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References Policy

## Student Code of Conduct Policy

### I. POLICY PURPOSE

The University of North Georgia (the "University") strives to educate Students and develop leaders who are prepared for community, state, and global service. Consistent with University System of Georgia policies, the University's Student Code of Conduct Policy seeks to protect the safety, rights, and privileges afforded to Students and other members of the community. This policy serves to establish the expectations for student conduct, to prohibit unacceptable conduct, and to educate Students about Student Conduct process.

Students are expected to be model citizens, and their actions and behavior should reflect the core values of the University. Students are expected to adhere to national, state, and local laws; respect the rights and privileges of others; be forthright and honest in all their social and academic conduct; and in general, conduct themselves in a manner that brings credit to themselves and the University.

### II. DEFINITIONS

- A. **Academic Misconduct Process** refers to the investigation and resolution of any alleged academic misconduct. This process may include both formal and informal resolution processes, and may differ from processes used to resolve alleged violations of the Student Code of Conduct.
- B. **Administrative Hearing Officer** is an employee that makes decisions in the Formal Conduct Process regarding policy violations and sanctions.
- C. **Advisor** is a person who may attend any portion of the conduct process at the request of a Respondent and Complainant (where applicable), for the purpose of advising their advisee. The Advisor must be a Member of the University Community, unless the Student is facing charges for behavior violations that may result in suspension or expulsion or unless the Student is facing charges for professional standards violations that may result in removal from a professional program. In those situations, the Student may have anyone serve as their Advisor, including an attorney (at the Student's expense). Please see the Hearing Rights

section for more information on the role of Advisors during Hearings.

- D. **Complainant** means an individual who is alleged to have experienced conduct that violates this policy.
- E. **Conduct Conference** means a meeting in the Informal Conduct Resolution Process where the Conduct Officer provides notice of a Report to the Respondent, advises them of the process, takes a statement from the Respondent, and, at the conclusion, of the conduct conference, makes a determination whether the student is responsible for the allegations contained in the Report.
- F. **Conduct Officer** means the decision-maker in a case utilizing the Informal Conduct Resolution Process.
- G. **Conduct Standards** describe specific behaviors that are prohibited within the University Community.
- H. **Formal Conduct Resolution Process** involves the investigation and resolution of any alleged violation of the Student Code of Conduct that may result in suspension or expulsion from the University or an alleged violation of professional standards that may result in dismissal from an academic program.
- I. **Honor Code** is a statement of how we act as a University Community. This is a philosophic ideal and helps us live out the University's core values. The Honor Code should guide individual behavior and remind each person of the expectations within the University Community.
- J. **Informal Conduct Resolution Process** means the investigation and resolution of any alleged violation of the Student Code of Conduct that will not result in suspension or expulsion from the University or removal from an academic program.
- K. **Interim Suspension** means a suspension during the investigation or before the Formal Conduct Resolution Process has concluded.
- L. **Investigator** is the individual assigned by the Student Conduct Administrator to conduct an impartial investigation and prepare an investigation report as a part of the Formal Conduct Resolution Process.
- M. **Non-Title IX Sexual Misconduct Hearing Panel** means staff and/or faculty authorized and trained by the Title IX Coordinator to determine whether a Student has violated the Sexual Misconduct Policy and to determine sanctions that will be imposed when a violation has occurred. Based on the needs and resources of each campus, a Non-Title IX Sexual Misconduct Hearing Panel will consist of at least three members, but no more than seven total members. This panel does not include students.
- N. **Preponderance of the Evidence** is the standard of review for all allegations of violations of the Student Code of Conduct. This standard requires that the evidence shows that it is more likely than not that the alleged incident, act, or behavior did occur.
- O. **Report** means a report of an alleged violation of the Student Code of Conduct.
- P. **Reporter** is an individual who reports an allegation of conduct that may violate the Student Code of Conduct but who is not a party to the complaint.
- Q. **Respondent** means any Student alleged to have engaged in conduct that violates this Policy.
- R. **Student** includes all persons taking academic courses at the University of North Georgia. This includes, but is not limited to: part-time, full-time, undergraduate, graduate, or professional

studies, distance education and dual-enrolled students.

- S. **Student Conduct Administrator** means the employee authorized to oversee the Student Code of Conduct process, including receiving Reports, conducting the initial case assessment, assigning cases to investigators, and sending notices and information to the parties.
- T. **Student Conduct Hearing Panel** means faculty authorized by the Faculty Senate and students authorized by the Vice President for Student Affairs and Enrollment Management to determine whether a Student has violated the Student Code of Conduct and to determine sanctions that will be imposed when a violation has occurred. Based on the needs and resources of each campus, a Student Conduct Hearing Panel will consist of at least three members, but no more than seven total members.
- U. **Title IX Hearing Panel** means staff and/or faculty authorized and trained by the Title IX Coordinator to determine whether a Student has violated the Sexual Misconduct Policy and to determine sanctions that will be imposed when a violation has occurred. Based on the needs and resources of each campus, a Title IX Hearing Panel will consist of at least three members, but no more than seven total members. This panel does not include students.
- V. **University Community Member** includes any persons enrolled or employed by the University, including faculty, staff, administrators and employees, and recognized University affiliated entities including University Foundations, Student Organizations, and Structured Volunteers.
- W. **University Official** means any person (faculty or staff) who is employed by the University, and who performs assigned administrative or professional responsibilities.
- X. **University Premises** includes all land, buildings, facilities, and other property in the possession of or owned, used, contracted with, or controlled by the University (including adjacent streets and sidewalks).

