

# STUDENT CODE OF CONDUCT AND POLICIES

[Home](#) > [Judicial Affairs](#) > [Student Code of Conduct and Policies](#) > [Introduction](#)

Please make a selection

## Judicial Affairs

Judicial Affairs  
 Student Code of Conduct  
 Title IX  
 Student Judicial Board  
 Committee on Student Discipline  
 Incident Report Form  
 Academic Dishonesty Form  
 Student Organization Hearings  
 Application-Student Judicial Board

## Student Assistance

Pouncin' Around  
 Student Issues & Concerns  
 Hardship Withdrawals  
 Student Health Insurance  
 Off Campus Housing  
 Who's Who 2006

## Student Fees

Student Fee Budget Forms  
 & Instructions Fiscal Year 2008  
 Student Fees & Allocation  
 Fee Waiver Request Policy  
 Mandatory Student Fee

## Dean of Students Staff

Homecoming 2007 Office  
 Decorating Contest Winners

## I. Introduction

### A. Overview

#### 1. Student Code of Conduct and Policies

The University has established the policies and procedures that comprise the Student Code of Conduct to both promote the University mission and protect the rights of students, faculty and staff. The official University rules and regulations are contained in the Georgia State University General Catalog and the student handbook, On Campus. The most current version of the Student Code of Conduct may be found online at

[www.gsu.edu/deanofstudents](http://www.gsu.edu/deanofstudents) each semester. In the event of a conflict between the Student Code of Conduct and other University policies, the most current version of the Code governs.

#### 2. Interaction between Student Code of Conduct and Law

All students are members of the larger city, state and national community and enjoy the rights of such membership confers. Student status does not, however, protect a student from arrest and prosecution for violations of local, state or federal laws. In addition, students involved in criminal matters may be sanctioned by the University in addition to any sanctions that may be imposed by a court of law. However, the relationship a student has with the state or federal court system does not alter the student's relationship with the University unless the student is also found responsible for violating University Policy. The University reports all suspected violations of law to appropriate law enforcement agencies.

### B. Student Rights and Obligations

#### 1. Purpose of the University Experience

The University strives to promote the advancement of knowledge through excellence in teaching, research and public service. The University also endeavors to facilitate the development in each student of a respect for the dignity and worth of individuals; a desire and capacity for critical reasoning; an appreciation and understanding of scholarship and creativity; an appreciation of diversity in student life; the ability to communicate; and a continuing desire for knowledge. Academic and co-curricular events, activities and programs are considered important means by which to attain these goals.

#### 2. Rights and Obligations - General

Membership in the community of scholars known as Georgia State University is a privilege and carries with it obligations to participate in and contribute to the educational mission of the institution. Concurrent with these obligations are rights and freedoms for each individual as guaranteed by the United States Constitution including, but not limited to, the right to inquire, to learn, to communicate by speech and action, to assemble peaceably and the right to due process. The University desires to maintain an orderly climate in which academic inquiry and freedom may occur while still preserving the freedom and rights of all members of the University community.

#### 3. Compliance with University Policy

In addition to the general rights and obligations of University community, each student is obligated to apprise him/herself of and comply with all University rules, regulations and policies. Students are individually responsible for understanding and exercising their rights, fulfilling their obligations and respecting the rights of others. Lack of knowledge of a University policy will not be accepted as an excuse for failure to observe it.

### C. Jurisdiction and Authority

The Student Code of Conduct applies equally to individual students and student organizations. The University has jurisdiction to hear all

matters related to violation of University Policy and the Dean of Students has authority to make determinations on all charges of General Conduct Violations as these are defined in the Student Code of Conduct.

#### D. Guarantees of Student Expression

##### 1. Collective Rights in Policy Making

Students have a collective right to participate in the formulation of standards of conduct and preparation of rules governing Student Life and Leadership. This right is collectively exercised through the participation of the Student Government Association on the University's Committee on Student Life and Development. The Committee on Student Life and Development is empowered by the President of the University, through the Board of Regents of the University System of Georgia, to make standards and rules, subject to the approval of the Chancellor and of the Regents. Upon request, students also have a collective right through Student Government Association participation, to be heard in the making of other institutional policies that affect their rights and well-being. In addition, students have the right to take a stand on University issues, to examine and discuss questions of interest and to support causes by orderly means that do not disrupt normal University operations or interfere with the rights of others.

