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## Student Code of Conduct

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**Policy Statement:** The most current Student Code of Conduct (the "Code") can be found on the Policy Library web site as listed in the References. In the event of any conflict, the Code found in the Policy Library will govern.

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### A. GENERAL

The Code educates all members of the Georgia Tech Community about the Institute's expectations and Students' rights and creates a standard by which Students are expected to conduct themselves for the purpose of establishing an environment conducive to academic excellence. Georgia Tech Students, Registered Student Organizations, and Groups are responsible for their own behavior, and the Institute has the authority to establish an internal structure for the enforcement of its policies and procedures, the terms of which students have agreed to accept by their enrollment.

#### 1. Authority

a. The Code is not written with the specificity of a criminal statute and should not be confused with criminal law. Institute conduct proceedings are not restricted by the rules of evidence governing criminal and civil proceedings. Students may be charged under multiple sections of the Student Code of Conduct (Non-Academic Misconduct, the Academic Misconduct) based upon the same conduct. Students may be held accountable both to civil or criminal authorities and the Institute for acts that constitute violations of law and the Policy. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Students who reside in Institute housing are subject to Housing policies and procedures in addition to this Code.

b. Sexual misconduct is not governed by this Code, but by the **Sexual Misconduct Policy**, including its procedures and sanctions.

c. The Office of Student Integrity (OSI), in consultation with the Office of the General Counsel, s develop consistent operating procedures for the administration of the Conduct Process and fo conduct of Student Conduct Panel hearings.

d. Any question of the interpretation or application of the Code shall be referred to the Associate Vice President for Student Life & Dean of Students for final determination.

e. In any instance in which reference is made to an official of the Institute, such reference shall mean the official or the official's designee.

## **2. Jurisdiction**

a. The Institute shall take necessary and appropriate action to protect the safety and well-being of its community. Accordingly, student conduct should be addressed when such acts occur on Institute property, at Institute-sponsored or affiliated events, or otherwise violate the Institute's student conduct policies, regardless as to where such conduct occurs. If the student has admitted responsibility and has voluntarily decided to participate in the informal process, the procedures outlined in this section will not apply. Academic misconduct relevant to any Institute activity will be addressed regardless of where it may have occurred. Non-academic misconduct will be addressed whenever such acts:

1. occur on Institute Premises;
2. occur at Institute-sponsored activities;
3. occur at Student Group or Organization Activities;
4. occur online or through an electronic medium; or
5. occur off Institute Premises when conduct adversely affects the Institute and/or the pursuit of its objectives.

b. Each Student shall be responsible for their conduct under this Code from the time of application for admission through the actual awarding of a degree. This includes conduct that may occur before classes begin or after classes end during the academic year, as well as during time periods between terms of actual enrollment. The Code shall apply to a Student's conduct even if the Student withdraws from school while a disciplinary matter is pending. The Code applies to Institute programs in virtually remote and overseas locations.

c. The Institute shall retain the ability to adjudicate matters that occurred during a Student's enrollment at Georgia Tech.

## **3. Inappropriate Classroom Behavior**

The primary responsibility for managing the classroom environment rests with the instructor. Students who engage in any acts that result in disruption of a class may be directed by the instructor to leave the class for the remainder of the class period. Longer suspensions from a class can be administered only by the Associate Vice President for Student Life & Dean of Students in accordance with this Code.

## **4. Registered Student Organization Discipline**

Registered Student Organizations are subject to this Code. Any Registered Student Organization accused of committing or attempting to commit one or more acts of misconduct is subject to the conduct procedures outlined in Section F.

## **B. DEFINITIONS**

*"Administrative Conference"* refers to the meeting between the Respondent and the Student Conduct Administrator and/or Investigator that can occur at the initiation of the Conduct Process. An Administrative Resolution may be offered to the Respondent during this conference.

*"Administrative Resolution"* refers to a decision by a Student Conduct Administrator that will result in the Respondent either being found responsible or not for the alleged violation.

