



Policy 8.1

Emory University Undergraduate Code of Conduct

Responsible Official:

Administering Division/Department: Campus Life

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Overview

Philosophy and Purpose

Emory University is an institution dedicated to providing educational opportunities, transmitting and advancing knowledge, and providing a range of services to both students and the general community. The university endeavors to foster in each student a love of learning, commitment to fair and honorable conduct, and respect for the safety and welfare of others. It also strives to protect the community from the influence of those who do not embody these values in their conduct, and to protect the integrity of the university and its property for the benefit of all. For this purpose, and in accordance with the bylaws of the university, the President of the university has defined the interests of the university community to be promoted and protected and has delegated to the Vice President and Dean for Campus Life the responsibility of implementing such a system via the Undergraduate Code of Conduct, hereafter referred to as the Code.

The activities of students beyond the classroom influence the educational process and learning environment, just as the intellectual atmosphere of the campus contributes to students' personal growth and development. Many forms of nonacademic conduct, as well as all academic affairs, are therefore areas of proper concern and regulation by the university community. The guiding principle of university regulation of undergraduate conduct is the responsible exercise of freedoms and privileges. Members of the university community are granted the greatest possible degree of self-determination correlative to acceptance of the full responsibility for their conduct and the consequences of their actions.



Applicability

Authority and Coverage

This Code applies to undergraduate students enrolled in the College of Arts and Sciences, the Woodruff School of Nursing, and the Goizueta Business School, in their conduct both on and off campus. Furthermore, the Vice President and Dean for Campus Life is delegated responsibility pertaining to all student organizations, student government, and fraternities and sororities. In addition, the Vice President and Dean for Campus Life has the responsibility and authority to discipline students and organizations and may choose to handle such matters in a direct and expedient manner, including taking interim action, including but not limited to interim suspension pending the conclusion of an investigation and hearing, removal from Campus housing, the issuance of a No Contact Order, or other measures.

Academic misconduct falls within the jurisdiction of the individual academic units of Emory University, not this Code. Allegations of non-academic misconduct will be resolved in accordance with the procedures outlined in this Code. Other units within the university may choose to implement more rigorous standards (for example, members of fraternities and sororities, or student organizational leaders), but such standards and penalties shall be in addition to, not a replacement of, this Code.

Continuation as a student is conditional upon compliance with the expectations of student conduct expressed or implied in this Code.

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8.1.1 Expectations of Conduct

Emory University expects that all students act honorably, demonstrating a keen sense of ethical conduct. The university expects that its students behave respectfully, providing particular consideration for other people and for property. As members of a community, Emory University expects that students act responsibly, being accountable for the safety and wellbeing of themselves and others. University students are expected to be trustworthy, demonstrating honest character upon which others may rely with confidence.

Although it is neither possible nor necessary to specify every instance of misconduct that could result in disciplinary action against a student, the following are examples of the types of behavior that are considered violations of this Code.



I. Honor and Ethics

- a. Attempting to commit a violation of this Code, or assisting, through act or omission, any person or group with committing or attempting to commit a violation of this Code.
- b. Failing to leave a situation where any person is committing or attempting to commit a violation of this Code.
- c. Failure to comply with the direction of university officials or law enforcement officials acting in performance of their duties; including failing to identify oneself to these officials when requested to do so.
- d. Failure to complete sanctions assigned by the Office of Student Conduct and/or knowingly violating the terms of any disciplinary sanction imposed or any mutual agreement reached in accordance with this Code.
- e. Disrupting the normal operations of the university (including teaching, research, service, and business operations) or university-sponsored activities by participating in an on-campus or off-campus demonstration, riot, or activity, or infringes on the rights of other members of the university community; leading or inciting others to disrupt scheduled or normal activities within any campus building or area.
- f. Misuse of computer or network resources, including but not limited to: using another individual's identification or password; sharing a password or other secure identification for an account on the network; using computer or network resources to transmit harassing or obscene material to another person; misrepresenting the identity of a sender; continuing to transmit messages/material using the network to a person who has communicated that messages/material are unwanted; using a computer or network resources in violation of copyright laws; using computer or network resources to interfere with the normal operation of the university computer system, or any other violation of policies established by Libraries and Information Technology Services.
- g. Violating policies established by the Office of Residence Life & Housing for residence halls, including but not limited to the Residence Life and Housing Standards and Policies and the Undergraduate Housing Agreement.
- h. Violating university or school rules, regulations, or policies.
- i. Violating the Tobacco Free Environment Policy.
- j. Violating any government laws or ordinances.