### III. POLICY STATEMENT

#### A. Jurisdiction and Scope

1. The Student Code of Conduct shall apply to the conduct of all Students at the University from the time of admission through the actual awarding of a degree. This includes conduct that occurs (i) on University Premises, (ii) at University-sponsored activities or affiliated events, (iii) off-campus, if the conduct adversely affects the University community and/or the pursuit of its objectives, (iv) before classes begin or after classes end, and (v) during periods between terms of actual enrollment. Examples include: class-related outings and field trips, off-campus University athletic events, study abroad programs, co-ops, internships.
2. The Student Code of Conduct includes Conduct Standards that the University and local communities can expect Students to uphold upon admission to the University of North Georgia and through graduation, including terms where the Student is not enrolled; an explanation of the Student Conduct process and rights of Students as they pertain to the conduct process; a list of possible sanctions; and the appeal process.
3. The Student Code of Conduct is not intended to infringe or restrict rights guaranteed by the United States Constitution, including free speech under the First Amendment or the due process clauses of Fifth and Fourteenth Amendments.

4. Members of the Corps of Cadets are subject to the University Student Code of Conduct. As a military organization, a high standard of military discipline is expected. Participation in the Corps of Cadets is also governed by additional regulations from the Corps of Cadets Blue Book.
5. The Student Code of Conduct process will continue if the Student withdraws from school while a conduct matter is pending.
6. The Student Code of Conduct procedures apply to all Student conduct, including complaints of Sexual Misconduct.
7. Student Conduct proceedings may be initiated and pursued for conduct that potentially violates both criminal law and the Student Code of Conduct, without regard to the pendency of civil or criminal cases
8. All notices and other communications from the Office of Student Integrity, Student Conduct Administrator or Investigators regarding the Student Code of Conduct will be sent via University email.
9. The Vice President for Student Affairs and Enrollment Management or designee shall decide whether the Student Code of Conduct shall be applied to events occurring off campus, other than at University-sponsored activities, on a case-by-case basis.

B. Honor Code and Conduct Standards

1. The Honor Code at the University is: A Student will not lie, cheat, steal, plagiarize, evade the truth, conspire to deceive, or tolerate those who do.
2. The Conduct Standards below identify behavior that is prohibited:

1. **Academic Misconduct**

The University of North Georgia recognizes honesty and integrity as being necessary to the academic functioning of the University. The following regulations are disseminated in the interest of protecting the equity and validity of the University's grades and degrees, and to assist Students in developing standards and attitudes appropriate to intellectual life.

1. Receiving or giving assistance (cheating) in preparation of any graded assignment without prior authorization from the class instructor.
2. Taking, attempting to take, or otherwise procuring intellectual property in an unauthorized manner.
3. Selling, giving, lending, or otherwise furnishing to any unauthorized person by a Student enrolled in that course material that can be shown to contain the questions or answers to any examinations scheduled to be given at any subsequent date in any course of study.
4. Plagiarism – Use of another person's ideas or expressions without acknowledging the source. Themes, essays term papers, tests and other similar requirements must be the work of the Student submitting them. When direct quotations or paraphrase

are used, they must be indicated, and when the ideas of another are incorporated in the paper they must be appropriately acknowledged. All work of a Student needs to be original or cited according to the instructor's requirements or is otherwise considered plagiarism. Plagiarism includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

5. Signing class rolls for another Student.
6. Fabricating, forging, or falsifying laboratory results or reports.
7. Using work from other courses, or from previous assignments, for current assignment without permission from the instructor.
8. Violations of the University Honor Code when affiliated with an academic course requirement.
9. Unauthorized use of electronic devices during or in preparation for a graded assignment.

## **2. Alcoholic Beverages**

1. Consumption, possession, or transportation of alcoholic beverages by any Student under legal age.
2. Consumption or possession of alcoholic beverages on University premises or at University-sponsored activities, except when authorized at social functions in designated areas.
3. Furnishing and/or distributing alcoholic beverages to any Student under legal age.
4. Being in an intoxicated condition as made manifest by disorderly, obscene, or indecent conduct or appearance.
5. Driving under the influence of alcohol.

## **3. Damage to Property**

Damaging or destroying property belonging to the University, a Member of the University Community, or a visitor to the University.

## **4. Disorderly Assembly**

1. Assembling on campus in a manner inconsistent with the Expressive Activity Policy and which creates a riot or disorderly diversion that interferes with the normal operation of the University and/or infringes on the rights of other Members of the University Community.
2. Obstructing the free movement of other persons about the campus, interfering with the use of University facilities, or

materially interfering with the normal operation of the University.

3. Unauthorized use of sound amplification equipment indoors or outdoors. Note: Any use of sound amplification equipment must be approved through the Office of Student Involvement.