*"Advisor"* refers to an individual, chosen by the Respondent or the Complainant (where applicable), who assist a Respondent or the Complainant with the Conduct Process. The Respondent and the Complainant have the right to use an Advisor (who may or may not be an attorney) of their choosing, and at their own expense, for the express purpose of providing advice and counsel. The Advisor may

be present during meetings and proceedings of the investigatory and/or resolution process at which the advisee is present. The Advisor may advise the advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions asked of the advisee, but shall not participate directly during the investigation and/or resolution process unless it is a Title IX proceeding.

*"Appellate Officer"* means the person authorized by the Institute to consider an appeal of a disciplinary decision rendered by a Student Conduct Administrator, a Student Conduct Panel, or the Associate Vice President for Student Life & Dean of Students.

*"Business Day"* means any day in which the Institute is open for its full hours of operation, in accordance with the Institute's official calendars. All campuses will follow their respective calendars. When an authorized Institute Official closes the Institute, it will not be considered a Business Day.

*"Chair"* means a member of a Student Conduct Panel who is identified by the Institute to oversee the proceedings during a hearing.

*"Complainant"* means an individual who is alleged to be a victim of conduct that would violate any Board of Regents or other applicable Institute policy, including but not limited to, the Code.

*"Community"* includes any Student, Staff, Faculty Member, Institute Official, Affiliate, or any other person employed by the Institute. A person's status in a particular situation shall be determined by the Associate Vice President for Student Life & Dean of Students.

*"Conduct Process"* refers to the process that begins upon receipt of complaint, to include, the Administrative Conference, the investigation of misconduct allegations, and all other meetings and proceedings of the investigatory and/or resolution process.

*"Faculty Member"* means any person hired by the Institute to conduct classroom, teaching, or research activities or who is otherwise considered by the Institute to be a member of its Faculty.

*"Group"* means persons who are associated with each other, but who have not complied with Institute requirements for chartering or annual registration as a Registered Student Organization.

*"Group or Organization Activity"* means any activity on or off Institute Premises that is directly initiated for, or supervised by a Group or Registered Student Organization, including any individual activity occurring in buildings, facilities, grounds, utilities, or resources (including computer resources) owned, leased, operated, controlled, or supervised by a Group or Registered Student Organization.

*"Information"* means any Witness testimony, documents, statements, or tangible material presented to an Investigator, Student Conduct Administrator, or Student Conduct Panel.

*"Institute"* and *"Georgia Tech"* each refer to the Georgia Institute of Technology, its respective campuses, and all of its undergraduate, graduate, and professional schools, divisions, and programs.

*"Institute Official"* is defined as Faculty Members, administration, or staff, including students serving as Institute employees, who are acting on behalf of the Institute.

*"Institute Premises"* includes all land buildings, facilities, grounds, utilities, resources, and other property (including computer resources) in the possession of, or owned, operated, leased, controlled, or supervised by the Institute (including adjacent streets and sidewalks).

*"Investigator"* means a person or entity charged with reviewing allegations of misconduct.

*"May"* is used in the permissive sense.

*"Office of Student Integrity"* or *"OSI"* means the office designated by the Institute to oversee the Code.

*"Policy"* or *"Policies"* means any written rule or regulation of the Institute, the Board of Regents of the University System of Georgia.

*"Preponderance of the Evidence"* is the standard of review used in determining responsibility and means whether a Respondent is more likely than not to be in violation of the Code.

*"President"* means the Institute's President or their designee.

*"Registered Student Organization"* or *"RSO"* means persons who have complied with or are in the process of complying with, the Institute requirements for chartering or annual registration requirements pursuant to the **Registered Student Organizations Policy**.

*"Respondent"* means a Student, Group, or RSO who is alleged to be in violation of the Code. The individual designated as the highest-ranking member of the Group or RSO shall represent the Group or RSO as the Respondent.

