

THE UNIVERSITY OF GEORGIA CODE OF CONDUCT

Division of Student Affairs, Office of Student Conduct

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I. INTRODUCTION

Purpose

With its statewide mission and core characteristics, the University of Georgia endeavors to prepare the University community and the state for full participation in the global society of the twenty-first century. In order to facilitate the desired environment and educational goals of the University and to protect the rights and privileges of its students, the University has adopted conduct regulations for individuals and organizations and has established a conduct process. When a student or organization is suspected of violating a conduct regulation, the Office of Student Conduct is responsible for investigating alleged conduct regulation violations and coordinating the conduct process, unless another office is designated in this Code of Conduct.

This Code of Conduct has been developed by the Office of Student Conduct to provide useful information to students and organizations about their rights and responsibilities as members of the University community. All procedures for responding to possible violations of conduct regulations, including specifics of the conduct process, a listing of possible sanctions, and the appeals procedures are included in the Code of Conduct. These procedures have been established to ensure due process and fundamental fairness to all involved in the University's conduct process. They also ensure compliance with the minimum procedural

standards outlined in Board of Regents Policy Manual 4.6.5.

Office of Student Conduct Mission

The Office of Student Conduct, a department within the Division of Student Affairs, seeks to enhance the learning environment for members of the University of Georgia community by inspiring students to engage meaningfully, grow intellectually, and build character. This mission is accomplished by:

- educating University of Georgia students and organizations about their rights, responsibilities and expectations as members of a community;
- providing a fair and educational process for students and organizations through which alleged violations of the University Code of Conduct are resolved;
- creating opportunities for student learning and development; and
- offering outreach services to educate faculty, staff and other community partners about the role of our office and the Code of Conduct.

University Judiciary Mission

We, the University of Georgia Judiciary, seek to foster respect within the University community through adherence to the Code of Conduct and by utilizing proactive education and a fundamentally fair conduct process.

Student and Student Organization Rights and Responsibilities

Students and organizations are not only members of the academic community but are also members of the larger society. Students individually, therefore, retain the rights, guarantees and protections afforded to and the responsibilities held by all citizens. A student is not immune to prosecution by local, state, or federal law enforcement agencies irrespective of whether the University initiates conduct proceedings in a given situation; accordingly, a conduct case may proceed in the absence of a criminal prosecution. As members of the University community, students and organizations have a responsibility to know and follow the regulations outlined in this Code of Conduct. Violations of these regulations will result in action by the Office of Student Conduct, unless another office is designated in this Code of Conduct.

As would be expected, standards for University students and organizations are higher than those of communities not engaged solely in scholarly pursuits. Not every situation a student or organization may encounter can be anticipated in a written document. Therefore, students and organizations are expected to act in a manner that demonstrates integrity and respect for others and the campus environment. In order to provide direction for that expectation, the University

has adopted The Pillars of the Arch as a means of articulating three guiding principles or values. By adhering to these principles, students and organizations can enjoy their own rights while also respecting others' rights. By doing so, students assist in furthering the University's aspirations to uphold The Pillars of the Arch.

Pillars of the Arch

As members of the University of Georgia community, we aspire to uphold the principles manifested in the three pillars of the Arch:

Wisdom challenges us to apply lessons received inside and outside the classroom to our everyday lives. Wisdom transcends knowledge, embracing curiosity, discovery, and expression throughout our community.

Justice leads us to be fair in our dealings, accountable for our actions, responsible for ourselves, and empathetic for others. Justice requires honesty and celebrates diversity, establishing credibility and integrity for our community and ourselves.

Moderation compels us to act with civility, bolstering our faith in others and the faith others have in us. Moderation accentuates our self-respect, promotes responsible citizenship, and enhances pride in our university.

Without each of these pillars, the Arch would lose its strength and balance. Likewise, all three qualities are necessary for us to be strong and complete citizens.

II. DEFINITIONS

Hearing Officer refers to any person or persons authorized by the Director for Student Conduct to preside over hearings involving allegations of sexual misconduct.

Panel Member refers an individual who serves on a Hearing Panel.

Advisor refers to the individual who assists a student or organization during the conduct process. An Advisor is any individual the student or organization chooses. University Judiciary members are available to serve as Advisors as outlined in this Code of Conduct.

Appellate officer means any person authorized to consider an appeal submitted by a student or organization in regard to a judicial body's decision.

Business day refers to any day on which the Office of Student Conduct is open to the general public.

Administrative Officer refers to any person or persons authorized by the Director for Student Conduct or Title IX Coordinator to manage conduct cases and administer the informal resolution process.

Complainant refers to an individual who is alleged to be a victim of conduct that would violate this Code of Conduct. However, in cases not involving allegations of sexual misconduct, only a student may be considered a Complainant.

Director for Student Conduct is that person designated by the University to be responsible for administration of the University's conduct process.

Faculty member refers to any person hired by the University and any or all extended campuses to conduct classroom activities.

Hazing is defined as 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:

- 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";
- paddling;
- 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;
- requiring activity that causes disruption to academic pursuits or endeavors;
- 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);
- physical abuse or injury; and
- forcing or requiring the violation of University policies, or federal, state or local laws.

Hearing Panel refers to the group of individuals who hear cases of alleged student misconduct within the formal hearing process. A Hearing Panel is typically made up of two Justices from University Judiciary and one University faculty or staff member. However, for hearings involving an allegation of sexual misconduct, the Hearing Panel is made up of three University faculty or staff members.

Investigator refers to any person or persons authorized by the Director for Student Conduct or the Title IX Coordinator to conduct investigations of alleged violation(s) of conduct regulation(s) prior to a formal hearing.

Joint hearing refers to a hearing in which two or more students or organizations are charged with violating one or more conduct regulations pertaining to the same incident.

Judicial body includes any person or persons authorized by the Director for Student Conduct to determine whether a student or organization has violated conduct regulations and to impose sanctions.

Justice refers to an individual from the University Judiciary who serves on a Hearing Panel.

May is used in the permissive sense.

Member of the University community includes any person who is a student, faculty member, University official or any other person employed by the University, as well as contractors, vendors, visitors, and guests. A person's status in a particular situation shall be determined by the Director for Student Conduct, or as applicable, the Title IX Coordinator.

Opinion Writing Justice is the Justice who documents the decision of the Hearing Panel in cases not involving sexual misconduct and provides a written decision that will be delivered to the student or organization.

Organization and **student organization** refer to any number of students who have complied with the requirements for University registration or any number of students who act as an organization as determined by the Office of Student Conduct. Student organizations that are referred to the conduct process will be represented by the president of that organization. The president may designate another active member to be the representative in their place.

Policy is defined as any written rule or regulation of the University.

Preponderance of the evidence means evidence that would lead a reasonable person to conclude that it is more likely than not that the act in question did occur.

Presiding Justice refers to the Justice who manages the formal hearing in cases not involving allegations of sexual misconduct.

Prior record refers to all information related to any conduct regulation violation(s) that occurred and were resolved prior to the incident in question.

Reporter refers to an individual who reports information to the University regarding an alleged conduct regulation violation(s). A reporter may, in some instances, be a Complainant, but can also be another individual.

Respondent refers to a student or organization who is alleged to have violated this Code of Conduct.

Shall and **will** are used in the imperative sense.

Student includes all persons registered at the University and all affiliated campuses pursuing

undergraduate, graduate, or professional studies, individuals admitted to the University and all affiliated campuses that have been cleared to register, and individuals who are not registered but are eligible to register without applying for readmission. An individual who registers for a semester and then withdraws, or is withdrawn, is considered a student for that semester.

Title IX Coordinator is that person designated by the University to be responsible for monitoring and overseeing Title IX compliance at the University, to include coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students and other members of the University community.

University refers to the University of Georgia and any or all extended campuses.

University Advocate refers to the individual from the University Judiciary who presents information on behalf of the University in all matters pertaining to formal conduct hearings facilitated by University Judiciary.

University Judiciary refers to an organization whose members have studied and received extensive training regarding the procedures for University hearings and the University conduct regulations. The University Judiciary provides assistance for hearings and evaluates appeals for on-campus parking tickets.

University official includes any person assigned administrative, professional or staff responsibilities for the University and any or all affiliated campuses.

University premises includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University including adjacent streets and sidewalks.

Sexual Misconduct Definitions

Sexual Misconduct Policy refers to that policy through which alleged sexual misconduct, including any form of gender or sex-based discrimination or harassment, perpetrated by a student, will be addressed. The Sexual Misconduct Policy (along with a full set of definitions that are applicable to this Code of Conduct) is outlined in its entirety in Board of Regents Policy Manual 6.7.

Dating Violence refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such relationship shall be determined based on the totality of the circumstances including, without limitation to: 1) the length of the relationship; 2) the type of relationship; and 3) the frequency of the interaction between the persons involved in the relationship. 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.

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

Nonconsensual Sexual Contact refers to any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to the touching of a person's intimate parts (for example, genitalia, groin, breasts, or buttocks); touching a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts. This provision also includes "Fondling" as defined by the Clery Act.