II. Respect and Consideration

- a. Causing physical harm to any person.
- b. Engaging in conduct that is likely to cause foreseeable physical injury, or intentional or reckless conduct of an outrageous or extreme nature that causes severe emotional distress.
- c. Threatening, intimidating, or coercing any person.
- d. Engaging in lewd or indecent behavior including, but not limited to, public nudity (unless specifically authorized for activities such as theater productions or class).
- e. Violating the Sexual Misconduct Policy.
- f. Violating the Equal Opportunity and Discriminatory Harassment Policy, including engaging in sexual harassment.
- g. Violating the University Anti-Hazing Policy.
- h. Joining, administering, representing, paying dues to, residing in housing affiliated with, or claiming membership in a banned or suspended student organization.

III. Responsibility and Accountability

- a. Violating the Alcohol and Drug Abuse Policy, including but not limited to:
 1. Use or possession of alcoholic beverages under the age of 21.
 2. Manufacture or distribution of alcoholic beverages (except as expressly permitted by university policy).
 3. Possessing an open container of an alcoholic beverage on university premises (except as expressly permitted by university policy).
 4. Public intoxication.
 5. Use or possession of any illegal drug or controlled substance (including prescribed medications) except as expressly permitted by law.



6. Manufacture or distribution of any illegal drug or controlled substance (including prescribed medications) except as expressly permitted by law.
- b. Using, possessing, or storing any weapon on campus without authorization.
- c. Using, possessing, or storing fireworks, explosives, or dangerous or flammable chemicals on university premises without express permission from a university official.
- d. Intentionally misusing, damaging, or tampering with fire or other safety equipment, including covering or disabling a smoke detector.

IV. Trustworthiness and Honesty

- a. Intentional misrepresentation, including but not limited to:
 1. Providing false or misleading information to a university official.
 2. Filing a false or misleading report with university officials or law enforcement officials.
 3. Manufacture, use, or possession of false documents, identification, or access devices.
 4. Impersonating another individual through e-mail, social media, electronic communication or other means.
- b. Being in, on, or using university premises or property without express permission from a university official.
- c. Misuse of property or services, including but not limited to:
 1. Taking, using, or possessing property without the express permission of its owner or utilizing a service without express authorization from its provider.
 2. Refusing to return property to its owner when requested or refusing to discontinue the use of a service when requested to by its provider.
 3. Transferring or accepting the transfer of property or services that are known to be non-transferrable.
 4. Knowingly accepting, using, or possessing improperly obtained property or services.
- d. Destroying, damaging, or vandalizing property.
- e. Inappropriately participating in the conduct processes, including but not limited to:
 1. Providing false, misleading, or incomplete information during the conduct process.
 2. Disrupting a conduct meeting or hearing.
 3. Filing a conduct complaint as a means to retaliate against, harass, coerce, or intimidate another person.
 4. Attempting to influence the impartiality of a hearing body, witness, or other involved party prior to or during the course of proceeding conduct meeting or hearing; harassment or intimidation of a hearing body, witness, or other involved party, during, or after a conduct meeting or hearing.
 5. Influencing another person to engage in any of the aforementioned acts.

8.1.2. Hearing Bodies

I. Conduct Officers

The Director of Student Conduct shall select, train, and oversee a number of conduct officers as he deems advisable for the effective maintenance of the conduct process. Conduct officers shall be authorized to investigate and resolve all conduct cases arising under this Code.

II. Boards and Councils

The Director of Student Conduct shall establish a number of councils and boards as he deems advisable for the effective maintenance of the conduct process. There shall be a pool of council and board members. The pool of faculty and staff members shall be drawn from Emory College, the Goizueta Business School, the Woodruff School of Nursing, and Campus Life. The pool of undergraduate students shall be from Emory College, the Goizueta Business School, and the Woodruff School of Nursing.

III. The following standing boards and councils are established:

- a. The Conduct Council is a group of faculty, staff, and students. Panels of the Conduct Council shall conduct formal hearings to determine if students are responsible for charges of misconduct, and if



- a student is found responsible for misconduct, shall recommend a sanction. A panel of the Conduct Council shall consist of at least 5 members of the Conduct Council: a chairperson, two faculty or staff representative, and two student representatives.
- b. The Peer Review Board is a group of students. Panels of the Peer Review Board shall conduct informal hearings to determine if students are responsible for minor allegations of misconduct, and if a student is found responsible for misconduct, shall recommend a sanction. Minor allegations may include, but are not limited to: vandalism, some residence hall policy violations, and minor alcohol violations. A panel of the Peer Review Board shall consist of at least 3 members of the Peer Review Board.
 - c. The Sorority/Fraternity Life Review Board is a group of students. Panels of the Sorority/Fraternity Life Review Board shall conduct informal hearings to determine if students and student organizations are responsible for allegations of misconduct, and if a student or student organization is found responsible for misconduct, shall recommend a sanction. A panel of the Sorority/Fraternity Life Review Board shall consist of at least 3 members of the Sorority/Fraternity Life Review Board.
 - d. The Appeal Board consists of one faculty member, one staff member, and one undergraduate student who shall advise the Vice President and Dean for Campus Life on student conduct appeals received in accordance with the procedures outlined in this Code.
The Director of Student Conduct shall select, train, and oversee members of all boards and councils established under this Code.

