listed below.
2. A Student found responsible for violating this Code will have five (5) Days from the delivery of the official outcome letter to appeal. A Complainant will have five (5) Days from the delivery of the official outcome letter to appeal. The appeal packet will be limited to a review of the record of the Informal Resolution or Student Conduct Board Formal Resolution, supporting documents, and the Student's or Complainant's written appeal. The Student or Complainant must explicitly state why he or she believes an appeal is warranted. Appeals will only be considered for the following reasons:
  - b. 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.
  - d. To allege that the finding was inconsistent with the weight of the information.
3. Any Student or Complainant 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. The Vice President for Student Affairs may:
  - a. Affirm the findings and sanctions.
  - b. Affirm the 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.
  - d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

The Vice President for Student Affairs will make a decision in a reasonable period of time. For cases including Deferred Suspension, Suspension, or Expulsion, the decision may be appealed to the President as outlined below. For cases not including Deferred Suspension, Suspension, or Expulsion, the decision of the Vice President of Student Affairs is the final

institutional action. There is no further right of institutional appeal.

6. When eligible, the decision of the Vice President of Student Affairs or designee may be appealed in writing within five (5) Days to the President, based solely on Chapter 11, Section B-2. The appeal must be submitted to the Office of Student Conduct. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the Office of the President. The President may:
  - a. Affirm the findings and sanctions.
  - b. Affirm the finding but issue a new sanction of greater or lesser severity.
  - c. Remand the case back to the decision-maker to correct a procedural or factual defect.
  - d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

The President will make a decision in a reasonable period of time. Should the Accused Student wish to appeal the President's decision, he or she may appeal to the University System of Georgia Board of Regents in accordance with [Board of Regents Policy 8.6](#).

## **Chapter 12      Revisions of this Code**

Reviews of the Code will occur annually. The review and revision of this Code will be overseen by the Office of Student Conduct, in consultation with the Provost, the Vice President of Student Affairs, and University Counsel. The Office of Student Conduct will work closely with appropriate constituents across campus to ensure necessary revisions are made in a timely manner. Representatives from the Student Government Association will have the opportunity to provide input.

The most recent edition of the Code of Student Conduct may be found on the Office of Student Conduct website. Georgia Southern University reserves the right to revise or correct the Code as needed. Students will be notified via University email when changes to the Code have been made.