##### 2. Freedom of Expression

Students have the right to freedom of expression by word or symbol as long as it does not materially or substantially interfere with the orderly operation of the University or with the rights of others as conferred by the Constitution. This right of expression does not protect disruptive, threatening, lewd, indecent or obscene conduct or expression.

##### 3. Student Media

The publications and communications of chartered Student Media groups are guaranteed the rights inherent in the concept of freedom of the press. They have the right to publish and distribute material on the University campus provided that the materials are identified by the name of the organization and are done in accordance with the rules and regulations adopted by the Committee on Student Communications. All publications are subject to the canons of responsible journalism, including the avoidance of libel, avoidance of indecency or obscenity and undocumented allegations.

#### E. Definitions

"Advisor" means any person (student or non-student) who the referred student may seek for advice. He or she may accompany the student during the hearing. The advisor may not represent the student before the hearing panel or be allowed to participate in the hearing process. A licensed attorney may serve as a student's advisor. The Student Judicial Board has members who may be assigned as advisors if requested.

"Business Day" means any day on which the Offices of Georgia State University excluding University Police, libraries, recreation and housing) are open to the general public.

"Complainant" means any person(s) who initiates an alleged violation of the Code.

"Controlled substance" means a drug or substance in which the use, possession, or distribution is controlled under state or federal law.

"Dean of Students" means the administrative officer bearing this or similar title and includes his/her designee.

"Discrimination" means unfair or unequal treatment of an individual based on race, color, religion, national origin, age, disability, veteran status, sex or sexual orientation.

"Discriminatory Harassment" means speech or other expression (words, pictures or symbols) that intentionally constitutes fighting words and is also sufficiently severe, pervasive, or persistent so as to interfere, limit or deny one's ability to participate in or benefit from an educational program. "Fighting words" are words, pictures or symbols that:  
are directed to an individual or individuals based upon that person's race, color, religion, national origin, age, disability, veteran status, sex or sexual orientation; and  
tend to threaten violence, incite an immediate breach of the peace or provoke a violent response. In the context of discriminatory harassment, "fighting words" are those which are commonly understood to convey direct and visceral hatred or contempt for human beings.

"Disruption" means to interrupt, impede or obstruct the teaching, instructional, research, disciplinary, public service, administration, or other University activities. Examples of disruption include, but are not limited to the following: allowing personal electronic communication devices to ring or beep, making or receiving phone calls or pages or otherwise disrupt while in class or scheduled University instructional activities; registering or arranging for another student to register for a class already completed by such student unless prior written approval is obtained from the class instructor; registering for any

class for which the published class prerequisites have not been completed unless prior written approval is obtained from the class instructor entering or attempting to enter any athletic, dance, social or other such public event without the credentials for admission (ticket, identification card or invitation) or in violation of the qualifications for attendance as established by the sponsors; assembling in a manner that is disruptive and not peaceful.

"Distribution" means sale, exchange, transfer, delivery, or gift.

"Endanger" means to bring into danger or peril.

"Fabrication" means falsification or invention of any information or citation.

"FERPA" means the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99), a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

"Fighting Words" may include, but are not limited to, words, pictures or symbols that: are directed to an individual or individuals based upon that person's race, color, religion, national origin, age, disability, veteran status, sex or sexual orientation; and tend to threaten violence, incite an immediate breach of the peace or provoke a violent response. In the context of discriminatory harassment, "fighting words" are those which are commonly understood to convey direct and visceral hatred or contempt for human beings.

"Hazing" means any intentional, negligent or reckless action, activity or situation that causes another pain, embarrassment, ridicule or harassment, regardless of the individual's willingness to participate. Such actions and situations include, but are not limited to, the following: forcing or requiring the drinking of alcohol or any other substance; forcing or requiring the consumption of food or any other substance; calisthenics (push-ups, sit-ups, jogging, runs, etc); treeings; paddle swats; line-ups; theft of any property; road trips; scavenger hunts; causing fewer than six (6) continuous hours of sleep per night; conducting activities that do not allow adequate time for study; forcing or requiring nudity at any time; performing acts of personal servitude for members (driving them to class, cleaning their individual rooms, serving meals, washing cars, shopping, laundry, etc); forcing or requiring the violation of University policies, federal, state or local law.

"Hearing panel" means any entity authorized by the University established to determine whether a student or student organization has violated the Student Code of Conduct and to recommend imposition of sanctions.