## 5. Disorderly Conduct

1. Disruptive behavior in an academic setting that interferes with the learning environment.
2. Disorderly, lewd, or indecent conduct; breach of the peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by the University.
3. Physical abuse, threats, intimidation, harassment, coercion, or other conduct that threatens or endangers the health or safety of another person.
4. Bullying, which includes, but is not limited to engaging in conduct, including any gesture, written, verbal or physical act, or any electronic communication (emails, text messages, or internet postings on websites or social media), that is sufficiently severe, persistent or pervasive to objectively interfere with one's work or educational performance by substantially disrupting the orderly operation of the University or the rights of any Student or other Member of the University Community.
5. Conduct on University Premises, or at functions sponsored or supervised by the University or any recognized University Organization that interferes with the normal operation of the University.
6. Entering or attempting to enter any event sponsored or supervised by the University or any Recognized Student Organization without credentials for admission, (i.e., ticket, identification card, invitation, etc.) or in violation of any reasonable qualifications established for attendance.
7. Interfering with, giving false name to, or failing to comply with any properly identified University faculty member, administrator, or staff member while in the performance of their duties.
8. Deliberately failing to heed the summons, oral or written, to report to an administrative official.
9. Threatening or disruptive behavior toward University Officials.
10. Violations of the University's [Sexual Misconduct Policy](#).
11. Retaliation – Conduct, expressions, or any sort of communications that intimidate, threaten, coerce, or in any way discriminates or retaliates against an individual because he or she files a complaint, testifies, or participates in any manner in

an investigation or proceeding.

12. Influencing or attempting to influence another person to commit an abuse of the Student Conduct process.
13. Discrimination – Differential treatment of an individual based on that individual's membership in a protected class that unreasonably interferes with or limits the individual's work, educational performance, or ability to participate in or benefit from an institutional program or activity.
14. Discriminatory Harassment – Objectively offensive conduct or expression that harasses, demeans, or degrades individuals who are members of a protected class when the conduct or expression is sufficiently severe, persistent, or pervasive to create an intimidating, hostile, or offensive working or learning environment.

#### **6. Drugs**

1. Possession, use (without valid medical or dental prescription), manufacture, furnishing, or sale of any narcotic or dangerous drug controlled by federal or Georgia law.
2. Possession of drug paraphernalia.
3. Being under the influence of a narcotic or other controlled substance, except as permitted by law or valid medical prescription.

#### **7. Tobacco and Vaping**

1. Use of tobacco or tobacco products, as defined in the [Tobacco and Smoke Free Campus Policy](#), on University property.
2. Use of vaping products on University property, including electronic cigarettes.

#### **8. Falsification of Records/False Statements/Dishonesty**

1. Altering, counterfeiting, forging, or causing to be altered, counterfeited, or forged, any record, form, or document used by the University.
2. Intentionally furnishing false information, complaints or accusations to a University Official or law enforcement officer acting in the performance of his/her job responsibilities or who submit false complaints or accusations. This includes Student conduct investigations and hearings and any proceedings or University processes.
3. Failing to identify oneself to a University Official or law enforcement officer acting in the performance of his/her job responsibilities.
4. Violations of the University Honor Code.

5. Manufacturing, selling, distributing, possessing, or sharing any form of false identification.
6. Failing to report an arrest, other than minor traffic arrests, to the University via the Dean of Students Office.

**9. Explosives/Fireworks**

Unauthorized possession, use, furnishing or sale of explosives on University Premises or at University-sponsored activities, including the unauthorized use or possession of fireworks.

**10. Fire and Emergency Safety**

1. Tampering with fire or other safety equipment.
2. Setting or causing to be set any unauthorized fire on University property.
3. Failing to participate in any emergency-related drill or alarm.
4. Making or causing a false alarm.
5. Unauthorized possession, sale, furnishing or use of any incendiary device.

**11. Weapons**

1. Unauthorized possession of firearms on University Premises or at events sponsored or supervised by the University or any Registered Student Organization. See the Official Code of Georgia Annotated sub-section (c) O.C.G.A 16-11-127.1.
2. Unauthorized possession or use of any other weapon. "Weapon" means any object or substance designed or used to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms and other weapons prohibited under Georgia Statute 16-11-127.1, including pellet guns, BB guns, bludgeons, chemicals, explosives, metal knuckles, and knives with blades longer than two inches.

**12. Hazing**

Any violation to the University's [Hazing Policy](#).

**13. Joint Responsibility**

Acting with others and/or providing an opportunity to violate University regulations or policies.

**14. Student Identification Cards**

1. Lending, selling, or otherwise transferring a Student identification card.
2. Use of a Student identification card by anyone other than its original holder.
3. Failure to present a Student identification card when it is requested by a University Official while in the performance of



his/her duties.

**15. Theft**

1. Selling a textbook that is not one's own without permission of the owner.
2. Theft and/or unauthorized possession or use of property or services belonging to the University, another person, or any other entity.

**16. Unauthorized Access and Improper Use of Technology**

1. Conduct that violates the University's Information Technology [Acceptable Use Policy](#).
2. Using automated means, such as creating scripts or using recorded macros, to register via Self Service Banner.