*"Sanction"* and *"Supplementary Requirements"* means the conditions imposed upon a Respondent found responsible for a violation of the Code.

*"Student"* means any person who is taking or auditing classes of the Institute, either full-time or part-time; is participating in academic programs; or is pursuing undergraduate, graduate, or professional studies. A Student is also any person who matriculates in any Institute program, has been accepted for enrollment, or is eligible to re-enroll without applying for readmission.

*"Student Conduct Administrator"* means an Institute Official as authorized by the Associate Vice President for Student Life & Dean of Students to lead the Administrative Conference, recommend violations based on an investigation of alleged misconduct, or impose Sanctions upon any Student(s) found to have violated the Code.

*"Student Conduct Panel"* means a set of persons authorized by the Institute to determine whether the Respondent has violated the Code. In non-academic cases, the Panel recommends a decision and Sanctions, if applicable, to the Director of Student Integrity.

*"System Director"* refers the University System of Georgia's System Director of Equity & Investigations.

*"Substantial Evidence"* means evidence a reasonable mind might accept as adequate to support a conclusion.

*"Weapon"* means any object or substance designed, intended, or used to inflict or threaten bodily injury.

*"Will"* and *"shall"* are used in the imperative sense.

*"Witness"* is defined as a person providing information during the Conduct Process.

### **C. PROHIBITED NON-ACADEMIC CONDUCT**

Any Student, Group, or RSO accused of committing or attempting to commit one or more acts of non-academic misconduct is subject to the Conduct Process in Section F.

1. Alcohol violations including, but not limited to:

- a. Underage use or possession of alcohol.
- b. Possession or consumption of alcohol in an unauthorized area.
- c. Use or possession of fake identification.
- d. Distribution of alcohol to underage person(s).
- e. Behavior, while under the influence of alcohol that endangers any person.
- f. Disorderly conduct associated with the use of alcoholic beverages.

2. Illegal drugs and other substance violations including, but not limited to:

- a. Use or possession of illegal drugs (without valid medical or dental prescription).
  - b. Behavior, while under the influence of illegal drugs, that endangers any person.
  - c. Manufacturing, furnishing, selling, or distributing of any narcotic or dangerous drug controlled by law.
  - d. Disorderly conduct associated with the use of illegal drugs.
3. Unjustifiably pushing, striking, or otherwise intentionally causing reasonable apprehension of such harm to any person.
4. Disorderly conduct including, but not limited to:
- a. Boisterousness, rowdiness, obscene, or indecent conduct or appearance.
  - b. Obstruction or disruption of teaching, research, administration, or other Institute activities, including its public service functions or other authorized activities.
  - c. Breach of the peace.
5. Behavior that endangers any person(s), including self.
6. Unauthorized use of Institute Premises including:
- a. Unauthorized entry into any Institute Premises or remaining without permission in any building after normal closing hours.
  - b. Possessing, using, making, or causing to be made any key or other means of access to any Institute Premises without proper authorization.
7. Furnishing false information to any Institute Official.
8. Forgery, alteration, replication, or misuse of any document, record, or identification upon which the Institute relies, regardless of the medium.
9. Hazing is conduct, whether on or off Institute Premises, which exceeds the normal expectations of the organizational purpose or mission and which:
- a. Endangers the mental or physical health or safety of a student as a condition of affiliation with a Group or RSO;
  - b. Is sufficiently severe or pervasive enough to interfere with academic responsibilities; or
  - c. Is any intentional, negligent or reckless action, or situation-causing another pain, embarrassment, ridicule or harassment, regardless of the willingness of the participant.
10. Safety violations, including, but not limited to:
- a. Intentionally initiating or causing to be initiated any false reporting, warning or threat of fire, explosion, or other emergency.
  - b. Tampering with safety devices or other emergency, safety, or firefighting equipment.
  - c. Setting or attempting to set an unauthorized fire.
  - d. Unauthorized possession of fireworks, firearms, and/or ammunition.
  - e. Unauthorized possession of authorized weapons and/or dangerous materials or chemicals.
  - f. Unauthorized sale, possession, furnishing, or use of any bomb or explosive or incendiary device.
11. Theft and/or unauthorized possession or use of property or services belonging to the Institute, another person, or any other entity.
12. Malicious or unauthorized damage to or destruction of Institute property or property belonging to another.
13. Illegal gambling, including online gambling.
14. Failure to return or submit property or records of the Institute within the time prescribed by the Institute.
15. Acting with any other person to perform an unlawful act or to violate an Institute, Board of Regents, and/or University System Policy.