Nonconsensual Sexual Penetration refers to any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and genitals or anus of another person. This provision also includes "Rape, Incest, and Statutory Rape" as defined by the Clery Act.

Reasonable Person refers to an individual who is objectively reasonable under similar circumstances and with similar identities to the person being evaluated.

Sexual Exploitation refers to taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited.

Sexual Harassment refers to unwelcome verbal, nonverbal, or physical conduct, based on sex (including gender stereotypes), determined by a Reasonable Person to be so severe, persistent, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity in violation of Title IX.

Stalking refers to engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their 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. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

Alcohol and Other Drug Definitions

University Alcohol and Other Drug Policies refers to all policies set forth by the University related to alcohol and other drugs, including but not limited to those addressed in the Code of Conduct, University Housing Community Guides, Study Abroad Guidelines, and other policies regarding social events.

Consumption or use of alcohol refers to the act of drinking, ingesting, and/or any other method of introducing any amount of an alcoholic beverage into one's body.

Distribution of alcohol or drugs refers to the sharing of alcohol or illegal drugs/controlled substances with or giving them to others.

Facilitating the possession/use of alcohol or drugs refers to the act of allowing others to possess, consume, or use alcohol or illegal drugs/controlled substances in one's residence or automobile.

Possession of alcohol or drugs refers, but is not limited, to holding, no matter the duration, alcohol or illegal drugs/controlled substances in hand or, having them in one's clothing, purse/book bag (or similar case), automobile, residence, or other personal belonging.

Sale of drugs refers to the exchange of illegal drugs/controlled substances for money or other forms of compensation.

Use of drugs refers to the act of ingesting, inhaling, drinking, eating, and/or any other method of introducing an illegal drug/controlled substance into one's body.

A **Level I violation** is defined as possession, use, distribution, or facilitating the possession/use of alcohol.

A **Level II violation** includes, but is not limited to, any violation involving the operation of a motor vehicle after consumption of alcohol and/or use of drugs; acts of violence, destruction of property, or disorderly conduct while using alcohol or drugs; or intoxication level that requires medical treatment or results in medical personnel being called, even if treatment is refused; and any drug related violation.

The University of Georgia considers Level II violations to be more egregious in nature than Level I.

III. UNIVERSITY AUTHORITY

Generally, conduct regulations contained in this Code of Conduct shall apply to conduct which occurs on University premises and to conduct which occurs while a student is attending or participating in any University related activity wherever that activity may take place. Additionally, as standards for University students and

organizations are higher than those not a part of the University community or the pursuit of its objectives, any behavior, on or off University premises, is subject to action under this Code of Conduct. Students and organizations are expected to abide by the conduct regulations in this Code of Conduct both on and off campus and acknowledge the university's authority to take action to address behavior incongruent with these regulations, wherever that behavior may occur.

Proceedings under this Code of Conduct may be instituted against students charged with a violation of a municipal, state or federal law, when the alleged conduct is also a violation of this Code. Proceedings under this Code may be carried out prior to, simultaneously with or following civil or criminal proceedings. Decisions about the timing of specific actions will be made by the Director for Student Conduct, Title IX Coordinator, or a designee based on the status of the evidence and other relevant case factors.

IV. OFFICE OF STUDENT CONDUCT AUTHORITY

The Director for Student Conduct shall develop policies for the administration of the conduct program and procedural rules for conducting hearings that are not inconsistent with provisions of the Code of Conduct.

V. CONDUCT REGULATIONS

The following actions are prohibited and constitute a violation of the Code of Conduct. The Office of the Vice President for Instruction handles all cases involving alleged violations of Conduct Regulation I (Academic Dishonesty). The University's Equal Opportunity Office shall be responsible for addressing alleged violations of Conduct Regulation 3.11 by administering and enforcing the University's Non-Discrimination and Anti-Harassment (NDAH) Policy. In addition, the Equal Opportunity Office shall process and investigate any alleged violations of Conduct Regulation 3.4 pursuant to the Student Sexual Misconduct Policy and this Code of Conduct. The Office of Student Conduct handles all other allegations of conduct violations and any student or organization found to have committed a violation of these conduct regulations is subject to the sanctions outlined in this Code of Conduct.

To determine whether an organization is responsible for a violation of the Code of Conduct, all circumstances will be considered, including, but not limited to: a) whether the misconduct was committed by one or more members of the organization; b) whether officers of the organization had prior knowledge of the misconduct; c) whether organization funds were used; d) whether the misconduct occurred as a result of an organization-

sponsored function; and e) whether members of the organization lied about the incident.

1. Academic Dishonesty

Knowingly performing, attempting to perform, or assisting another in performing any act of academic dishonesty.

The University of Georgia's Honor Code, a supplement to the University's academic honesty policy states, "I will be academically honest in all of my academic work and will not tolerate academic dishonesty of others."

A complete description of the regulations and procedures for handling matters of academic dishonesty appear in the policy manual, *A Culture of Honesty*, which is available in the Office of the Vice President for Instruction, in the Student Handbook under Academic Policies and Procedures, at The Office of Student Affairs for Gwinnett University Center, and online at <http://uga.edu/honesty/>.

2. Other Acts of Dishonesty

1. Furnishing false information to any University official, office, or other law enforcement officer.
2. Forgery, alteration, or misuse of any document, record, or instrument of identification, or possession of any false identification or identification belonging to another person with dishonest intent.
3. Causing, condoning, or encouraging the completion of any University record, document, or form dishonestly, including but not limited to omitting facts which are material for the purpose of which the record, document, or form is submitted.
4. Offering or causing to be offered any bribe or favor to a University official, office, or other law enforcement officer in order to influence a decision.
5. Tampering with the election of any University recognized organization.
6. Casting or attempting to cast more than one ballot in any election or referendum on campus.

3. Disorderly Conduct

The University of Georgia fully supports the marketplace of ideas and shall enforce its conduct regulations in accordance with the freedoms of speech and expression protected by the United States and Georgia Constitutions.

1. Intentional or reckless disruption or obstruction of teaching, research, administration or other University activities, including its public service functions on or off campus, or other authorized non-University activities taking place on University property with the exception of constitutionally protected freedom of speech and expression.

2. Conduct that intentionally or recklessly causes or provokes a disturbance that disrupts the academic pursuits, or infringes upon the rights, privacy, or privileges of another person.
3. Conduct that threatens or endangers the health or safety of another person, including but not limited to physical violence, abuse, intimidation, and/or coercion; or violation of a legal protective order.
4. Sexual Misconduct, including but not limited to, such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, nonconsensual sexual penetration, sexual exploitation, sexual harassment, and stalking, or any other form of conduct prohibited by the Sexual Misconduct Policy. The Sexual Misconduct Policy can be found at: <https://eoo.uga.edu/policies/sexual-misconduct-policy>.
5. Violation of published University policies, rules, or regulations.
6. Failure to comply with directions of any University official, office or other law enforcement officer acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
7. Participation in a campus demonstration that violates the University's Policy on Freedom of Expression, intentionally or recklessly disrupts the normal operations of the University or infringes on the rights of other members of the University community.
8. Intentional or reckless obstruction, which unreasonably interferes with the freedom of movement of an individual or group.
9. Entering an athletic contest, dance, social or other event without the proper credentials for admission (ticket, identification, invitation).
10. Circulation of any advertising media that violates the University's Policy on Freedom of Expression, intentionally or recklessly disrupts the normal operations of the University or infringes on the rights of other members of the University community.
11. Harassment and discrimination against any person as prohibited by the University's Non-Discrimination and Anti-Harassment (NDAH) Policy.

A complete description of the regulations and procedures for addressing potential violations of the NDAH Policy can be found within the policy at <https://eoo.uga.edu/policies/non-discrimination-anti-harassment-policy>.

12. Acts of animal cruelty or abuse.

4. Alcohol & Other Drug Related Misconduct

1. Use or possession of alcoholic beverages except as permitted by law and University Alcohol and Other Drug Policies.
2. Providing, distributing, selling, or facilitating the use or possession of alcoholic beverages

except as permitted by law and University Alcohol and Other Drug Policies.

3. Disruptive or disorderly conduct caused by the influence of alcohol and/or other drugs.
4. Use or possession of narcotic or other controlled substances except as permitted by law and University Alcohol and Other Drug Policies.
5. Providing, distributing, selling, or facilitating the use or possession of narcotic or other controlled substances except as permitted by law and University Alcohol and Other Drug Policies.

5. Theft, Damage & Disregard for Property

1. Taking, attempting to take, or keeping in one's possession any property or item, including but not limited to any tangible possession, information, or account, without proper authorization.
2. Malicious or unwarranted damage or destruction, or attempted damage or destruction, of any property or item, including but not limited to any tangible possession, information, or account.
3. Selling or attempting to sell a textbook unless the seller is the owner of the textbook or has the permission of the owner to do so.
4. Taking, attempting to take, or keeping items belonging to the library or items placed in the library for display.