IV. Removal of a Member of a Board or Council

The Director of Student Conduct may either permanently or temporarily remove/replace any regular member of a committee under the following circumstances:

- a. In response to a request from those of which the committee will convene for – the referred student and/or complainant;
- b. In response to a request from an Emory faculty member and/or student directly involved in the case who raises a legitimate concern regarding a conflict of interest;
- c. In response to a request from an Equal Opportunity Officer;
- d. In response to a request from a committee member that he/she be excused. The member being considered for removal will have an opportunity to rebut any evidence presented in support of the request for removal. If a concern as enumerated above is raised about the Chair, the Director of Student Conduct will make the determination about either permanent or temporary removal from the committee. The Director of Student Conduct may also remove members of a board or council if the Director determines that member is unable or unfit to discharge the duties of the board or council.

8.1.3. Procedures

I. Reporting Alleged Misconduct

Any person wishing to report an alleged incident of misconduct under this Code may make such report to the Director of Student Conduct. Reports generated by Sorority and Fraternity Life and Residence Life and Housing, as well as Emory Police, will be forwarded to the Director of Student Conduct for review. The Director will determine whether disciplinary action should be taken in response to a report. This determination may result in the report being assigned to a conduct officer for preliminary review, or assignment to the Peer Review Board or Sorority/Fraternity Life Review Board for an informal hearing. Reports of alleged misconduct which meet the criteria for medical amnesty may be resolved as outlined within the medical amnesty protocol. Reports of alleged sexual harassment and sexual misconduct will be resolved as outlined within the Sexual Misconduct Policy.

The Director of Student Conduct will notify a student when he determines disciplinary action should be taken in response to a report. When the Director assigns the report to a conduct officer for a preliminary meeting, the Director of Student Conduct will notify the student in writing that he or she must make an appointment for a preliminary meeting within three days of the date on the written notice. Failure to schedule or attend this meeting will result in the preliminary review being conducted without the benefit of the student's input. The Director of Student Conduct, at his discretion, may place a class registration



and/or transcript hold on the student's OPUS account for failing to respond to request to schedule a meeting or failing to attend a scheduled meeting.

For reports that result in assignment to the Peer Review Board or Sorority/Fraternity Life Review Board for an informal hearing, the Office of Student Conduct will notify the accused student in writing of his or her scheduled hearing date, time, and location. Failure to attend this hearing will result in the board making a decision on the alleged misconduct without the benefit of the accused student's input.

Student organizations will be held accountable for actions committed by their members acting on behalf of the organization that reflect upon the organization as a whole or upon the university community. Actions taken against an organization are different than actions taken against individuals and in certain situations disciplinary action may be taken against both individual actors and the organization for the same action(s).

In any case involving a student organization, athletic team, club or other group, the organization's president or her/his designee, or similar group leader, shall be the official representative in the conduct process. All communication regarding any pending conduct matter will be sent to the organizational representative, who can then convey the information to organizational members unless otherwise instructed not to do so by the Director of Student Conduct or his designee.

In this Code, all references to an accused student may also refer to an accused organization.

II. Preliminary Review and Meeting

The Director of Student Conduct may assign a report for preliminary review by a conduct officer. The purpose of a preliminary meeting is to allow the student to share their perspective on the incident, review other pertinent information, determine the student's level of involvement in the incident, and determine if there is sufficient information to charge the student with violating this Code. The conduct officer shall review the report and gather any additional information to assist in making his or her decision. This will include meeting with the student to ascertain his or her perspective on the report.

For cases assigned to a conduct officer for investigation, a preliminary meeting shall occur between a conduct officer and the accused student to review the report as well as to ascertain the accused student's perspective on the incident. The purpose of this meeting is to review incident with the accused student, and to determine if, in the conduct officer's determination there is sufficient information with which to charge the student with violating the Code. If the conduct officer determines this Code was not violated by the accused student, then the student shall not be charged. If the conduct officer determines it is likely that the Code was violated by the accused student then the conduct officer will meet with the student to outline the charge(s) and what information supports the charge(s). The accused student will then have the opportunity to accept or not accept responsibility for the charge(s).

If a student is charged and accepts responsibility for having violated this Code, the conduct officer will make a sanction recommendation to the Director of Student Conduct. The Director shall determine the sanction and send notification to the student of the charges he or she accepted responsibility for, the sanction imposed, and the appeal process. When the Director conducts a preliminary review and finds the student responsible he shall make a determination of an appropriate sanction.