**17. Unauthorized Entry or Use of University Premises**

1. Unauthorized entry into or onto any University building, office or other facility or remaining without authorization in or on any building after normal closing hours.
2. Unauthorized use of any University Premises.
3. Unauthorized possession, duplication or use of keys or access cards to any University Premises.
4. Tampering with locks or locking devices on any University Premises.

**18. Gambling**

Raffles and/or the playing of cards or other games of skill or chance for money or items of value.

**19. Residence Hall Regulations**

Violation of policies and procedures published by the [Office of Residence Life](#).

**20. Corps of Cadets Regulations**

Violation of policies and procedures published by the Office of the Commandant for the orderly operation of the Corps of Cadets.

**21. Motor Vehicle/Parking Regulations**

Violation of Motor Vehicle/Parking Regulations published by the University.

**22. Violation of any professional and/ or ethical standard related to any academic program**

A professional is one who willingly adopts and consistently applies the knowledge, skills, and values of a chosen profession. Students shall not violate the provisions of the professional or ethical standards adopted by the relevant academic programs. Students shall comply with the policies and regulations of the program and any agency for which the Student is

conducting an internship, clinical experience, etc. For further information, refer to the program handbooks for specific academic programs.

23. **Other Published University Regulations and Campus-Specific Policies**  
Violation of University regulations and policies as approved and published by various units of the University.
24. **Violation of Conduct Sanctions**  
Failure to abide by conduct sanctions.
25. **Violation of Law or Failure to Report a Violation of Law**  
Violation of local, state or federal law, on or off the campus, that constitutes a danger or material interference with the normal, orderly operation and processes of the University, or with the requirements of appropriate discipline. All Students must report any arrests to the Dean of Students within 72 hours of the incident, except for those involving minor traffic offenses.

26. **Sexual Misconduct**

1. Dating violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of 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, but does not include acts covered under the definition of domestic violence.
2. Domestic violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with who the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse of intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
3. Sexual assault: An offense that meets the definition of rape, fondling, incest, or statutory rape defined as:  
Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is

incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

4. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
5. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's 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, follow, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

#### C. Reporting Alleged Violations of the Student Code of Conduct

1. Where appropriate, a Reporter may file a law enforcement report along with a Report to the University.
2. The University cannot guarantee confidentiality for information related to an incident and/or included in a Report, as doing so may limit the institution's ability to respond fully to the incident. Therefore, information from Reports may be shared as necessary to investigate and to resolve the alleged misconduct. If a request for confidentiality has been granted, it shall not prevent the University from reporting information or statistical data as required by law, including the Clery Act.
3. Anyone, who in good faith, reports what he or she believes to be Student misconduct, participates or cooperates in, or is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes he or she has been the target of retaliation for reporting, participating or cooperating in, or otherwise being associated with an investigation should immediately contact the Office of Student Integrity or the Dean of Students. Any person found to have engaged in retaliation shall be subject to disciplinary action pursuant to the Student Code of Conduct.
4. Individuals who are found to have knowingly submitted false complaints, accusations, or statements to a University Official, including during a hearing, shall be subject to disciplinary action under Section III (B) above.
5. The University's [Amnesty Policy](#) provides amnesty for potential violations of the Code of Student Conduct for Students who seek medical intervention, in certain circumstances, for themselves or their peers. For a full explanation of the

University's amnesty policy for students, including its' limitations, visit <https://policy.ung.edu/policy/amnesty-for-students>.

6. Not all matters covered under this policy will necessarily involve Complainants; however, where they are involved, it should be noted that a Reporter will not always be the Complainant, but instead may be a third-party witness. The University may also respond to issues raised by third-party complaints (such as referrals by police) or discovered by staff or through its own investigations.

#### D. Investigating and Resolving Disputed Student Conduct Reports

1. Regardless of how the University becomes aware of alleged misconduct, it shall ensure a prompt, fair, and impartial review and resolution of complaints alleging Student misconduct. Upon receipt of a Report, the Student Conduct Administrator shall review the Report to determine whether the allegation(s) describes conduct in violation of University policy or the Student Code of Conduct. If the reported conduct is not a violation of University policy or the Student Code of Conduct, then the Report should be dismissed. Otherwise, a prompt, thorough, and impartial investigation and review will be conducted into each complaint received to determine whether charges should be brought against the Respondent.
2. Throughout any investigation and resolution proceeding, the Respondent shall receive notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent during the investigation and resolution process, without an adverse inference ruling. If the Respondent chooses to remain silent, the investigation may still proceed and policy violation charges may still result and may be resolved against the Respondent. Additional unrelated charges and cases shall be investigated separately, unless the Respondent consents to having them aggregated.
3. The Respondent and Complainant (where applicable), as parties to the proceedings, shall have the right to use an Advisor of the party's choosing, and at their expense, for the express purpose of providing advice and counsel. The Advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The Advisor may advise their advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions of the advisee, but shall not participate directly during the investigation or hearing process.
4. If the Respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
5. If a Student has admitted responsibility and accepts the sanctions or has voluntarily decided to participate in the Informal Conduct Resolution Process, the applicable procedures identified in the Formal Conduct Resolution Process do not apply.