6. Fire Safety & Sanitation

1. Misusing, damaging or tampering with fire safety equipment.
2. Setting or causing to be set any unauthorized fire.
3. Possessing or using fireworks, explosives or other incendiary devices without authorization.
4. Making or causing to be made a false fire alarm.
5. Intentionally or recklessly obstructing a fire exit in any University building.
6. Failure to exit a University building when the fire alarm sounds.
7. Failure to maintain an organization's facilities and/or surrounding property creating a potential danger to the health or safety of the occupants or other individuals.

7. Weapons

1. Possessing firearms, explosives, other weapons, or dangerous chemicals on University property unless permitted by law. The weapons policy can be found at <http://www.policies.uga.edu/FA/nodes/view/1263/Weapons-Prohibited-on-Campus>.

8. Unauthorized Entry or Use

1. Unauthorized entry or attempted entry into any property, including but not limited to any

- building, office, or other facility, automobile, backpack, or account.
- 2. Making or attempting to make unauthorized use of any building, office, or other facility, information, or accounts.
- 3. Unauthorized possession, use, or duplication of keys or other methods of controlled access (i.e. cards, codes).

9. Student Housing

- 1. Unauthorized entry, attempted entry, or remaining in restricted areas, including roofs, of any University-owned student residence.
- 2. Failure to comply with policies established in various residence halls for the protection of the privacy, rights, privileges, health or safety of the community. University Housing community guides can be found at <https://housing.uga.edu/site/resources>.

10. Computer Use

- 1. Failure to comply with University computer use policies. Computer use policies can be found at https://eits.uga.edu/access_and_security/infosec/pols_regs/policies/aup/.

11. Gambling

- 1. Conducting, organizing, or participating in any activity involving games of chance or gambling except as permitted by law and University policy.

12. Hazing

- 1. Participating in, condoning, encouraging, requiring, or allowing opportunity for hazing.

13. Interference with the Orderly Operation of the Conduct Process

- 1. Unreasonably delaying the conduct process by failing to schedule or appear for a meeting as requested by an administrative officer.
- 2. Intentionally providing false, distorted, or misrepresented information to an administrative officer or Hearing Panel or knowingly initiating a false complaint.
- 3. Disrupting the orderly operation of a conduct proceeding.
- 4. Attempting to discourage an individual's proper participation in, or use of, the conduct process.
- 5. Harassing, intimidating, and/or retaliating against an administrative officer, Panel Member, reporting party, or any other individual associated with any report, investigation, informal or formal resolution, or appellate proceeding under the Code of Conduct.
- 6. Failure to comply with the sanctions imposed under the Code of Conduct.

14. Shared Responsibility for Violations

- 1. Acting in concert to violate University conduct regulations.

- 2. Knowingly condoning, encouraging, or requiring behavior that violates University conduct regulations.
- 3. Allowing, condoning, permitting or providing opportunity for a guest to violate University conduct regulations.

VI. CONDUCT PROCEDURES

Filing a Report

Incidents of alleged violations of conduct regulations are reported to the Director for Student Conduct, Office of Student Conduct, or a designee. The Title IX Coordinator/Equal Opportunity Office has been designated to receive reports involving allegations of sexual misconduct, harassment, or discrimination, including violations of the NDAH Policy or Conduct Regulation 3.4 and 3.11. Individuals or groups filing a report are encouraged to do so in writing and the report should be submitted as soon as possible after the alleged violation. Verbal reports will also be accepted. Reports should contain as much information as possible, and where known to the reporter, should provide (1) the type of misconduct alleged; (2) the name and contact information of the student(s) and/or organization(s) involved in the alleged misconduct; (3) the date(s), time(s), and place(s) of the alleged misconduct; (4) the name(s) and contact information of any individual(s) with knowledge of the incident of alleged misconduct; (5) whether any evidence has been preserved; and (6) whether a criminal complaint has been made in connection with the alleged misconduct.

Reports not submitted in writing will be independently verified prior to initiating the conduct process. For individuals or groups filing a report, a meeting can be arranged with an administrative officer in the Office of Student Conduct, or Equal Opportunity Office as appropriate, to discuss the conduct process. For incidents to be reported in University Housing, individuals or groups filing a report may contact the Community Office where the incident took place.

After receiving a report, an administrative officer will be assigned to review the circumstances of the incident and determine what conduct regulations, if any, are alleged to have been violated. Reports that describe alleged behavior that does not violate any conduct regulation(s) may result in no action being taken. Additionally, lack of sufficient information in a report may result in no action being taken.

If the administrative officer, following his or her review, finds that the report alleges violations of the conduct regulations, the administrative officer will initiate the conduct process.

When an organization is alleged to have violated conduct regulations and the administrative officer handling the case decides to initiate the conduct process, the administrative officer will notify the chief

officer of the organization. The chief officer will act as the representative of the organization throughout the conduct process. The chief officer may designate this responsibility to another active member of the organization by notifying the administrative officer in writing.

Some reports submitted involve possible violations of conduct regulations, but clearly are the result of an unresolved, on-going dispute between students. Other reports do not involve violations of regulations, but they too reflect student disputes. In either of these situations, the students may be informed of the option to resolve the matter through mediation. Mediation is a voluntary process that utilizes an impartial, neutral third party who acts as a facilitator to help the parties reach a mutually acceptable outcome. Information regarding the University's mediation processes will be provided upon request.

Reporters

Incidents of alleged violations of conduct regulations may be reported by a variety of individuals or groups, including but not limited to University students, faculty or staff, law enforcement, or other third parties. All reporting parties will be subject to the following:

1. **Limited Confidentiality:** Where a reporter requests that their identity be withheld or the allegation(s) not be investigated, the administrative officer should consider whether or not such request(s) can be honored while still promoting a safe and nondiscriminatory environment for the University. The administrative officer will inform the requesting party (1) that the University generally cannot guarantee confidentiality and that even honoring the request shall not prevent the University from reporting information or statistical data as required by law, including the Clery Act, (2) that honoring the request may limit the ability to respond fully to the incident, and (3) that such request may limit the University's ability to carry out its conduct process.
2. **Retaliation Prohibited:** Anyone who has made a report or complaint, provided information, assisted, participated, or refused to participate in any investigation or resolution under this Code of Conduct, shall not be subjected to retaliation. Anyone who believes they have been the target of retaliation should immediately contact the Director for Student Conduct or Title IX Coordinator. Any student or organization alleged to have engaged in retaliation will be subject to the conduct process as outlined in this Code of Conduct.
3. **Amnesty:** Individuals are encouraged to come forward and report student misconduct and/or participate in a student misconduct investigation notwithstanding such reporting individual's choice to consume alcohol or to use drugs. If an individual,

voluntarily and in good faith, reports their use of alcohol or drugs, or the use by others, prior to or during an investigation, such information will not be used against any individual in a disciplinary proceeding and will not be voluntarily reported to law enforcement; however, individuals may be provided with resources on drug and alcohol counseling and/or education, as appropriate. This amnesty provision shall not apply when an alleged violation of Conduct Regulation 4 (Alcohol and Drug Related Misconduct) is currently at issue in a pending case or investigation.

Responsible Action Protocol

In addition to the amnesty outlined above provided to student(s) reporting misconduct or participating as witnesses during an investigation, the University's Responsible Action Protocol also applies to students and organizations. The purpose of the protocol is to encourage students to make responsible decisions in life-threatening situations that result from alcohol and/or other drug abuse and to seek medical attention for someone who is in danger because of intoxication. Students should alert University officials, UGA or local police, or professional medical personnel when they or their friends are in danger. Students who call for, seek, or require emergency assistance for an alcohol or other drug related emergency may not be subject to mandatory alcohol and other drug sanctions under the Code of Conduct. The Responsible Action Protocol applies only to alcohol and other drug related medical emergencies. It does not apply to other prohibited behavior such as disorderly conduct (including physical or verbal abuse), property damage, or distribution of illicit substances.

1. The Responsible Action Protocol applies to students who seek assistance or medical treatment for another student experiencing or believed to be experiencing an alcohol or drug related overdose. The protocol also applies to students who are experiencing an alcohol or drug related overdose and seek assistance or medical treatment on their own behalf or are the subject of such a request.
2. If a representative of an organization hosting an event calls for medical assistance, this act of responsibility might mitigate potential conduct consequences that could arise against the organization, i.e., the fact that an organization sought help might be considered in potential sanctioning for university policy violations.
3. The protocol applies only to the Code of Conduct and does not in any way prohibit law enforcement agencies within their jurisdictions from enforcing the laws enacted by the State of Georgia.

Students considered for the Responsible Action Protocol are required to meet with a member of the Office of Student Conduct who, after evaluating the situation, may also refer the student to a substance

abuse specialist in the John Fontaine, Jr. Center for Alcohol Awareness and Education for assessment, counseling, and/or possible referral for treatment. Students may also be required to complete additional educational programming. Students who are referred to the John Fontaine, Jr. Center for Alcohol Awareness and Education but fail to meet and complete the recommendations in their entirety may be subject to further action.

Even if there is not a disciplinary action, the Office of Student Conduct will notify the parents of the student (Parental Notification) and will maintain a file of the case which can be used as a prior record should subsequent alcohol or other drug violations occur. Files will be maintained in accordance with the Office of Student Conduct records management.