If a student is charged and does not accept responsibility for the charge(s) or declines to make a decision, then the student shall have a formal hearing. The accused student shall have the right to select a formal hearing before either a chairperson of the Conduct Council or a panel of the Conduct Council. Failing to choose shall result in the Director of Student Conduct making this choice on the student's behalf.

III. Informal Hearings

The Director of Student Conduct may refer accused students or student organizations to the Peer Review Board or the Sorority/Fraternity Life Review Board for an informal hearings. The purpose of an informal hearing is to examine the report, determine if the student or student organization has committed a violation of this Code and, if necessary, make a sanction recommendation to the Director of Student Conduct.



In situations where multiple students are alleged to have violated the Code based on their behavior in one incident the Peer Review Board or Sorority/Fraternity Life Review Board may, at its discretion, hold a joint hearing for all of the accused students. In a joint hearing all information and testimony are reviewed for all accused students, and the Board makes an independent decision with respect to each student regarding responsibility and, if necessary, what sanctions are to be recommended.

The following procedures and rules shall apply to all informal hearings:

- a) At least three members of the Board must be present in order to conduct the hearing. The Board may proceed with two members with the accused student's consent.
- b) Failure on the part of the accused student to attend the hearing will result in the Board making a decision on the alleged misconduct without the benefit of the accused student's input
- c) The proceedings shall be non-adversarial in nature. The chair of the Board is empowered to take such steps as may be necessary to preserve the non-adversarial character of the hearing.
- d) Hearing proceedings are not recorded.
- e) The chair of the Board shall determine the admissibility of all evidence and testimony, as well as the relevance of all questions posed by the board. This determination shall be based on relevance. Rules of evidence applicable to court proceedings shall not apply.
- f) The accused student will be permitted to attend the hearing, except when the board enters into deliberations. However, the Board may, in its discretion, limit contact or interaction between complainants, witnesses and the accused, when present at a hearing.
- g) The Board may require any student to attend to give testimony relevant to the case under consideration. The Board may request the attendance of a faculty or staff member, or alternatively request that a faculty or staff member furnish a written statement.
- h) After evidence has been reviewed the Board shall deliberate to decide the case. The accused student shall be found responsible or not responsible by a majority vote. The standard that shall be used is one of preponderance of the information.
- i) If the accused student is found responsible the Board shall recommend a sanction to the Director of Student Conduct. The Director shall determine the sanction.
- j) The Director of Student Conduct shall send notification to the student of the charges he or she was found responsible for, the sanction imposed, and the appeal process.

The Board may adopt additional procedures and rules as deemed necessary to the orderly operation of the hearing, provided that those procedures and rules do not conflict with the provisions of this Code.

IV. Formal Hearings

Students or student organizations who are formally charged by a conduct officer with violating this Code shall have a formal hearing. The purpose of a formal hearing is to examine the report, the results of the preliminary meeting, and additional information relevant to the report in order to make a determination of responsibility, and if necessary to make a sanction recommendation.

In situations where multiple students are alleged to have violated the Code based on their behavior in one incident the hearing body may, at its discretion, hold a joint hearing for all of the accused students. In a joint hearing all information and testimony are reviewed for all accused students, then the hearing body makes an independent decision with respect to each student regarding responsibility and, if necessary, what sanctions are to be recommended.

The following procedures and rules shall apply to all formal hearings and apply from the date of the incident up to and through the date of formal hearing:

- a) Notification of the date, time and location of the hearing; a list of witnesses asked by the university to testify; and notification of the allegations of possible violations shall be sent in



writing to the accused student, and the complainant if any, at least seven calendar days before the scheduled date of the hearing.

- b) Failure on the part of the accused student, complainant, advisor, or witnesses to attend this hearing will result in the hearing body making a decision on the charge(s) without the benefit of the accused student's input, the advisor's support, or witnesses' testimony.
- c) Involved parties may not contact, in person or through third-party, or in any way attempt to influence a member of the Council, a witness, or an otherwise involved party.
- d) For cases assigned to the Conduct Council at least three Council members must be present to conduct the formal hearing.
- e) There shall be a single verbatim record, such as a tape recording, of all formal hearings (not including deliberations). The recording shall be the property of the university.
- f) The proceedings shall be non-adversarial in nature. The chairperson of the Council is empowered to take such steps as may be necessary to preserve the non-adversarial character of the hearing.
- g) The Director of Student Conduct or chairperson of the Council shall determine the admissibility of all evidence and testimony, as well as the relevance of all questions. This determination shall be based on relevance, and rules of evidence applicable to criminal or civil court proceedings shall not apply.
- h) The accused student, and the complainant if any, will be permitted to attend the hearing, except when the chairperson or panel enters into deliberations. However, the Council may, in its discretion, limit contact or interaction between complainants, witnesses and the accused, when present at a hearing.
- i) The university may require any student to attend and to give testimony relevant to the case under consideration. Signed, written statements of complainants, an accused, or witnesses who cannot attend the hearing may be accepted at the discretion of the chairperson and/or Director of Student Conduct. The university may request the attendance of a faculty or staff member, or alternatively request that a faculty or staff member furnish a written statement.
- j) After all admissible evidence has been reviewed the chairperson or the Council shall deliberate to decide the case. For cases heard by a panel of the Council, the accused student shall be found responsible or not responsible for each charge by a majority vote.
- k) For all cases, the standard that shall be used is one of preponderance of the information.
- l) If the accused student is found responsible, the chairperson or Council panel shall recommend a sanction to the Director of Student Conduct. The Director shall determine the sanction.
- m) The Director of Student Conduct shall send notification to the student of the charges he or she was found responsible for, the sanction imposed, and the appeal process.