16. Failure to comply with instructions or a directive of any properly identified Institute Official while that person is acting in the performance of official duties.

17. Abuse of the Conduct Process including, but not limited to:

- a. Failure to cooperate with the investigation, resolution, and procedures of the Code.
- b. Falsification, distortion, or misrepresentation of Information before a Student Conduct Administrator or Student Conduct Panel.
- c. Disruption or interference with the orderly conduct of an Administrative Conference and/or a Student Conduct Panel proceeding.
- d. Attempting to influence the impartiality of a Student Conduct Administrator and/or a member of a Student Conduct Panel at any point in the Conduct Process.
- e. Failure to comply with the Sanction and/or Supplementary Requirements imposed under the Code.
- f. Influencing or attempting to influence another person to commit an abuse of the Conduct Process.

18. Harassing another person including, but not limited to:

Placing another person in reasonable fear of his/her personal safety through words or actions directed at that person, or unreasonably interfering with the working, learning, or living environment of the person.

19. Violation of any Institute Policy, rule or regulation.

20. Violation of any Board of Regents or University System of Georgia Policy and/or federal, state, or local law.

21. Discriminatory conduct including:

- a. Objectively offensive conduct directed at a particular person or persons based upon that person or persons' race, color, religion, sex, national origin, age, disability, sexual orientation, gender identity, gender expression, veteran status, or any class protected by law that creates a hostile environment or that results in excluding participation in, or denies the benefits of any educational program or working opportunity for that person or persons.
- b. Verbal or written threats, coercion or any other conduct that is based on race, color, religion, sex, national origin, age, disability, sexual orientation, gender identity, gender expression, veteran status, or any class protected by law, that by design, intent or recklessness incites reasonable fear of physical harm or otherwise unreasonably interferes with another's working, learning, or living environment of the person. Allegations of sex and/or gender-based discrimination will be governed by the **Sexual Misconduct Policy**.

#### **D. PROHIBITED ACADEMIC CONDUCT**

Any Student accused of committing or attempting to commit one or more of the following acts of academic misconduct is subject to conduct procedures in Section F.

1. Unauthorized access including possessing, using, or exchanging improperly acquired written or verbal information in the preparation of a problem set, laboratory report, essay, examination, or other academic assignment.
2. Unauthorized collaboration including unauthorized interaction with another Student or Students in the fulfillment of academic requirements.
3. Plagiarism including submission of material that is wholly or substantially identical to that created or published by another person or persons, without adequate credit notations indicating the authorship.
4. False claims of performance for work that has been submitted by a Student.
5. Grade alteration including alteration of any academic grade or rating to obtain unearned academic credit.

6. Deliberate falsification including a written or verbal statement of fact to a Faculty Member and/or Institute Official, to obtain unearned academic credit.
7. Forgery including alteration, or misuse of any Institute document relating to the academic status of the Student.
8. Distortion including any act that distorts or could distort grades or other academic records.
9. Unauthorized use of another's intellectual property including classroom recordings, power point presentations, lecture notes (any media), examination questions, or study guides.

#### **E. INTERIM MEASURES**

Interim measures may be implemented by the Institute at any point after the Institute becomes aware of the alleged student misconduct and should be designed to protect any student or other individual in the USG community. To the extent interim measures are imposed, they should minimize the burden on both the alleged victim Complainant (where applicable) and the Respondent, where feasible. Interim measures 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 Institute Premises;
4. Changes to academic or employment arrangements, schedules, or supervisions;
5. Interim suspension; and
6. Other measures designed to preserve the safety and well-being of the parties and the Institute's Community.