If the student has any subsequent incidents, these will be handled through the regular conduct process. If a violation is found to occur, prior records, including involvement in the Responsible Action Protocol, will be considered for sanctioning purposes.

Interim Measures

Interim measures may be issued by the Director for Student Conduct, Title IX Coordinator, or a designee, at any point after the University becomes aware of an allegation of misconduct in order to protect any student or other individual in the University community. Such measures should minimize the burden on both the Complainant (where applicable) and the Respondent. Interim measures may be designed to restore or preserve equal access to an education program or activity, including measures designed to protect the safety of students' educational environments, deter further misconduct and retaliation, and may include, but are not limited to:

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

Interim Suspension

In certain circumstances, the Director for Student Conduct, Title IX Coordinator, or a designee, may impose an interim suspension from the University at the outset of the conduct process and prior to a hearing before a judicial body. Interim suspension may be imposed upon a Respondent only where necessary to maintain safety, and should be limited to those situations where the student or organization against whom a report of alleged misconduct has been made

poses a serious and immediate danger or threat to persons or property.

In determining whether to impose an interim suspension, the Director for Student Conduct, Title IX Coordinator, or a designee, shall consider the existence of a significant risk to the health or safety of the Complainant (where applicable) or campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.

During an interim suspension, the student shall be denied access to the campus (including classes, residential buildings, and campus transit) and/or all other University activities or privileges for which the student might otherwise be eligible. During the interim suspension, the student will be permitted on campus for scheduled meetings with the Director for Student Conduct/Title IX Coordinator and/or other meetings approved by the Director for Student Conduct/Title IX Coordinator.

If an organization is placed on interim suspension, it will be expected that all organization activities stop. Members of the organization are not suspended from the University unless individual suspensions have been imposed.

Notification of Interim Suspension

Upon receiving a report indicating any of the conditions that warrant interim suspension exist and upon an evaluation of the reliability of that report, the Director for Student Conduct, Title IX Coordinator, or a designee, must make all reasonable efforts to give the Respondent the opportunity to be heard on whether their presence on campus poses a serious and immediate danger or threat to persons or property. Thereafter, the Director for Student Conduct, Title IX Coordinator, or a designee, shall immediately notify the Respondent, in writing, of the interim suspension. The written notification will be hand delivered; sent by certified mail, return receipt requested; or sent via email with delivery receipt confirmation. The following information will be contained in that notification:

1. the University conduct regulation(s) that are alleged to have been violated;
2. a description of the circumstances of the incident as reported;
3. an explanation of the conduct process;
4. an explanation of the restrictions placed on the Respondent while on interim suspension;
5. notification that an appeal of the interim suspension may be made to the Vice President for Student Affairs or a designee;
6. contact information for the Director for Student Conduct, Title IX Coordinator, or designee, and the Vice President for Student Affairs; and
7. clarification that if no appeal of the interim suspension is made by the Respondent, the interim

suspension and conduct charges will be resolved through the conduct process, either informally or formally, as established in the Code of Conduct.

The Respondent will have the opportunity to submit an appeal of the interim suspension. In order for the appeal to occur, the Respondent must submit a written appeal to the Vice President for Student Affairs, or his/her designee. The written appeal should contain information that challenges or disputes the interim suspension. The challenge/dispute should be based on procedural error, the suspension is overly harsh based on the allegation(s), or other similar claims. The written appeal may be accompanied by any evidence the Respondent deems relevant (which may include but is not limited to witness statements, written reports, and applicable documentation). A decision regarding whether the interim suspension should continue will occur within three (3) business days after the receipt of the appeal. The interim suspension will remain in effect until the appeal is submitted to the Vice President for Student Affairs or his/her designee AND a decision regarding the interim suspension has been made. After considering the appeal of the interim suspension, the Vice President for Student Affairs or a designee may:

1. Overturn the interim suspension. The Respondent would be immediately reinstated and conduct charges would be handled through the normal conduct process as described in section VI (Conduct Procedures) of the Code of Conduct. The Respondent would schedule a meeting with the Director for Student Conduct, Title IX Coordinator, or a designee to begin that process.
2. Uphold the interim suspension and the conduct process will proceed. The restrictions placed on the Respondent during the interim suspension would remain in place pending the resolution of the conduct process. The Respondent would schedule a meeting with the Director for Student Conduct, Title IX Coordinator, or a designee to begin that process.

Following the decision of the Vice President for Student Affairs or his/her designee, or if an appeal of the interim suspension is not submitted, the interim suspension and the conduct charges would be resolved through the conduct process, either informally or formally, as described in section VI (Conduct Procedures) of the Code of Conduct. If the criteria for informal resolution are met, the action will be resolved upon the completion of a resolution agreement.

If the criteria for informal resolution are not met, the matter will be referred to the formal resolution process (investigation and hearing). Given the serious nature of the interim suspension, formal resolutions will take place as soon as possible and within a reasonable and practical time for all parties concerned.

Initiating the Conduct Process

When a report has been filed and has not been dismissed following the administrative officer's initial review, the Respondent will receive written notification (includes notification sent via email to UGA mail, an official form of communication for the University of Georgia) of the allegations from the administrative officer assigned to the case. That notification will include the date of the report, the alleged conduct regulation violation(s), a request to make an appointment, the contact information for the administrative officer, information regarding the choice to bring an advisor to the appointment, any support resources available to the Respondent, and an electronic link to the Code of Conduct (physical copies of the Code of Conduct are available in the Office of Student Conduct and upon request). A copy may also be provided to the Complainant, where applicable. The Respondent will be able to provide information about the incident during the meeting.

The Respondent is responsible for arranging this requested meeting within the parameters stated in the notification. The purpose of the meeting is to ensure that the Respondent is sufficiently familiar with the Code of Conduct (including the conduct regulations and conduct process) in order to accurately prepare and present a response to the allegations. At this meeting the Respondent will be:

- A. advised of the right to decline to make any statements or answer questions and that in doing so, no inference to responsibility will be drawn;
- B. advised of the alleged violations and any written report submitted;
- C. advised of the procedures through which conduct charges are resolved including the options for and conditions of handling the matter either through informal or formal resolution;
- D. advised to consult further with the Director for Student Conduct, Title IX Coordinator, or a designee concerning any question or interpretation of procedure.

Throughout the conduct process, a Respondent (and Complainant, where applicable) has the right to have an Advisor (who may or may not be an attorney) of their own choosing available to provide advice and counsel during meetings and proceedings in which the Respondent or Complainant is present.

Resolution of the Conduct Process

Resolutions of the University's conduct process neither establish nor are based upon precedent. Further, matters of local, state or federal law are independent of the conduct process. During the meeting with the Respondent following the initiation of the conduct process, the administrative officer will review the alleged violations with the Respondent, ensure that the student or organization has been advised as outlined in the section above, and determine, which, if any, of the

alleged violations are to be resolved through the conduct process. Once the administrative officer has determined the alleged violations to be resolved through the conduct process, there are two available options from which the Respondent can choose: (1) informal resolution, or (2) formal resolution (investigation and hearing).

Informal Resolution

If the Respondent agrees that the violation(s) of the conduct regulations cited occurred, they may decide to have the case resolved through the informal process. A Respondent always has the right to refuse the informal process and proceed with a formal hearing. Final resolution of the informal process must meet the following criteria: (1) the administrative officer handling the case and the Respondent agree that informal resolution is a reasonable option given the circumstances; (2) the Respondent must accept responsibility for the violation(s) of the specified conduct regulation(s); (3) the Respondent must agree with the sanctions resulting from the violation(s); (4) if applicable, the Complainant should agree with the sanctions issued for the violation(s) and may propose sanctions that are reasonable and in accordance with the Code of Conduct. Cases that do not meet all four criteria for the informal resolution will be referred to formal resolution (investigation and hearing).

Decisions for Informal Resolution

If the Respondent decides to resolve the conduct charges informally, and all conditions for such resolution are met, the Respondent will receive a written copy of the decision. The decision will be completed by the administrative officer handling the case, and upon review, the Respondent will sign the decision indicating agreement with the method of resolution. An executed agreement, because voluntary on behalf of the parties, is not eligible for appeal and is the final disposition of the matter.

Formal Resolution

If the Respondent disputes that a violation of conduct regulations has taken place, rejects the informal resolution, or does not agree with the sanctions resulting from the informal resolution, the case shall be resolved through the formal resolution procedures as follows:

Access to Advisors

1. The Respondent and Complainant (where applicable), as parties to the formal resolution process, shall have the right to be assisted by an Advisor of their choosing.
2. In cases not involving allegations of sexual misconduct, the Respondent will be assigned an Advisor from the University Judiciary to assist the Respondent during the hearing. The Respondent

may elect to waive their right to an Advisor from the University Judiciary but must notify the Office of Student Conduct of such waiver, as well as the identity of the Advisor of their choosing, in writing prior to the hearing.