The Council may adopt additional procedures and rules as deemed necessary to the orderly operation of the hearing, provided that those procedures and rules do not conflict with the provisions of this Code.

V. Adaptable Conflict Resolution for Alcohol and Other Drugs

The Adaptable Conflict Resolution for Alcohol and Other Drugs program allows students to address alcohol or other drug-related incidents in a safe, confidential setting, and without incurring a disciplinary record. Please note that this is an educational meeting, not a health care intervention. While all ACR4AOD meetings involve certain key elements, the exact content and outcomes of a student's ACR4AOD program will depend upon the nature of the incident and the student's specific needs. A typical ACR4AOD meeting entails the following key elements:

- a) A review of the Statement of Student Rights and Responsibilities



- b) A discussion of options for resolving the AOD-related incident that led to the referral to the Office of Student Conduct
- c) A discussion of the incident
- d) A discussion of the student's general AOD-related use
- e) A discussion of the student's other experiences as a member of the University community
- f) A discussion of free, campus-based AOD-related educational and health care resources
- g) A specification of next steps, if any, to successfully complete the ACR-for-AOD program

8.1.4. Interim Action

The university reserves the right to take prompt, interim, necessary and appropriate action to protect the safety and well-being of the campus community. The Vice President and Dean for Campus Life is charged with the welfare of all students. Accordingly, in appropriate situations, the Vice President and Dean for Campus Life or his designee has full discretion and authority to deal with student conduct according to the exigencies of the situation and for its duration.

8.1.5. Student Rights

Students participating in the conduct process shall have the following rights:

1. The right to receive timely information about the conduct process and their status in the process.
2. The right to review all information used to make decisions regarding being charged with violating this Code, being found responsible for charge(s) and sanctioning.
3. The right to present information during a proceeding, whether it is preliminary review, an informal hearing, or a formal hearing.
4. Students participating in a formal hearing shall have the following additional rights:
 1. The right to a written notice of charges.
 2. The right to a list of witnesses who will be asked by the university to testify at the hearing as well as the opportunity to review all written information. Witnesses may not be contacted about the matter at issue.
 3. The right to present information, or to call witnesses not already called by the university to testify or submit written statements. Additional witnesses must have the prior approval of the Director of Student Conduct or chair of the Council. It is the responsibility of the accused student to notify any additional witnesses not called by the University of the time, date, and location of the hearing.
 4. The right to suggest questions for the chair of the Council may pose to a witness. The chair of the Council has the discretion to decline to ask a question if he or she deems it not relevant.
 5. The right to assistance from an advisor who is a current member of the Emory community (faculty, staff, or student). Advisors must adhere to the guidelines for advisors outlined in this Code.
 6. Subject to specific limitations determined by a hearing body, the right to be present at the hearing until such time as the chairperson or Council retires to deliberate.
 7. An accused student may elect to waive some or all of these procedures and rules. Such an election must be made in writing to the Director of Student Conduct. If waived, the student may not file an appeal based on the ground that the waived right was not provided.

8.1.6. Advisors

An advisor is a current member of the Emory community; a faculty member, staff member, or a student; who provides advice and support to a student participating in the conduct process. To protect the educational and non-adversarial nature of the conduct process, guidelines for participation of advisors will be strictly enforced. In general, participation of advisors is only allowed during formal hearings.

Students participating in a formal hearing may be accompanied by an advisor of their choosing. Advisors attending a formal hearing are not permitted to address the hearing body, speak on behalf of the student they accompany, or question witnesses. A student may consult with his or her advisor during breaks in the hearing, or an advisor may communicate with her/his advisee during the hearing, provided such comments do not interfere with the hearing process. Advisors who are unable to follow these requirements may be removed from the hearing at the discretion of the hearing chairperson.



Requests to have an advisor present during other elements of the conduct process may be granted at the discretion of the Director of Student Conduct. Advisors are prohibited from taking any action that interferes with the conduct process, including, but not limited to: harassing, intimidating, or attempting to inappropriately influence university officials or any student or non-student participants (e.g., witnesses or other advisors) in the conduct process. Advisors who do not follow these guidelines may be prohibited from serving as an advisor. Additionally, students may be held accountable for the behavior of their advisors.