Any reports that involves allegation(s) of conduct that could lead to the suspension or expulsion of the Respondent(s) in an initial report must be promptly reported to the System Director.

Interim Suspension:

In certain circumstances the Associate Vice President for Student Life & Dean of Students may impose a suspension prior to the investigation and resolution process.

1. The Associate Vice President for Student Life & Dean of Students will determine if interim suspension is warranted. Interim suspensions should occur only where necessary to maintain safety and shall be limited to situations where the Respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the Associate Vice President for Student Life & Dean of Students shall consider the existence of a significant risk to the health or 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.

Before an interim suspension is issued, the institution must make 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. The Respondent shall receive notice of the interim suspension and the opportunity to respond to the interim suspension. The Student shall be notified in writing of this action and the reasons for the interim suspension. Within three business days of receiving a challenge the institution will determine whether the interim suspension should continue.

2. During the interim suspension the Student may be denied access to classes, campus facilities, and all other Institute activities or privileges.

3. Cases of interim suspension shall be given priority and will be expedited through the conduct process.

#### **F. CONDUCT PROCEDURES**

## 1. Case Referrals

Any person may file a complaint against a Student, Group or RSO for violations of the Code. The procedures for filing a complaint are on the [OSI website](#).

The complaint shall be prepared in writing and directed to OSI. Complaints should include as much information as possible – such as: (1) the type of misconduct alleged; (2) the name and contact information of the Respondent; (3) the date(s), time(s), and place(s) of the misconduct; (4) the name(s) and contact information of any individual(s) with knowledge of the incident; (5) whether any tangible evidence has been preserved; and (6) whether a criminal complaint has been made.

The complaint should be submitted as soon as possible after the event takes place or when it is reasonably discovered, generally within thirty (30) Business Days following the discovery of the incident. The Complainant should forward any supporting documentation to OSI within ten (10) Business Days of the original submission or OSI may process the case based solely on the original complaint. OSI may also initiate a complaint based upon information received.

Complainants may file a report with law enforcement as well as with OSI.

*Confidentiality:* Where a Complainant (where applicable) requests that their identity be withheld or the allegation(s) not be investigated, the Institute should consider whether or not such request(s) can be honored while still promoting a safe and nondiscriminatory environment for the institution and conducting an effective review of the allegations. The institution should inform the requesting party that the institution cannot guarantee confidentiality and that even granting requests for confidentiality shall not prevent the institution from reporting information or statistical data as required by law, including the Clery Act.

*Retaliation:* Anyone who, has made a report or complaint, provided information, assisted, participated or refused to participate in any investigation or resolution under applicable Board of Regents or Institute Policy shall not be subjected to retaliation. Anyone who believes they have been the subjected to retaliation should immediately contact the appropriate department or individual(s) for that institution. Any person found to have engaged in retaliation shall be subject to disciplinary action, pursuant to Institute Policy.

*False Complaints/Statements:* Individuals are prohibited from knowingly giving false statements to an institution official. Any person found to have knowingly submitted false complaints, accusations, or statements, including during a hearing, in violation of applicable Board of Regents or Institute Policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated pursuant to Institute Policy.

*Amnesty:* Students should be encouraged to come forward and report violations of the law and/or student code of conduct notwithstanding their choice to consume alcohol or drugs. Information reported by a student during the conduct process concerning their consumption of drugs or alcohol will not be voluntarily reported to law enforcement; nor will information that the individual provides be used against the individual for purposes of conduct violations. 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. Nothing in this amnesty procedure shall prevent an Institute staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

## 2. Communications

All communications (requests for meetings, notifications, notice of hearings, etc.) will be provided via official Institute e-mail addresses, as defined by the Office of Information Technology. If the Respondent is not currently enrolled, the notification will be sent via U.S. Postal Service to the last known address on file with the Registrar.