3. The Respondent and Complainant (where applicable) are responsible for presenting their own case. The Advisor may be present and advise their advisee in any manner, including by providing questions, suggestions, and guidance on responses to any questions asked of their advisee, but may not otherwise participate directly during interviews or hearings (except to conduct cross-examination during Title IX sexual misconduct cases, discussed below).
4. In Title IX sexual misconduct cases, if a party has not identified an Advisor by the end of the investigation, the party will be provided an Advisor by the University for the purpose of conducting cross-examination during the hearing on behalf of the relevant party. However, a party may decide at any time to utilize an Advisor of their choosing.

Investigation

1. A written “Notice of Investigation” shall be delivered to the Respondent (and Complainant, where applicable). The notice shall include (1) the specific conduct regulation(s) which the Respondent is alleged to have violated; (2) notice that the case has been scheduled for an investigation to determine whether charges will result from the allegations; (3) the identity of any investigator(s) assigned to the case; and (4) the range of sanctions that may result based on the allegations.
2. Upon receipt of the written notice, the Respondent shall be given three (3) business days to respond in writing. In that response, the Respondent has the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and documents – whether written or electronic – in support. A non-response will be considered a general denial of the allegations. The Complainant (where applicable) shall also be provided three business days to respond to or supplement the notice.
3. Based on the response, an investigator(s) shall conduct a thorough investigation which may consist of interviews of the Respondent, the Complainant (where applicable) and witnesses, and the collection and review of documents or other physical or electronic information, as well as other steps as appropriate. The investigator(s) should retain written notes and/or obtain written or recorded statements from each interview. The investigator(s) shall also keep a record of any proffered witnesses not interviewed, along with a

brief, written explanation of why the witnesses were not interviewed.

4. If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of sanctions, then the complaint should be dismissed. Additionally, if the Respondent admits responsibility, the investigation may conclude and the process may proceed to a hearing for a determination of sanctions or may be resolved through an informal resolution, if appropriate.
5. The investigation shall be summarized in writing in an initial investigation report and provided to the Respondent, as well as the Complainant (where applicable), in person or via email. This summary should clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions. A charge is not a finding of responsibility, but indicates that there is sufficient evidence to warrant further consideration and adjudication.
6. To the extent the Respondent is ultimately charged with any violation(s), they shall have the opportunity to review and respond in writing to the initial investigation report. The Respondent's written response to the charge(s) shall be due three (3) business days following the date of the initial investigation report, and should outline any additional information the Respondent feels should be included in the report. For investigations involving allegations of sexual misconduct, the Respondent and Complainant (where applicable) shall have at least ten (10) **calendar** days to review and respond. A nonresponse to the charge(s) by the Respondent will be interpreted as a denial of the charge(s).
7. The investigator(s) shall review any responses and will conduct further investigation and/or update the investigative report as warranted by the response.
8. Once the investigation is complete, the final investigative report should be provided to the judicial body for consideration in adjudicating the charges brought against the Respondent. A copy shall also be provided to the Respondent, the Complainant, and any Advisor, if applicable.

Hearing Notification and Procedure

1. Following the submission of the final investigative report to the applicable parties as outlined above, a written "Notice of Hearing" shall be delivered to the Respondent, as well as the Complainant (where applicable). The notice shall include (1) the specific conduct regulation(s) the Respondent has been charged with violating following the investigation; (2) the alleged factual circumstances supporting the charge(s); (3) the date, time and place of the

hearing; (4) a list of potential witnesses and any information that may be presented against the Respondent at the hearing; and (5) notice that the University Advocate (only in cases not involving allegations of sexual misconduct) has the right to gather and present additional evidence and witnesses for use in the formal hearing; accordingly, the University Advocate will notify the Respondent of such evidence and witnesses by the deadline stated in the Notice of Hearing.

2. The Notice of Hearing must be received by the Respondent at least ten (10) **calendar** days prior to the hearing date. The Respondent, with the consent of the Director for Student Conduct or a designee, may waive the minimum notice requirements as long as the waiver is in writing.
3. The Respondent is deemed to have received notice when he/she is personally given a copy of the notice or, in the case of an organization, when any officer of the organization is personally given a copy. If it is not possible to deliver the notice in person, the written notification shall be sent by certified mail, return receipt requested, to the Respondent's permanent address of record and shall be considered delivered on the date indicated on the signed return receipt or after ten (10) business days have passed from the date of mailing.
4. Two or more Respondents will be scheduled to participate in a joint hearing if they are alleged to have taken part in the same incident, act, event, or series of related acts. The conduct regulation(s) alleged to have been violated and/or the alleged factual circumstances of the violation need not be identical for participation in a joint hearing.
5. Any Respondent required to participate in a joint hearing may file a request for a separate hearing, citing specific reasons that a joint hearing would unfairly prejudice the case. A request for a separate hearing must be submitted in writing to the Director for Student Conduct or a designee within two (2) business days after receipt of the "Notice of Hearing." The Director for Student Conduct or a designee will make the decision regarding the request and notify the Respondent.
6. Any Respondent subject to two or more unrelated reported incidents of alleged misconduct is entitled to a separate investigation and hearing for each incident. While a Respondent may be charged with multiple violations for a single incident, unrelated incidents will be investigated and heard separately through the formal resolution process, unless the Respondent consents to having them aggregated.
7. The Respondent shall be presumed not to have violated a conduct regulation until such a violation is proven. The standard of proof shall be preponderance of the evidence.

8. Formal judicial rules of evidence do not apply to the formal resolution process, including during the investigatory and hearing phase.
9. The Respondent, University Advocate, or Complainant (where applicable), may request a delay in the hearing. Such a request must be in writing and submitted to the Director for Student Conduct no later than one (1) business day prior to the hearing. Reasons for a delay and the proposed length of the delay must be included in the request and a delay is not guaranteed. The Director for Student Conduct or a designee will consider the request and determine whether a delay will be granted. If the reason given for the request includes the need for more time to prepare for the hearing AND it is determined that adequate notice of hearing was given in accordance with the Code of Conduct, a delay will not be granted. If it is determined that the reasons for requesting the delay show it to be necessary and a delay is granted, the Respondent, Complainant (where applicable), University Advocate and the Hearing Panel will be notified no less than one (1) business day prior to the hearing. The Respondent, as well as the Complainant (where applicable), will receive written notification of the new hearing date, time and location at least five (5) business days prior to the new hearing.
10. If the Office of Student Conduct needs to delay the hearing, the Respondent, Complainant (where applicable), University Advocate, and Hearing Panel will be notified no less than one (1) business day prior to the hearing. The Respondent will receive written notification of the new hearing date, time and location at least five (5) business days prior to the new hearing.
11. Where a party or witness is unavailable, unable, or otherwise unwilling to participate in the hearing, (including being subject to cross-examination during Title IX hearings), the Hearing Panel shall not draw an adverse inference against the party or witness based solely on their absence from the hearing or refusal to subject to cross-examination. Instead, the Hearing Panel may hear the case at its discretion, and decisions will be based on evidence, as well as any testimony or information, presented at the hearing.
12. The Hearing Panel, members of the University Judiciary, the Respondent going through the formal hearing process, the Complainant (where applicable), one Advisor per party, and approved University officials are allowed to be in the hearing room during formal hearing proceedings. Witnesses will be invited at the designated times as specified in the **Hearing Order**, outlined below. All formal hearings are closed to the public unless the Respondent requests an open hearing and all requirements necessary to open the hearing are satisfied.
13. It is expected that all persons making statements or answering questions at the hearing do so truthfully.
14. Witnesses may not be present in the hearing room until called for their presentation. Each witness will be advised, by the Hearing Panel or Hearing Officer, to refrain from discussing with any other witness what transpired in the hearing room during his/her presentation. Failure to respect this request may result in witnesses being charged with a conduct regulation violation. Witnesses will be expected to remain available in the event they are recalled or until they are excused by the Hearing Panel, but they will not be restricted to a particular room and will not be supervised.
15. Hearings shall be conducted in-person or via video conferencing technology. If the student participating in the hearing or a witness is unavailable and unable to attend the hearing due to extenuating circumstances, the Hearing Panel (or in hearings involving allegations of sexual misconduct, the Hearing Officer) has discretion to allow that individual the opportunity to provide testimony from a separate location. The Hearing Panel (or in hearings involving allegations of sexual misconduct, the Hearing Officer) shall assess whether there is a valid basis for the unavailability and make a determination that the manner in which the testimony is provided will not unfairly disadvantage any party. Should it be reasonably believed that a party or witness who is not physically present has presented tainted testimony, the Hearing Panel will disregard or discount the testimony.

Additionally, a party may request to provide testimony from a separate location than the opposing party. In such instance, measures must be put in place to ensure no party is unfairly disadvantaged by the separation and they have the opportunity to view the testimony remotely and submit any follow-up questions.
16. The Respondent and Complainant (where applicable) shall be provided the opportunity to question witnesses (including the other party) as outlined in the **Hearing Order** below, and in hearings involving allegations of sexual misconduct, questions will be reviewed for relevancy by the Hearing Officer. The Hearing Officer shall ask the questions as written and will limit questions only if they are irrelevant to determining the veracity of the charge leveled against the Respondent.