8.1.7. Sanctions

In determining appropriate sanctions, consideration may be given to:

- a) the nature of, severity of, and circumstances surrounding the violation,
- b) the student's acceptance of responsibility;
- c) conduct history of the student or organization;
- d) the impact of a sanction on a student;
- e) previous cases involving similar conduct; and
- f) any other information deemed relevant by the hearing body or the Director of Student Conduct. Conduct officers, Peer Review Board panels, Sorority/Fraternity Life Review Board panels, and Conduct Council panels and chairpersons may make sanction recommendations for students who have accepted responsibility or been found in violation of this Code. These recommendations shall be reviewed by the Director of Student Conduct based on this review, the recommended sanctions or sanctions of greater or lesser severity may be imposed. When the Director conducts a preliminary review and finds the student responsible he shall make a determination of an appropriate sanction.

The dean of the school in which a student is enrolled will be consulted prior to rendering any decision resulting in the student's suspension or expulsion.

The following sanctions, singularly or in combination, may be imposed upon any student or organization found to have violated this Code.

- a) **Expulsion:** permanent separation of the student from the institution. An expelled student will be removed from all classes and not permitted to re-enroll. Expulsion will be reflected on the student's dean certification. Expelled students may be barred from campus following their expulsion.
- b) **Suspension:** temporary separation of the student from the institution for a period of time. A suspended student will be removed from all classes and not permitted to re-enroll while the suspension is in effect. Suspension may either be definite -for a specific period of time, such as a number of semesters- or indefinite, meaning the suspension is in effect until certain conditions are met by the student that allow for readmission. Suspension will be reflected on the student's dean certification. Suspended students may be barred from campus and/or from utilizing campus services during the term of their suspension.
- c) **Disciplinary Probation:** formal recognition that the student is not currently in good disciplinary standing with the university. Probation may impact the student's eligibility to participate in certain programs or services. Probation may either be definite -for a specific period of time, such as a number of semesters- or indefinite, meaning the probation is in effect until certain conditions are met by the student that allow for readmission. Disciplinary probation will be reflected on the student's dean certification.
- d) **Organizational Suspension or Dissolution:** restriction for a specified time period from activities sponsored, co-sponsored, performed, or attended by an organization's members, or complete loss of university recognition of an organization. For organizations arising out of a particular academic unit, the Dean of the school in which the organization is based will be consulted prior to rendering any decision resulting in the organization's dissolution.
- e) **Formal Warning:** a notice in writing to the student that the student has violated institutional regulations and must cease and not repeat the inappropriate action.
- f) **Loss of Privileges:** denial of specified privileges for a designated period of time. This sanction may include, for example, denial of the right to represent the university in such things as student leadership capacities or sports teams, denial of the use of campus facilities, or denial of parking privileges, or loss of privileges to participate in organizations, activities, or events.
- g) **Housing Restriction/Relocation**
- h) **No Contact Order:** prohibition against having any form of contact with another student for a defined period of time. Such contact includes in person communications, telephone calls, e-mails, or sending messages through a third party.
- i) **Restitution:** compensation for loss, damage, or injury. This may take the form of service, monetary compensation or material replacement.



- j) Mandated Community Service: completion of either a specific number of hours of community service or the completion of a specified number of service projects under the direction of the Director of Student Conduct.
- k) Educational Projects/Initiatives: projects, classes or assignments designated to educate a student or organization in connection with the effects of his/her behavior.
- l) Other: other sanctions as deemed appropriate by a hearing body and approved by the Director of Student Conduct.

The university reserves the right to place a hold on the diploma, degree certification, official transcripts, or registration of the accused student even though he or she may have completed all academic requirements. The diploma, degree certification, official transcripts, or registration may be withheld until any allegations of misconduct are resolved and/or sanctions as well as other conduct obligations completed.

8.1.8. Appeals

Complainants and respondents participating in the conduct process set forth in this Code may appeal the outcome of the process. Except as required to explain the basis of new information, appeals are limited to a review of the existing file for one or more of the following purposes:

- a) To determine if the process was conducted in conformity with the procedures laid out in this Code. Deviations from proscribed procedures will not be a basis for sustaining an appeal unless it is determined that the deviation impacted the outcome of the process.
- b) To determine whether the decision reached was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of this Code occurred.
- c) To determine whether the sanction(s) imposed were appropriate for the violation of the Code that the student was found to have committed.
- d) 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 prior to the filing of the appeal.

Appeals must be submitted within seven days from the day the student is notified the outcome of the case in a manner prescribed by the Director of Student Conduct. Once an appeal is properly lodged, all outcomes associated with the process are held in abeyance until the appeal is decided.