#### E. Interim Measures

1. Interim measures may be implemented at any point after the University becomes aware of the alleged Student misconduct and should be designed to protect any Student or the community. To the extent interim measures are imposed, they should minimize the burden on both the Complainant (where applicable) and the

Respondent, where feasible.

2. Interim measures may include, but are not limited to: change of housing assignment; issuance of a "no contact" directive; restrictions or bars to entering certain University property; changes to academic or employment arrangements, schedules, or supervision; interim suspension; and other measures designed to promote the safety and well-being of the parties and the University's community.
3. An interim suspension will only occur where necessary to maintain safety, and will be limited to those situations where the Respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the University should consider the existence of a significant risk to the health and safety of the Complainant (where applicable) or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.
4. Before an interim suspension is issued, the University will make all reasonable efforts to give the Respondent the opportunity to be heard on whether the Respondent's presence on campus poses a danger. If an interim suspension is issued, the terms of the suspension shall take effect immediately. Within three business days of receiving a challenge, the University will determine whether the interim suspension should continue.

#### F. Hearing Rights and Hearing Guidelines

Where a case is not resolved through informal resolution or informal resolution is not available due to the nature of the charges, the Respondent will have the option of having the charges heard by either an Administrative Hearing Officer or a Student Conduct Panel. The following standards will apply to hearings before an Administrative Hearing Officer and a Student Conduct Panel, hereafter referred to as "Conduct Panel":

1. Formal judicial rules of evidence do not apply to University investigations or hearings.
2. Notice of the date, time, and location of the hearing will be provided to the Respondent and Complainant (where applicable).
3. Hearings will be conducted in person or via conferencing technology as reasonably available.
4. The Respondent and Complainant (where applicable) shall have the right to present witnesses and evidence to the Administrative Hearing Officer or the Conduct Panel, as well as the right to ask questions to any witnesses. The Respondent and Complainant (where applicable) will have the right to ask questions to any witnesses by submitting written questions to the Administrative Hearing Officer or the chair of the Panel for consideration. The parties' Advisors may actively advise and assist in the drafting of those questions. The Administrative Hearing Officer or the chair of the Conduct Panel will ask the questions as written and will limit questions only if they are unrelated to determining the veracity of the charge leveled against the Respondent. In any event, the Administrative Hearing Officer or chair of the Conduct Panel should err on the side of asking all submitted questions, and must document the reason for not asking any particular questions.
5. Where the Administrative Hearing Officer or the chair of the Conduct Panel

determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the Administrative Hearing Officer or the chair of the Conduct Panel may establish special procedures for providing testimony from a separate location. In doing so, the Administrative Hearing Officer or chair of the Conduct Panel must determine there is a valid basis for the unavailability, ensure proper sequestration in a manner that ensures testimony has not been tainted, and make a determination that such an arrangement 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 Administrative Hearing Officer or chair of the Conduct Panel will disregard or discount the testimony.

6. The standard of review for determining whether a policy violation has occurred shall be a preponderance of the evidence.
7. Deliberations of the Conduct Panel will be conducted in private.
8. In hearings involving more than one Respondent, the Student Conduct Administrator, in their discretion, may permit the hearings concerning each Respondent to be conducted either separately or jointly.
9. Relevant records, exhibits, and written statements may be accepted as information for consideration during the hearing at the discretion of the Administrative Hearing Officer or chair of the Conduct Panel.
10. The Administrative Hearing Officer or chair of the Conduct Panel shall resolve any procedural questions identified in the hearing.
11. The University will maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings, and/or video recording.

#### G. Reporting Alleged Violations of Sexual Misconduct

1. Upon notice of a Sexual Misconduct Report, the Title IX Coordinator (Coordinator) will assess whether a formal investigation, informal resolution or a case dismissal is appropriate.
2. If after reviewing the Report, the Coordinator determines the Report does not fall under Title IX's jurisdiction but falls under the University's Sexual Misconduct Policy, the Coordinator will refer the Report to the Office of Student Integrity to start the Non-Title IX Sexual Misconduct process.
3. Where a Complainant requests that their identity be withheld or the allegation(s) not be investigated, the Coordinator should consider whether or not such request(s) can be honored in a manner consistent with the University's obligations to promote a safe and nondiscriminatory environment. The University should inform the Complainant that the institution cannot guarantee confidentiality. Honoring a Complainant's request for confidentiality shall not prevent the University from reporting information or statistical data as required by law, including the Clery Act.
4. Anyone who has made a Report or complaint, provided information, assisted, participated, or refused to participate in any manner in the Sexual Misconduct process, will not be subjected to retaliation. Anyone who believes that they have been subjected to retaliation should immediately contact the Coordinator or their designee. Any person found to have engaged in retaliation will be subject to

disciplinary action.

5. Individuals found to have knowingly submitted false complaints, accusations, or statements, including during a hearing, will be subject to appropriate disciplinary action (up to and including suspension or expulsion) under the Student Code of Conduct process.
6. Students should be encouraged to report Sexual Misconduct notwithstanding their choice to consume alcohol or to use drugs. Information reported by a Student during the Sexual Misconduct process concerning the consumption of drugs or alcohol will not be used against the Student in a disciplinary proceeding or voluntarily reported to law enforcement; however, Students may be provided with resources on drug and alcohol counseling and/or education, as appropriate. Nevertheless, these Students may be required to meet with staff members regarding the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this amnesty procedure will not be considered a sanction.