"Hearsay" means the person making the statement does not have personal knowledge of the matter about which he/she testifies but merely repeats what he/she heard another say. Hearsay is admissible, but the Panel will take into consideration that the testimony is based on hearsay.

"Illegal drug" means any drug in which the use, possession or distribution is prohibited or restricted by state or federal law.

"Information" means any witness, testimony, documents, statements or other material presented in support of either the University's or the referred case.

"In writing" means by letter or email.

"Joint Hearing" means a hearing in which two or more students or organizations are charged with violating one or more University conduct regulations arising from the same set of circumstances or events.

"Member of the University Community" means any officer, administrator, faculty member, staff member or, employee of Georgia State, or any student of Georgia State University as defined, as well as any person authorized to participate in an institutional activity at the time applicable.

"Officer" means a student holding any elected position (as defined in Section IV.H of the Student Code of Conduct) in a student organization. Or, a person who holds a position of responsibility for a specific function or event (e.g. membership/education chair, social chair, concerts chair, or multicultural chair), or any leadership role in the organization, including serving as an official representative of the organization.

"Preponderance of the information" means information that would lead a reasonable person to conclude that it is more likely than not that the act in question did occur. If the information which indicates that the referred committed the charged violation produces a stronger impression and is more convincing as to its truth when weighed against opposing information, then the violation has been proved. In other words, the information does not have to be enough to free the mind from a reasonable doubt but must be sufficient to incline a reasonable and impartial mind to one side of the issue rather than to the other. Information may be any observation, admission, statement, or document that would either directly or circumstantially indicate that the referred is responsible for the violation charged.

"Referred" means the student(s) or student organization(s) charged with violating one or more of the provisions of the Student Code of Conduct and Policies.

"Sexual Misconduct" is defined as any sexual contact without consent by an acquaintance or stranger (whether made directly or through clothing and whether contact is made with the non-consenting student or the non-consenting student is forced to have such sexual contact with another) and includes, but is not limited to: rape (sexual intercourse without consent), sodomy (oral or anal intercourse without consent), aggravated sodomy (sexual penetration with an object without consent), assault (intentional touching without consent of genitals, breast, groin, thighs, or buttocks), aggravated assault, child molestation, aggravated child molestation, non-consensual kissing, statutory rape, voyeurism (observing the sexual organs or acts of another for satisfaction, usually from a hidden vantage point), and public indecency (in a public place, performing an act of sexual intercourse, lewd exposure of sex organs, lewd appearance in a state of partial or complete nudity, or a lewd caress or indecent fondling of the body of another person).

"Student" means a person who has both registered and matriculate throughout the entire semester. If, after registering for classes, a student drops all courses after the midpoint of the semester, he/she is put in non-enrolled student status, retroactive to the beginning of the semester. If a person enrolls in but then drops all classes after the semester midpoint for two consecutive semesters, the person then immediately becomes a non-student upon the dropping of all classes in the second consecutive semester. Persons who do not fit the above definition of "students" or "non-enrolled students" or who enroll but drop all classes before the midpoint of the semester are deemed to be non-students. With

the exception of Student Leaders per Section 14, below, non-students may not be members of nor participate in any student organization within the University. Further, non-students may not benefit from the privileges reserved for enrolled students.

Enrolled Student - status of one during a semester he/she is enrolled in classes and completes that semester. This status is applied to all students upon enrollment for classes and continues unless and until the student withdraws from classes during a semester, at which time the student's status changes to either a Non-Enrolled Student or Non-Student status.

Non-Enrolled Student – status of one during a semester he/she has both enrolled in classes and subsequently dropped all class after the semester midpoint.

Non-Student – status of one who, during a semester, has (a) not enrolled in classes; (b) has enrolled but drops all classes before the semester midpoint; or (c) has been in a non-enrolled student status for two or more consecutive semesters.

"Student" throughout this Code may mean student or student organization as defined in the section.

"Student Judicial Panel" means three or more members of the Student Judicial Board with one member serving as the Chair of the Panel serving on a hearing panel.

"Student Organization" means any organization which is chartered in accordance with University policies and procedures or any organization which identifies itself with the University and presents programs or activities in the University community directed primarily to students.

"University" means Georgia State University.

"University property" means all resources, including but not limited to real and personal property, money, and intellectual property owned, operated, controlled or in the possession of the university.

"University-sponsored activity" means any activity on or off campus initiated, approved, or supervised by the university.

[Back to Top](#)

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