Appeals are reviewed by the Appeal Board, which makes a non-binding recommendation to the Assistant Vice President for Community, who then makes the final decision regarding the appeal. The Acting Assistant Vice President for Community will decide on one of the following outcomes:

- a) Affirm the original finding and sanction.
- b) Affirm the original finding but issue a new sanction, which may be of greater or lesser severity.
- c) Remand the case back to the hearing body to correct a procedural or factual defect. The outcome of a remanded case may again be appealed.
- d) Dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. A dismissed case shall result in no notation being made in the student's disciplinary record for the case.

The outcome of the appeal will be communicated by letter to the student and shall be final.

8.1.9. Notices

I. Limitations Regarding Rehabilitation

The university is not designed or equipped to rehabilitate students who do not abide by this Code. It may be necessary to remove those students from the campus and to sever the institution's relationship with them, as provided in this Code.

II. Interpretation

Any question of interpretation or application of this Code shall be referred to the Vice President and Dean for Campus Life or his designee for final determination.



Confidentiality, Maintenance, and Retention of Records

Conduct records may be shared within the university with those individuals with an educational need to know, as provided by federal law. To the extent permitted or required by law, the complainant or victim may also receive notice of the outcome of the conduct process. Students should be aware that the outcome of conduct proceedings may result in actions by other departments of the university over which the Office of Student Conduct has no direct control. Conduct records may be also released to other institutions as permitted or required by applicable law.

Formal notification of conduct action resulting in university probation, suspension, and expulsion shall be forwarded to the dean of the student's appropriate academic unit by the Director of Student Conduct. The dean of each school shall determine how this documentation will be stored and referenced within the school.

The Director of Student Conduct shall:

1. maintain files on all undergraduate student conduct reports, records, and hearing proceedings according to procedures established by the Office of Student Conduct and Emory University;
2. be the official custodian of records relating to the non-academic misconduct of undergraduate students;
3. retain records of all conduct cases that result in a finding of responsibility for at least the entire tenure of a student's enrollment with the university; and
4. establish additional policies regarding the retention and maintenance of student conduct records, and such policies shall conform to established university policies on record retention.

III. Violations of the Law and the Code

Students may be accountable to both civil authorities and to the university for acts that constitute violations of the law and this Code. Those accused of violations of this Code are subject to the university disciplinary proceedings outlined in this Code while criminal, civil, or other university proceedings regarding the same conduct are pending. Accused students may not challenge the university disciplinary proceedings outlined in this Code on the grounds that criminal allegations of possible violations, civil actions, or other university proceedings regarding the same incident are pending, may be initiated, or have been terminated, dismissed, reduced, or not yet adjudicated. The university will refer matters to federal, state, and local authorities when appropriate.

IV. Nature of and Changes to the Code

Nothing in this document constitutes a contract or creates a contractual obligation on the part of Emory University. The university reserves the right to interpret and apply its policies and procedures, and to deviate from these guidelines, as appropriate in the particular circumstances and in accordance with the mission and goals of the university. The university further reserves the right to alter or modify any statement contained in this document without prior notice.

Definitions

1. The term **complainant** can be used to refer to a person, a group, an entity, or the university. When the complainant is a group, any one of the following may be appointed by that body to represent it: the university, an entity, or a single person, provided that person is a member of the Emory community.
2. The term **respondent** can be used to refer to a person, a group, or an organization. When the respondent is a group or organization, a single person may be appointed by that body to represent it. This term may be used interchangeably with **accused student** or **accused organization**.
3. The term **allegation** refers to any report received by the Director of Student Conduct containing information suggesting that a student may have violated one or more of the expectation of conduct in this Code.
4. The term **charge** refers to a determination by a conduct officer, the Peer Review Board, or the Sorority/Fraternity Life Review Board that sufficient information exists to formally accuse a student of violating one or more of the expectations of conduct in this Code.