#### H. Investigating and Resolving Sexual Misconduct Reports

1. Upon receiving a Report from the Coordinator, the Office of Student Integrity shall ensure a prompt, fair, and impartial review and resolution of complaints alleging Sexual Misconduct. Upon receipt of a Report, the Student Conduct Administrator shall review the Report to determine whether the allegation(s) describes Sexual Misconduct in violation of University policy or the Student Code of Conduct. If the reported conduct is not a violation of University policy or the Student Code of Conduct, then the Report should be dismissed. Otherwise, a prompt, thorough, and impartial investigation and review will be conducted into each complaint received to determine whether charges against the Respondent should be brought.
2. Throughout any investigation and resolution proceeding, the Respondent and Complainant shall receive notice of the alleged Sexual Misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent during the investigation and resolution process, without an adverse inference ruling. If the Respondent chooses to remain silent or otherwise not participate in the investigation or resolution process, the investigation may still proceed and policy violation charges may result and may be resolved against the Respondent. Additional unrelated charges and cases shall be investigated separately, unless the Respondent consents to having them aggregated.
3. **For Formal Title IX Complaints:** The Respondent and Complainant, as parties to the proceedings, shall have the right to use an Advisor of the party's choosing, at their own expense, for the express purpose of providing advice and counsel to the Respondent and Complainant. The Advisor may be present during meetings and proceedings throughout the Sexual Misconduct process at which his or her advisee is present. The Advisor may advise their advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions of the advisee, but shall not participate directly during the process except to conduct cross-examination at the hearing as outlined in the Resolution/Hearing section below. If the Respondent and Complainant chooses not to use an Advisor during the investigation, the University will provide an Advisor for the purpose of conducting

cross-examination on behalf of the Respondent and/or Complainant.

4. **For Non-Title IX Sexual Misconduct Complaints:** The Respondent and Complainant, as parties to the proceedings, shall have the right to use an Advisor of the party's choosing, and at their expense, for the express purpose of providing advice and counsel to the Respondent and Complainant. The Advisor may be present during meetings and proceedings throughout the Sexual Misconduct process at which his or her advisee is present. The Advisor may advise their advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions of the advisee, but may not actively participate Sexual Misconduct process. All communication during the Sexual Misconduct process will be between the University and the party and not the Advisor. With the party's permission, the Advisor may be copied on all communications.
5. Upon receipt of the written notice, the Respondent and Complainant will have three business days to respond in writing. In that response, the Respondent will have the right to admit or deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A Complainant will have the right to respond to and supplement the notice.
6. Throughout the Sexual Misconduct process, the Respondent and Complainant will have the right to present witnesses and other evidence.
7. If the Respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
8. If a Student has admitted responsibility and accepts the sanctions or has voluntarily decided to participate in the Informal Conduct Resolution Process, the applicable procedures identified in the Formal Conduct Resolution Process do not apply.
9. An Investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any party's proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.
10. An Investigator shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment, unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
11. The initial investigation report shall be provided to the Complainant, the Respondent, and a party's Advisor (if applicable). This report should fairly summarize the relevant evidence gathered during the investigation and clearly indicate any resulting charges or alternatively, a determination of no charges. For purposes of this Policy, a charge is not a finding of responsibility.
12. The Complainant and the Respondent shall have 10 calendar days to review and respond in writing to the initial investigation report and directly related information gathered during the investigation. The investigator will review the Complainant's and the Respondent's written responses, if any, to determine whether further investigation or changes to the investigation report are necessary.



13. The final investigation report should be provided to the Complainant, the Respondent, and a party's advisor, if applicable, at least 10 calendar days prior to the Hearing. The final investigation report should also be provided to all Panel members for consideration during the adjudication process.

#### I. Interim Measures

1. Interim measures may be implemented at any point after the University becomes aware of the alleged Sexual Misconduct and should be designed to protect any Student or other individual in the community. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter Sexual Misconduct and retaliation.
2. Interim measures may include, but are not limited to: change of housing assignment; issuance of a "no contact" directive; restrictions or bars to entering certain University property; changes to academic or employment arrangements, schedules, or supervision; interim suspension; and other measures designed to promote the safety and well-being of the parties and the University's community.
3. An interim suspension will only occur where necessary to maintain safety, and will be limited to those situations where the Respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the University should consider the existence of a significant risk to the health and safety of the Complainant or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.
4. Before an interim suspension is issued, the University will make all reasonable efforts to give the Respondent the opportunity to be heard on whether his or her presence the Respondent's presence on campus poses a danger. If an interim suspension is issued, the terms of the suspension shall take effect immediately. Within three business days of receiving a challenge, the University will determine whether the interim suspension should continue.