### 3. Rights

Throughout the Conduct Process, the Respondent, as party to the proceedings, is granted the following rights:

1. to seek information from a Student Conduct Administrator and/or Investigator;
2. to be informed of the charge(s) and alleged misconduct upon which the charge is based;
3. to be informed of the Information upon which a charge is based and afforded an opportunity to offer a relevant response;
4. to use an Advisor;
5. to remain silent with no inference of responsibility drawn;
6. to call and question relevant Witnesses;
7. to present Information in his/her behalf;
8. to be considered not responsible until proven responsible by a Preponderance of the Evidence;
9. to be informed of the outcome of the disciplinary proceeding in writing;
10. to appeal the decision;
11. to waive any of the above rights; and
12. to have resolution of the case within a reasonable time.

Throughout the Conduct Process, the Complainant (where applicable), as party to the proceedings, is granted the following rights:

1. to have an Advisor of their own choosing, at their own expense;
2. to be informed of the outcome of the disciplinary proceeding in writing; and
3. to appeal the decision.

Throughout the Conduct Process, Witnesses have the right to remain silent with no inference of responsibility drawn.

### 4. Investigation and Resolution Process

#### Initial Evaluation of Incident Reports

a. After OSI receives a complaint, the Student Conduct Administrator will review the complaint and any supporting Information to decide what, if any process to initiate. The Student Conduct Administrator will determine whether the facts as alleged in the complaint or report are sufficient to initiate a Conduct Process.

- If the Student Conduct Administrator determines that the facts of the complaint or report, even if true, would not constitute a violation of Policy, no further action will be taken. Otherwise, the Student Conduct Administrator may (1) attempt to resolve the situation through an informal resolution process including, but not limited to, mediation or a meeting between the Respondent and a Student Conduct Administrator or a third party; or (2) perform an initial investigation to determine what charges should be brought against the Respondent and whether those charges could potentially result in suspension or expulsion of the Respondent.
- The Respondent shall receive notice of the alleged misconduct with sufficient details, shall be provided an opportunity to respond, and shall be allowed to remain silent during the investigation and resolution process, without an adverse inference. Sufficient details include the identifies of the parties involved, if known, a statement of the alleged misconduct violation(s), and the date and location of the alleged incident, if known. If the Respondent chooses to remain silent, the investigation may proceed, and Policy violation charges may still result and may be resolved against the Respondent.

b. If OSI receives multiple complaints involving the same Student, each complaint will be considered separately in determining whether a Conduct Process should be initiated. Multiple charges against the same Respondent will generally be investigated and adjudicated separately; however, multiple

charges may be investigated and adjudicated together under appropriate circumstances, which may include, but are not limited to, consent of the parties, similar or related conduct, and the administrative burden of considering the charges separately.

c. Process for Cases which will Not Result in Suspension or Expulsion

1. If the Student Conduct Administrator initiates the Conduct Process, the Respondent is notified and is requested to contact the Student Conduct Administrator within five (5) Business Days of the notification to schedule an Administrative Conference. During the Conduct Process, the Respondent should continue to attend class and required Institute functions unless otherwise instructed by the Associate Vice President for Student Life & Dean of Students or OSI. Should the Respondent fail to contact the Student Conduct Administrator within five (5) Business Days, or fail to attend the Administrative Conference, the Student Conduct Administrator may resolve the case in the Student's absence, or may refer the case to a Student Conduct Panel.
2. At the Administrative Conference, the Respondent is presented with the alleged violation of the Student Code of Conduct, supporting information, and an explanation of his/her rights. The Respondent may bring an Advisor. However, if the Advisor disrupts the investigation and resolution process, they may be asked to leave. The Respondent will be provided the opportunity to present their version of the reported incident.