5. The term **days** means calendar days.
6. The term **group** means a two or more persons who are associated with each other who have not followed university requirements for recognition as an organization.
7. The term **university official** means any person employed by the university, including but not limited to Resident Advisors, Residence Hall Directors, law enforcement officers, and other administrative and professional staff.
8. The term **hearing body** means any person(s) authorized by the Vice President and Dean for Campus Life to hold a disciplinary hearing, to determine whether a student has violated the Code, and to recommend sanctions. This term includes the Conduct Council, the Peer Review Board, the Sorority/Fraternity Life Review Board, and conduct officers.
9. The term **conduct officer** means any person(s) authorized by the Director of Student Conduct to hold preliminary meetings, conduct investigations, hold conduct hearings, and determine whether a student has violated the Code as well as recommend sanctions. This term includes the Director of Student Conduct.
10. The term **organization** means a number of students who have followed the university requirements for recognition. This term includes, but is not limited to, student organizations recognized by the Office of Student Leadership and Service through the Student Government Association, Greek letter organizations recognized by the Office of Sorority and Fraternity Life, athletic teams organized by Athletics and Recreation (including varsity, and intramural sports teams), and organizations recognized and/or advised by other administrative units of the university.
11. The terms **notify in writing** or **transmit in writing** mean send via electronic mail to student's Emory e-mail address, to mail (U.S. or campus) written notice to the student's most recent address of record, or to hand deliver written notice to the student,
12. The term **preponderance of evidence** means it is more likely than not that a violation occurred.
13. The term **student** means any person pursuing undergraduate studies at the university. At the discretion of the Vice President and Dean for Campus Life, the term may be extended to mean: (1) a person not currently enrolled who was enrolled in the fall, spring, or summer term preceding the alleged violation, or (2) a person who, while not currently enrolled, was previously enrolled in Emory University and may reasonably seek enrollment at a future date, (3) a person who has applied to or been accepted for admission to Emory university and has accepted an offer of admission or may reasonably be expected to enroll, or (4) a person enrolled in the Emory University Pre-College Program on a credit or non-credit basis.
14. The term **allegation(s)**
15. The term **charge(s)**
16. The terms **university** and **institution** mean Emory University.
17. The term **university premises** means buildings or grounds owned, leased, operated, controlled, affiliated with, or supervised by the university.
18. The term **university-sponsored activity** means any activity, on or off campus that is initiated, aided, authorized, or supervised by the university.
19. The term **weapon** means any object or substance designed to inflict a wound, cause injury or incapacitate, including, but not limited to, all firearms, airsoft guns, pellet guns, BB guns, switchblade or gravity knives, clubs, blackjacks or brass knuckles, or ice picks.
20. The term **hazing** means any activity expected of someone joining a group or organization (or to maintain full status in a group or organization) that humiliates, degrades or risks emotional or physical harm, regardless of the person's willingness to participate. Apathy or acquiescence in the presence of hazing are not neutral acts; these are violations.
21. References to **Vice President and Dean for Campus Life**, **Dean of Emory College**, **Dean of Goizueta Business School**, or **Dean of Woodruff School of Nursing**, or **Director of Student Conduct** include his or her designee.
22. The term **banned organization** means a student group (in whatever form or reconstituted form) that has committed or has a history of significant and/or repeated violations of the law or university regulations and policies, such that its formal recognition by the university (in whatever form or reconstituted form) has been permanently or temporarily revoked or banned because its conduct has been determined to have irreparable adverse effects on the university and members of the university community. Examples may include but are not limited to an organization that holds itself out to the university community as a fraternity or sorority but which does not adhere to the Office of Sorority and Fraternity Life policies and procedures.
23. **Adaptable Conflict Resolution** describes pathways such as **mediation**, facilitated dialogue, agreed resolution, and **restorative justice** circles, which are alternatives to a formal adjudication process. These



voluntary pathways allow individuals involved in a conflict to have significant influence over the resolution processes and outcomes.

- 24. **Admonition** is a written notice indicating violation of the specified policy(ies). The resolution of this case will not become part of the student's/group's external disciplinary record (i.e., it will be treated as an informal resolution) unless there is a subsequent university policy violation.

Related Links

- Current Version of This Policy: <http://policies.emory.edu/8.1>
- Undergraduate Code of Conduct (<http://conduct.emory.edu/policies/code/index.html>)

Contact Information

Subject	Contact	Phone	Email
Clarification of Policy	Office of Student Conduct	404-727-7190	julia.thompson@emory.edu
Policy Posting	Campus Life Central	404-727-4364	campuslife@emory.edu

Revision History

- Version Published on: [Sep 21, 2018](#) (*Updated SVP to VP, contact emails, etc.*)
- Version Published on: [Aug 15, 2017](#) (*wording change in I f and II b*)
- Version Published on: [Nov 18, 2014](#) (*annual review/changes to policy*)
- Version Published on: [Jan 13, 2014](#) (*discriminatory harassment policy*)
- Version Published on: [Aug 24, 2012](#) (*8/24/2012 - add student organization procedures and Interim Actions*)
- Version Published on: [Aug 30, 2011](#) (*changes on file in Office of Student Conduct*)
- Version Published on: [Aug 17, 2010](#) (*Changes on file in Senior VP Office (call 404-727-4364)*)
- Version Published on: [Aug 04, 2009](#) (*annual changes made in July 2009*)
- Version Published on: [Aug 22, 2008](#) (*Specific sections revised from 2008 on file in Student Conduct Office*)
- Version Published on: [Jan 04, 2008](#) (*Expectations of Conduct, section IV (f); Definitions-last entry*)
- Version Published on: [Jun 28, 2007](#)
- Version Published on: [Mar 26, 2007](#) (*Original Publication*)