In Title IX sexual misconduct hearings, a party's Advisor shall ask any questions on cross-examination of a witness, including the other party, provided that the Hearing Officer shall review the questions for relevancy before a response from the witness is provided. The Hearing Officer will limit questions when they are irrelevant to determining

the veracity of the charge leveled against the Respondent.

In all cases, the Hearing Officer shall err on the side of asking or permitting all submitted questions and must document the reason for not allowing any particular questions.

17. The Hearing Panel (or in hearings involving allegations of sexual misconduct, the Hearing Officer) may, at the beginning of the hearing, announce times when they shall recess for meals and announce the time the hearing shall conclude or be continued. No hearing shall last beyond 10:00 p.m. or a reasonable time thereafter. The Hearing Panel (or in hearings involving allegations of sexual misconduct, the Hearing Officer) shall set the date and time for the hearing to resume while all parties are present.
18. Any individual participating in the hearing may request a recess. Recesses should be kept short and to a minimum. If they become excessive in number or in length, the person asking for a recess may be asked to provide a reason for their request. The Hearing Panel may approve or deny a request for a recess.
19. All hearings will be recorded. The original will be considered the official record of the hearing. Recesses and deliberations are not recorded.
20. At all times participants in the hearing process, including parties, Advisors, witnesses, University Judiciary members, and University officials, are expected to act in a manner that promotes dignity and decorum throughout the hearing. Participants are expected to be respectful to others and follow procedural formalities outlined in this Code of Conduct and by the Office of Student Conduct. The Hearing Panel (or in cases involving allegations of sexual misconduct, the Hearing Officer) has the right to remove any participant from the hearing environment if the participant refuses to adhere to the established rules of decorum.

Hearing Order

1. The order of the hearing for cases not involving allegations of sexual misconduct shall proceed as follows:
 - A. The Presiding Justice begins the hearing.
 - B. The parties are introduced, and the charges (alleged violations) are read. The Presiding Justice will confirm that the student was given notice and understands the charges (alleged violations).
 - C. The Presiding Justice will explain the order of the hearing.
 - D. The University Advocate and Respondent will be asked to present information truthfully.
 - E. The Presiding Justice reviews each side's witness and evidence list for changes to the list or the order in which witnesses will be called.

The Hearing Panel will consider the addition of witnesses and/or evidence that were not previously submitted according to procedure as well as the reason for the late addition(s). The decision to allow the addition(s) is at the discretion of the Hearing Panel.

- F. The University Advocate is asked to provide information regarding the alleged violation and pending charges (make an opening statement summarizing alleged charges and introduce witness and evidence information to be presented at the hearing).
- G. The Respondent is asked to make their opening statement (a summary of witnesses and evidence to be presented).
- H. The University Advocate presents their evidence and/or witnesses, including but not limited to the investigative report.
- I. Information and/or witnesses should be presented in the order indicated on the witness and evidence list.
- J. After each piece of evidence is presented by the University Advocate, the Respondent may comment on it or ask questions of the Advocate at the time it is presented.
- K. The Hearing Panel may then ask the University Advocate questions regarding the evidence presented. If comment was provided by the Respondent on any piece of evidence presented by the Advocate, the Hearing Panel may also ask the Respondent questions regarding those comments.
- L. The University Advocate will call their witnesses. Each witness, after being asked to present information truthfully, may make a statement and/or respond to questions from the University Advocate.
- M. The Respondent is given an opportunity to question each witness.
- N. The Hearing Panel may also ask questions of each witness. When the questioning is concluded, the Presiding Justice will ask if anyone (University Advocate, Respondent, Hearing Panel) wants to recall the witness later in the hearing. If such is not the case, the witness is excused from the hearing.
- O. After the University Advocate and all other witnesses sharing information regarding an alleged violation have made statements and/or answered questions, the Respondent presents their evidence and/or witnesses.
- P. Evidence and/or witnesses should be presented in the order indicated on the witness and evidence list.
- Q. After each piece of evidence is presented by the Respondent, the University Advocate may comment on it or ask questions at the time it is presented.
- R. The Hearing Panel may then ask questions regarding the Respondent's evidence, and if comment was provided by the Advocate on any

- piece of evidence presented by the Respondent, the Hearing Panel may also ask the Advocate questions regarding those comments.
- S. The Respondent will call their witnesses (including themselves if listed). Each witness may make a statement and/or respond to questions from the Respondent.
 - T. The University Advocate will have the opportunity to question all witnesses presented by the student.
 - U. The Hearing Panel may also ask questions of each witness. When the questioning is concluded, the Presiding Justice will ask if anyone (University Advocate, Respondent, Hearing Panel) wants to recall the witness later in the hearing. If such is not the case, the witness is excused from the hearing.
 - V. The Presiding Justice will again ask each side if they have additional witnesses or information to add to the witness and evidence list. The Hearing Panel will consider the addition of witnesses and/or evidence that were not previously submitted according to procedure as well as the reason for the late addition(s). The decision to allow the addition(s) is at the discretion of the Hearing Panel.
 - W. After all witnesses and evidence have been presented for the first time, witnesses may be recalled by the University Advocate, the Respondent, or the Hearing Panel.
 - X. The Presiding Justice will call for a recess after all evidence and witnesses have been presented to allow the University Advocate and the Respondent to prepare for closing statements.
 - Y. The University Advocate makes his/her closing statement. No new evidence is allowed; this is an opportunity to summarize key points already made.
 - Z. The Respondent makes their closing statement. No new evidence is allowed; this is an opportunity to summarize key points already made.
2. The order of the hearing for cases involving allegations of sexual misconduct shall proceed as follows:
 - A. The Hearing Officer begins the hearing.
 - B. The parties are introduced, and the charges (alleged violations) are read.
 - C. The Hearing Officer will remind all participants that they are required to answer all questions truthfully and to the best of their knowledge and ability.
 - D. The Hearing Officer will ask the Respondent whether they admit or deny each charge.
 - E. The Hearing Officer will present the undisputed facts as summarized in the investigative report.
 - F. The Complainant, if applicable, will be provided the opportunity to present an opening statement to the Hearing Panel.
 - G. The Respondent will be provided the opportunity to present an opening statement to the Hearing Panel.
 - H. If a witness has been requested to participate by either party, the Hearing Officer, or the Hearing Panel, prior to the hearing, the Hearing Officer will request that the witness join the hearing and will then ask the witness questions previously submitted by the parties and/or Hearing Panel.
 - I. Following the initial questioning and responses provided by the witness, the Hearing Officer will ask the parties and Hearing Panel whether there are any additional questions for that witness.
 - J. The Hearing Officer will review any additional questions submitted and ask the questions as written if they are appropriate as outlined in the **Hearing Notification and Procedures** above. Additionally, in Title IX sexual misconduct hearings, the parties have the right to confront any witness on cross-examination, including the other party, by having their Advisor ask relevant questions directly to the witness. Questions must be asked directly by an Advisor but will be reviewed for relevancy by the Hearing Officer before a response from the witness is provided.
 - K. When the questioning is concluded, the Hearing Officer will ask if anyone wants to recall the witness later in the hearing. If such is not the case, the witness is excused from the hearing.
 - L. The Hearing Officer will continue to call witnesses as submitted by the parties and/or Hearing Panel unless circumstances necessitate otherwise.
 - M. The Hearing Officer will ask the Complainant, if participating, questions previously submitted by the parties and/or Hearing Panel.
 - N. Following the initial questioning and responses provided by the Complainant, the Hearing Officer will ask the parties and Hearing Panel whether there are any additional questions for the Complainant.
 - O. The Hearing Officer will review any additional questions submitted and ask the questions as written if they are appropriate as outlined in the **Hearing Notification and Procedures** above. Additionally, in Title IX sexual misconduct hearings, the parties have the right to confront any witness on cross-examination, including the other party, by having their Advisor ask relevant questions directly to the witness. Questions must be asked directly by an Advisor but will be reviewed for relevancy by the Hearing Officer before a response from the witness is provided.

- P. The Hearing Officer will ask the Respondent questions previously submitted by the parties and/or Hearing Panel.
- Q. Following the initial questioning and responses provided by the Respondent, the Hearing Officer will ask the parties and Hearing Panel whether there are any additional questions for the Respondent.
- R. The Hearing Officer will review any additional questions submitted and ask the questions as written if they are appropriate as outlined in **Hearing Notification and Procedures** above. Additionally, in Title IX sexual misconduct hearings, the parties have the right to confront any witness on cross-examination, including the other party, by having their Advisor ask relevant questions directly to the witness. Questions must be asked directly by an Advisor but will be reviewed for relevancy by the Hearing Officer before a response from the witness is provided.
- S. The Hearing Officer will call for a recess after all evidence and witnesses have been presented to allow the Complainant, if applicable, and Respondent the opportunity to prepare for closing statements.
- T. The Complainant, if applicable, is provided the opportunity to present his/her closing statement. No new evidence is allowed; this is an opportunity to summarize key points already made.
- U. The Respondent is provided the opportunity to present his/her closing statement. No new evidence is allowed; this is an opportunity to summarize key points already made.