#### J. Title IX and Non-Title IX Sexual Misconduct Hearing Rights and Guidelines

The Respondent and the Complainant, as parties to the matter, may have the option of selecting informal resolution as a possible resolution in certain cases where the parties agree, and it is deemed appropriate by the University. Where a matter is not resolved through informal resolution a hearing shall be set. All Sexual Misconduct cases shall be heard by a panel of faculty and/or staff. The following standards will apply to hearings before a Non-Title IX Sexual Misconduct Hearing Panel or a Title IX Hearing Panel hereafter referred to as "Non-Title IX Panel" or "Title IX Panel":

1. Formal judicial rules of evidence do not apply to University investigations or hearings.
2. Notice of the date, time, and location of the hearing as well as the selected hearing panel members will be provided to the Complainant and Respondent at least 10 calendar days prior to the hearing.

3. Hearings will be conducted in person or via video conferencing technology.
4. In no case shall a hearing to resolve a Sexual Misconduct allegation take place before the investigation report has been finalized.
5. The Investigator may testify as a witness regarding the investigation and findings but shall otherwise have no part in the hearing process and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing. All directly related evidence shall be available at the hearing for the parties and their advisors to reference during the hearing.
6. Relevant facts or evidence that were not known or knowable to the parties prior to the issuance of the final investigative report shall be admissible during the hearing. The chair of the Panel will determine how the facts or evidence will be introduced.
7. The admissibility of any facts or evidence known or knowable by the parties prior to the issuance of the final investigative report, and that were not submitted during the investigation, shall be determined by the Chair of the Panel in compliance with the obligation to provide both parties an equal opportunity to present and respond to witnesses and other evidence.
8. Where the Chair of the Panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the Administrative Hearing Officer or the Chair of the Panel may establish special procedures for providing testimony from a separate location. In doing so, Chair of the Panel must determine there is a valid basis for the unavailability, ensure proper sequestration in a manner that ensures testimony has not been tainted, and make a determination that such an arrangement 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 Chair of the Panel will disregard or discount the testimony.
9. At all times participants in the hearing process, including parties, a party's Advisor, and institution 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 by this Policy and the University. The Chair of the Panel reserves the right to remove any participant from the hearing environment if the participant refuses to adhere to the University's established rules of decorum.
10. The standard of review for determining whether a policy violation has occurred shall be a preponderance of the evidence.
11. Deliberations of the Panel will be conducted in private.
12. The Chair of the Panel shall resolve any procedural questions identified in the hearing.
13. The University will maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings, and/or video recording for seven years.

#### **K. Title IX Hearing Guidelines**

1. Where a party or a witness is unavailable, unable, or otherwise unwilling to

participate in the hearing, including being subject to cross-examination, the Title IX Panel shall not rely on statements of that party or witness in reaching its determination regarding responsibility. The Title IX 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.

2. The parties shall have the right to present witnesses and evidence at the hearing.
3. The parties shall have the right to confront any witness, including the other party, by having their Advisor ask relevant questions directly to the witness. The chair of the Title IX Panel shall limit questions raised by the Advisor when they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any such event, the Chair of the Title IX Panel shall err on the side of permitting all the raised questions and must document the reason for not permitting any particular questions to be raised.
4. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, shall be deemed irrelevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or consent between the parties during the alleged incident.
5. The Title IX Panel shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
6. Following a hearing, the Respondent and Complainant shall be simultaneously provided a written decision via University email of the hearing outcome and any resulting sanctions or administrative actions. 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. The University shall also notify the parties of their right to appeal as outlined below.

#### **L. Non-Title IX Sexual Misconduct Hearing Guidelines**

1. The parties shall have the right to present witnesses and evidence at the hearing. Witness testimony, if provided, shall pertain to knowledge and facts directly associated with the case being heard.
2. The parties shall have the right to confront any witnesses, including the other party, by submitting written questions to the chair of the Non-Title IX Panel for consideration. Advisors may actively assist in drafting questions. The chair shall ask the questions as written and will limit questions only if they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any such event, the chair shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.
3. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, shall be deemed irrelevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or consent between the parties during the alleged incident.

4. The Non-Title IX Panel shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment, unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
5. Following a hearing, the Complainant and Respondent shall be simultaneously provided a written decision via University email of the hearing outcome and any resulting sanctions or administrative actions. 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. The University shall also notify the parties of their right to appeal, as outlined below.

M. Recusal/Challenge for Bias

Any party may challenge the participation of any University employee or any Panel member in the process on the grounds of personal bias by submitting a written statement to the Student Conduct Administrator setting forth the basis for the challenge. If the Student is alleging bias on the part of the Student Conduct Administrator, the request should be submitted to the University's General Counsel. The written challenge should be submitted within a reasonable time after the individual reasonably should have known of the existence of the bias. The Student Conduct Administrator will determine whether to sustain or deny the challenge, and, if sustained, the replacement to be appointed.