Decisions for Formal Resolution

At the conclusion of the hearing, the Presiding Justice or Administrative Hearing Officer will instruct the parties and any advisor(s) to vacate the hearing room so that the Hearing Panel can deliberate. All deliberation sessions are closed and are not recorded. After deliberation and by majority vote the Hearing Panel will determine with respect to each charge brought before the Hearing Panel whether or not a preponderance of the evidence presented at the hearing indicates that a violation occurred with respect to such charge.

If no violation occurred, the Hearing Panel will indicate that the Respondent was found not in violation of the charge(s).

If the Hearing Panel finds that a violation(s) did occur, deliberations will then move to a discussion concerning appropriate sanctions. If the Hearing Panel has made the decision that a Respondent was in violation of the charge(s) they will then have access to prior record information. Prior record will be considered when determining sanction(s).

The decision, including whether or not the Respondent committed a violation(s) as well as any sanction(s), will be recorded on a written Formal Hearing Decision Form and will include a summary of evidence relied on in support of the outcome and resulting sanction(s). Specifically, the decision must include the allegations, procedural steps taken through the investigation and resolution process, findings of facts supporting the determination(s), determination(s) regarding responsibility, and the evidence relied upon and rationale for any sanction. Additionally, a decision to issue a sanction of suspension or expulsion must include the substantial evidence relied upon in determining that suspension or expulsion were appropriate. For purposes of this Code of Conduct, substantial evidence means evidence that a reasonable person might accept to support the conclusion.

A copy of the decision will be sent via email to the Respondent, and Complainant (where applicable). If delivery confirmation cannot be obtained from the Respondent, and Complainant (where applicable), the Formal Hearing Decision Form will be sent to the applicable party by certified mail. Where certified mail is required, notice of the Formal Hearing Decision shall be considered delivered on the date indicated on the signed return receipt or after ten (10) business days have passed from the date of mailing.

Sanctions

When a Respondent has violated a conduct regulation, the administrative officer and the Respondent will agree on one or more sanctions through an informal resolution, or the Hearing Panel will assign one or more sanctions following a formal hearing. The findings of fact, any particular circumstances, and prior record of the Respondent will be the factors considered by the administrative officer or Hearing Panel when determining any appropriate sanctions.

Sanctions for Individuals

The following sanctions may be imposed against a student for the violation of a University conduct regulation. This list is neither exhaustive nor in order of severity and may be enlarged upon or modified to meet the particular circumstances of any given situation.

1. **Expulsion:** Permanent severance of the student's relationship with the University. An expulsion issued after a student has graduated, in adjudication of misconduct that occurred before the graduation, will result in a recommendation for the University to revoke the student's degree.
2. **Suspension:** Temporary severance of the student's relationship with the University for a specific period of time. The period of time and any requirements that must be satisfied prior to eligibility for readmission or registration are to be specified in the decision of the judicial body.

3. Probation: Notice that further finding of responsibility for the violation of any conduct regulation(s) as specified in the decision of the Hearing Panel or informal resolution agreement may result in suspension or expulsion from the University. The period of probation shall be specified in the decision of the judicial body.
4. Restitution: Reimbursement for a loss caused by the student's actions.
5. Community Service: Assignment to work a specific number of hours at a community service site approved by the Office of Student Conduct or Title IX Coordinator, as applicable. Community Service locations exist on and off campus.
6. Restrictions: Terms of suspension or probation restricting privileges during the pendency of the suspension or probation. Such restrictions may include, but are not limited to, barring from University property, no-contact directives, identification card privileges and/or parking privileges.
7. Housing Restrictions: Terms of a sanction indicating the loss or restriction of the student's privilege to live in University-owned residences. Such restrictions include, but are not limited to, expulsion (permanent separation) from University housing; suspension (time-specific separation) from University housing; University housing probation (notice that further finding of responsibility could result in housing suspension or expulsion), and/or University housing relocation.
8. Other Educational Sanctions: Projects or assignments designed to educate a student in connection with the effect of his/her behavior. Educational assignments include, but are not limited to, mentor program, follow-up meetings/consultations, and/or alcohol education (e.g. BASICS, DUI School).

Sanctions for Alcohol or Drug Related Violations

The Division of Student Affairs at the University of Georgia promotes a community of student learning, success, and well being. The abuse and illegal use of alcohol or other drugs jeopardize this community by placing the health and safety of individuals at risk and undermining the university's academic mission. Therefore, we expect all students to act responsibly and in accordance with the law and the university's Code of Conduct.

In recognition of the concerns that may arise from the use of alcohol or other drugs, the University of Georgia supports a program of alcohol and other drug education in conjunction with other sanctions that may be appropriate. All students found in violation of Alcohol and Other Drug Related Misconduct (see Conduct Regulation 4) through the University's conduct process will receive sanctions as outlined below.

First Violation Sanctions for Individual Students

These minimum sanctions will be imposed for all first violations listed below.

First violation for possession (not consumption) of alcohol, or facilitating the possession (not consumption) of alcohol by others: Alcohol and Other Drug (AOD) education program and probation for six (6) months from the date of resolution.

First violation for consumption, use, or distribution of alcohol, facilitating the use of alcohol by others, or disruptive or disorderly conduct caused by the influence of alcohol: Alcohol and Other Drug (AOD) education program and probation for twelve (12) months from the date of resolution.

First violation for illegal use, possession or distribution of illegal drugs/controlled substances: Alcohol and Other Drug (AOD) education program and probation for twelve (12) months from the date of resolution.

First violation for sale of illegal drugs or controlled substances: Suspension from the institution.

Subsequent Violation Sanctions for Individual Students

Sanctions will likely include at least ONE of the following:

Subsequent violations while on probation: Alcohol and Other Drug (AOD) education program, additional probation, community service hours, suspension from the institution.

**Additional sanctions may be determined by the level of the violation (Level I or II), circumstances of the case and the student's prior record, including the conditions of probation from any prior record.*

Subsequent Violation Sanctions Involving the Operation of a Motor Vehicle

Any subsequent violation, while on probation for a prior alcohol/drug violation, involving the operation of a motor vehicle after consumption of alcohol and/or use of drugs: Suspension from the institution.

Any second violation, regardless of probation status, involving the operation of a motor vehicle after consumption of alcohol and/or use of drugs when a prior violation also involved the operation of a motor vehicle after consuming alcohol and/or using drugs: Suspension from the institution.

Violations after Suspension

Sanctions will likely include at least ONE of the following:

Any alcohol or drug related violation after suspension: Suspension from the institution, probation, appropriate AOD program, expulsion from the institution.

**Additional sanctions may be determined by the level of the violation (Level I or II), circumstances of the*

case and the student's prior record, including the conditions of probation from any prior record.

Two or More Violations (separate incidents) while Not on Probation

In cases where students are referred to the Office of Student Conduct for an additional alcohol/drug related violation that occurs before the resolution of any prior alcohol/drug related violation or pending case – sanctions will be determined by the administrative officer or Hearing Panel but should be no less than those outlined under the heading subsequent violation sanction based on the type of violation.

Additional Sanctions

The findings of fact, any particular circumstances, and prior record of the student will be factors considered when determining other appropriate sanctions that may be imposed.

Possible Ramifications of Suspension

Students who are suspended from the University for any length of time should be aware that this action may have an impact on the following:

- tuition, Residence Hall costs and fees (suspension does not forgive financial obligations);
- student financial aid including HOPE Scholarship;
- athletic participation and eligibility;
- health insurance (contact your personal health care provider);
- University housing;
- meal plan;
- use of University resources and access to University facilities;
- immigration status for international students;
- status and benefits of veterans and dependents of veterans;
- internships, assistantships, and study abroad; and
- class withdrawal.

This is not an exhaustive list.

Sanctions for Student Organizations

The following sanctions may be imposed against an organization for the violation of a University conduct regulation. This list is neither exhaustive nor in order of severity and may be enlarged upon or modified to meet the particular circumstances of any given situation.

1. Recommendation for Charter Revocation: An official request to a national office that the local chapter's charter be revoked.
2. Revocation of University Registration: Permanent severance of the organization's relationship with the University.
3. Suspension of University Registration: Temporary severance of the organization's relationship with the University for a specific period of time. The

period of time and any requirements, which must be satisfied prior to re-registration, must be specified in the decision of the administrative officer or Hearing Panel.

4. Probation: Notice that further finding of responsibility for the violation of any conduct regulation(s) as specified in the decision of the Hearing Panel or informal resolution agreement will likely result in suspension or revocation of University Registration. The period of probation shall be specified in the decision of the Hearing Panel or the informal resolution agreement.
5. Restitution: Reimbursement for a loss caused by the organization's actions.
6. Community Service: Assignment to work a specific number of hours at a community service site approved by the judicial body and/or the Office of Student Conduct. Community Service locations exist on and off campus.
7. Restrictions: Restriction of some or all of the organization's activities or privileges, including, but not limited to, social privileges and recruitment privileges.
8. Other Educational Sanctions: Projects or assignments designed to educate an organization in connection with the effect of its members' actions. Educational assignments include, but are not limited to, alcohol awareness programs and/or risk management programs.