N. Possible Sanctions

1. In determining the severity of the sanctions or corrective actions, the following will be considered: the frequency, severity, and/or nature of the offense, history of past conduct; the Respondent's willingness to accept responsibility; previous University response to similar conduct; the strength of the evidence; and the well-being of the University community. The Administrative Hearing Officer or the Panels will determine sanctions and issue the decision.
2. The following are possible disciplinary sanctions that may be imposed upon a Student for a violation of the Student Code of Conduct or Sexual Misconduct policy. This list is not exhaustive and may be modified to meet particular circumstances in any given case.
  - a. Expulsion – Permanent, forced withdrawal from the University constitutes the maximum disciplinary penalty. Although expulsion may be imposed on the first offense, it is usually administered after other methods of discipline have been exhausted.
  - b. Conduct Suspension – Forced withdrawal from the University for a specified time. Suspension is for a period of not less than one full semester. During any period of suspension or withdrawal associated with conduct reasons, a Student should have permission from the Dean of Students prior to visits to campus.
  - c. Conduct Probation – Notice to the Student that any further conduct violation may result in suspension or expulsion. Conduct Probation might also include one or more of the following: the setting of restriction, the

issuing of a reprimand, or restitution. Conduct Probation can affect Students' ability to participate or hold office in certain Student Organizations and/or University activities.

- d. Reprimand or Warning
    - i. Oral Reprimand – an oral disapproval issued to the Student.
    - ii. Written Reprimand – a written statement of disapproval to the Student.
  - e. Restrictions
    - i. Exclusion from participating in University activities and/or Organizations.
    - ii. Limiting University privileges including, but not limited to, residence hall visitation, driving/parking on campus and access to University facilities.
  - f. Restitution – Reimbursement for damages or loss of property.
  - g. Educational – Work or service assignments or other related educational assignments.
  - h. Temporary or Permanent separation of the parties (e.g., change in classes, reassignment of residence, no contact orders, limiting geography of where parties can go on campus) with additional sanctions for violating No-contact orders.
  - i. Forced Withdrawal – From the academic course within which the offense occurred.
  - j. Change in Course Grade – This sanction may be imposed only for cases involving Academic Misconduct. This recommendation must be approved by the Provost or his/her designee.
  - k. Removal from an Academic Program or Experience – This recommendation must be approved by the Provost or his/her designee.
3. If a Student Conduct Hearing Panel recommends a sanction that would result in an academic penalty including, but not limited to, grade changes, removal from academic programs, or removal from academic experiences, recommendations must be approved by the Provost or his/her designee.

## **O. Appeal Rights**

The appeals process applies to decisions that result in suspension or expulsion or removal from a professional program that are made through the Formal Conduct Resolution Process, Non-Title IX Sexual Misconduct Process, Title IX Hearing Process or the Academic Misconduct Resolution Process. In cases of Sexual Misconduct, Complainants will have the right to appeal the outcome. Please see the Appeals section in the Procedures documents for more information.

1. Appeals must be based on one of the following circumstances and should be addressed in the written appeal:

- a. Procedural errors – 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;
  - b. Substantive errors – to allege that the finding was inconsistent with the weight of the information; or
  - c. New evidence – 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. A Student who is appealing a hearing decision has the right to attend classes and University functions until he/she is notified of the appeal decision. Exceptions would be made when the Student's presence would create a serious and immediate danger or threat to persons or property. In such cases, the University may impose temporary protective measures, including interim suspension, pending a hearing.

P. Student Conduct Hearing Panel – Composition of Members

The Student Conduct Hearing Panels are composed of faculty and Student members. Faculty members are appointed by the Faculty Senate and Students are appointed by the Vice President for Student Affairs and Enrollment Management. All members are trained in the Student Code of Conduct hearing process. The number of panel members will be determined by the Student Conduct Administrator. Composition of the panel will be one of the following:

- 3 members – two faculty members and one Student
- 5 members – three faculty members and two Students
- 7 members – four faculty members and three Students

Note: In cases involving graduate Students, the Student Conduct Hearing Panel may be comprised of graduate faculty and graduate Student members.

When it is not possible to convene the Student Conduct Hearing Panel (e.g. during academic breaks), it may be necessary to form an ad hoc Conduct Panel. On these occasions, the Student Conduct Administrator will appoint a panel following the same membership outlined above.

Q. Title IX Hearing Panel

The Title IX Hearing Panel is composed of staff and/or faculty members. Staff members are recruited by the Title IX Coordinator; faculty members are appointed by the Faculty Senate to serve on Student Conduct Hearing Panels. All members are trained in the Title IX Student Code of Conduct hearing process.

R. Non-Title IX Hearing Panel

The Non-Title IX Hearing Panel is composed of staff and/or faculty members. Staff members are recruited by the Title IX Coordinator and the Office of Student Integrity; faculty members are appointed by the Faculty Senate to serve on Student Conduct Hearing Panels. All members are trained in the Student Code of Conduct hearing process.

## IV. PROCEDURES

- A. See the Student Code of Conduct Procedures for the steps related to each of the resolution processes.
- B. Any related operating procedures must comply with and should reference this policy.

## V. SUPPORTING INFORMATION

The University of North Georgia is dedicated not only to learning and the advancement of knowledge, but also to the development of ethical and responsible citizens. It seeks to achieve these goals through a sound educational program and policies governing Student conduct that encourage independent thinking and maturity. Each Student, as a citizen of the University Community, assumes an obligation to follow all rules and regulations.

### Approval Signatures

Step Description	Approver	Date