Appeals of Formal Hearings

The Respondent (and in cases involving sexual misconduct or other forms of discrimination and/or harassment, the Complainant) may appeal the decision from a formal conduct hearing, including the revocation of a degree following an expulsion issued after a student has graduated. Appeal information will be included with the decision issued to a Respondent. Appeal forms are available in the Office of Student Conduct and at https://conduct.uga.edu/uploads/docs/Appeal_Form-1-3.pdf. All appeals must be in writing and submitted to the Vice President for Student Affairs within five (5) University business days of receipt of the decision. The purpose of appeal procedures is to provide the student with the opportunity to bring forward questions regarding substantive or procedural errors that occurred during the process. The appeal process is not intended to grant a new hearing at a higher level. Dissatisfaction with a decision is not grounds by itself for an appeal.

All levels of appeal described in these procedures involve written appeals only. Students or organizations neither meet with nor make oral presentations to the appellant officer. The appeal shall consist of a review of the record only, other than in the case of the availability of new information not known or knowable

to the student or organization appealing during the time of the hearing.

Grounds for Appeal

The Respondent (and in cases involving sexual misconduct or other forms of discrimination and/or harassment, the Complainant) shall have the right to appeal the outcome on any of the following grounds: (1) to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing; (2) to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by bias; or (3) to allege that the finding was inconsistent with the weight of the information.

Appeals should be submitted in writing to the Vice President for Student Affairs or their designee for review. Once a written appeal has been received, the Office of Student Conduct will also provide the following information to the Vice President for Student Affairs or their designee:

1. the recording of the hearing;
2. all documents and evidence presented at the hearing;
3. the written notice of the hearing;
4. the Hearing Panel's decision; and
5. any other documents in the record of the hearing or that are otherwise relevant to the student's grounds for appeal.

The Vice President for Student Affairs or their designee shall determine the method of reviewing these materials and make one of the following determinations within a reasonable time period:

1. Affirm the original decision.
2. Affirm the original finding(s) but issue a new sanction(s) of greater or lesser severity.
3. Remand the case back to the Hearing Panel to correct a procedural or factual defect.
4. 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 or their designee will notify the Respondent (and the Complainant, if applicable), in writing, of the decision. The case materials, including a copy of the decision, will be returned to the Office of Student Conduct. The decision of the Vice President for Student Affairs or his/her designee is considered final and all imposed sanctions take effect after the Vice President for Student Affairs or his/her designee issues the decision, unless the sanction includes a suspension, expulsion, or organization revocation.

Further Review for Cases Resulting in Suspension, Expulsion, Charter Suspension/Revocation and Revocation of University Registration

Respondents (and in cases involving sexual misconduct or other forms of discrimination and/or harassment, the Complainant) may make further appeal to the President of the University only if one of the following sanction(s) was issued by the original judicial body:

1. Suspension from the University (individual student)
2. Expulsion from the University (individual student), including the revocation of a degree following an expulsion issued after a student has graduated.
3. Charter Suspension/Revocation (organization)
4. Revocation of University Registration (organization)

If these conditions exist, the Respondent (and in cases involving sexual misconduct or other forms of discrimination and/or harassment, the Complainant) may submit a written appeal for further review to the Office of the President within five (5) business days of receiving the decision of the Vice President for Student Affairs or his/her designee. Any appeal for Presidential review must be based solely on one or more of the three grounds set forth above under "*Grounds for Appeal*" and must involve one of the four sanctions listed above. The President may affirm the original decision; affirm the original finding(s) but issue a new sanction(s) of greater or lesser severity; remand the case back to the Hearing Panel to correct a procedural or factual defect; or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The President's decision shall be issued in writing to the Respondent (and the Complainant, if applicable) within a reasonable time period.

This is the final appeal at the institution and, if applicable, all imposed sanctions take effect after the President issues his/her decision.

Application for Review by the Board of Regents

Following the decision of the President, a student or organization may apply to the Board of Regents' Office of Legal Affairs ("Legal Affairs") for a further review of the decision pursuant to Board of Regents Policy Manual 8.6 (the "Policy"). The application for review shall be submitted in writing to Legal Affairs within twenty (20) calendar days of the date of the President's decision. A review is not considered a matter of right, but is within the sound discretion of Legal Affairs. If the application for review is granted, a Committee shall review the decision of the President. Said Committee shall consist of the Vice Chancellor for Legal Affairs or his or her designee, the Vice Chancellor for Academic Affairs or his or her designee, the Vice Chancellor for Human Resources or his or her designee, and any other person or persons deemed appropriate by the

Committee. Legal Affairs may issue guidelines governing the process for review. The decision of the Committee shall be final and binding for all purposes.

Nothing within the Policy shall be construed to extend to any party substantive or procedural rights not required by federal or state law. The Policy shall not be construed to extend to any party any expectation of employment, admission, or additional due process rights. The Policy is not part of the due process rights afforded to students or employees of the University System; those rights have been fully afforded upon the decision of the President.

Student Holds

Pursuant to guidelines established by the University, the Director for Student Conduct, or a designee, has the ability to place a hold on the record of a student. A *registration hold* prevents a student from registering for courses, adding/removing courses, dropping courses, and withdrawing. A *document hold* prevents a student from obtaining an official or unofficial transcript from the University and also prohibits a student from receiving a transient letter or other letter of good standing from the University. A *graduation hold* prevents a student from graduating or otherwise receiving the conferral of a degree from the University.

A registration hold may be placed on a student's record at any time following the initiation of the conduct process and for any of the following reasons:

1. Issuance of an interim suspension;
2. Failure to attend a scheduled appointment with the Office of Student Conduct;
3. Failure to respond to correspondences from the Office of Student Conduct;
4. Failure to complete sanctions;
5. A sanction of suspension is issued following the completion of the conduct process;
6. A sanction of expulsion is issued following the completion of the conduct process; and/or
7. For other reasons determined by the Director for Student Conduct, or a designee, to be in the best interests of the University community.

A document hold may be placed on a student's record at any time following the initiation of the conduct process when a registration hold has been placed on a student's record AND one of the following reasons exists:

1. Issuance of an interim suspension;
2. The alleged conduct regulation violation(s) involve circumstances which call into question the veracity of a student's academic standing at the University; and/or

3. For other reasons determined by the Director for Student Conduct, or a designee, to be in the best interests of the University community

A graduation hold may be placed on a student's record at any time following the initiation of the conduct process when a registration hold has been placed on a student's record AND one of the following reasons exists:

1. Issuance of an interim suspension;
2. A sanction of suspension is issued following the completion of the conduct process;
3. A sanction of expulsion is issued following the completion of the conduct process;
4. The alleged conduct regulation violation(s) involve circumstances which call into question the veracity of a student's academic standing at the University; and/or
5. The alleged conduct regulation violation(s) involve circumstances that may result in the expulsion of student.

Any hold placed upon a student's record in accordance with these procedures will not be removed until the circumstances which necessitated the hold have been resolved, as determined by the Director for Student Conduct, or a designee.

Recusal/Challenge for Bias

Any party may challenge the participation of any institution official, employee or student panel member in the process on the grounds of personal bias by submitting a written statement to the Vice President for Student Affairs, or his/her designee, setting forth the basis for the challenge. 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 Vice President for Student Affairs will determine whether to sustain or deny the challenge, and if sustained, the replacement to be appointed.

VII. PARENTAL NOTIFICATION

The Family Educational Rights and Privacy Act (FERPA) has given colleges/ universities the option to notify parents or guardians about specific types of information from a student's conduct record.

The Office of Student Conduct will notify parents or guardians the first time and every subsequent time a student is found to have violated Code of Conduct policies on the use or possession of alcohol or other drugs when he/she is under the age of 21 (except in certain circumstances as determined by the Director for Student Conduct or a designee). Parental Notification will also occur when the Responsible

Action Protocol has been applied to a student under the age of 21.

VIII. RECORDS

Confidentiality of Records

A student may authorize the release of his/her disciplinary record to any party by making a written request.

Destruction of Records

All records of cases in the Office of Student Conduct shall be maintained in a location designated by the Office of Student Conduct until such time as they are destroyed in accordance with the destruction schedule established by the Board of Regents of the University System of Georgia.

IX. ADOPTION and AMENDMENTS

Procedures to be followed in conjunction with University conduct hearings and appeals are developed through the efforts of the Office of Student Conduct in conjunction with the University Judiciary and the Vice President for Student Affairs. These procedures, and any amendments to the procedures, are formally

adopted when recommended by the Director for Student Conduct and approved by the Vice President for Student Affairs. Those wishing to propose new procedures or amendments to existing procedures should contact the Director for Student Conduct.

University Conduct Regulations are formally adopted by approval of the Vice President for Student Affairs. For more information regarding this process, contact the Director for Student Conduct.

Victor K. Wilson
Vice President for Student Affairs

October 25, 2022