d. Process for Cases Which May Result in Expulsion or Suspension

1. In cases which may result in expulsion or suspension, Georgia Tech must notify the System Director pursuant to USG Policy 4.6.
2. The Complainant (where applicable) and Respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, available support services, and the identity of the Investigator(s). Notice should be provided via institution e-mail to the address on file.
3. Upon receipt of the written notice, the Respondent shall be given five (5) Business Days to respond in writing. In that response, the Respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, Witnesses, and supporting materials—whether written or electronic—in support. Failure to respond by the deadline will be considered a general denial of the alleged misconduct.
4. After review of the Respondent's response, the investigation shall continue with interviews of the Respondent, the Complainant (where applicable) and other relevant Witnesses; collection and review of documents or other physical or electronic information; and any other steps deemed necessary by the Investigator. The Investigator should retain written notes and/or obtain written or recorded statements from each interview. The Investigator shall also keep a record of any proffered Witnesses not interviewed, along with a brief, written explanation.
5. The investigation shall be summarized in writing in an initial investigation report and provided to the Respondent and the Complainant (where applicable and permissible by law) 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 and possible sanctions.
6. To the extent the summary report indicates that the Respondent will be charged with any violation, the Respondent shall have the opportunity to respond in writing. The Respondent's written response to the report shall be due no later than three (3) Business Days following the date of the report. The Respondent's written response should outline a plea in response to the charge(s), and where applicable, the defense(s), and the facts, Witnesses, and documents—whether written or electronic—in support. The Respondent's failure to submit a written response to the charge(s) within three (3) Business Days will be interpreted as a denial of the charge(s).
7. The Investigator shall conduct further investigation and update the investigative report if warranted by the Respondent's response.
8. The final investigative report shall be provided to the Student Conduct Panel or Student Conduct Administrator for consideration in adjudicating the charges brought against

the Respondent. A copy shall also be provided to the Respondent and the Complainant (where applicable) before any hearing. 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.

9. During the Conduct Process, the Respondent should continue to attend class and required Institute functions unless otherwise instructed by the Associate Vice President for Student Life & Dean of Students or OSI.

e. The case will be adjudicated by the Student Conduct Administrator or a Student Conduct Panel. The Respondent shall have the option of having the charges heard by either the Student Conduct Administrator or by a Student Conduct Panel. The Respondent may also request that the case be adjudicated by a different Student Conduct Administrator than that initially authorized to hear the case in the event of perceived bias of the initially authorized official. The Student's reasons for their preference must be conveyed to the Associate Vice President for Student Life & Dean of Students, in writing, before the investigation begins. Ordinarily, the Student's preference will be honored; however, the Associate Vice President for Student Life & Dean of Students will make the final decision in their sole discretion. If the Student's preference is not honored, the rationale for the decision will be provided to the Student in writing. The Associate Vice President for Student Life & Dean of Students reserves the right to determine the process to be used based on the relevant facts and circumstances, including, but not limited to:

1. imminent graduation of the Student;
2. end of the semester; or
3. extraordinary circumstances.

f. If the case is to be adjudicated by the Student Conduct Panel, the case shall be referred to the Student Conduct Panel and follow the procedures outlined in Section F-5-b.

Resolution of the case should be made within thirty (30) Business Days of the Administrative Conference. If resolution cannot be reached in thirty (30) Business Days, OSI will inform the Respondent and Complainant (where applicable). OSI may waive this timeline for good cause.

## **5. Forms of Case Resolution**

In no case shall a hearing to resolve charge(s) of student misconduct take place before the investigative report has been finalized or before the Respondent has had an opportunity to respond in writing, unless the Respondent has chosen to go through an informal process or otherwise provided a written waiver of rights to these procedures. Further, unrelated charges and/or cases shall be heard separately unless the Respondent consents to the charges/cases being heard jointly.

Where the Respondent contests the charges, and after the investigative report has been finalized and copies provided to the Respondent and the Complainant (where applicable and permissible by law) the case shall be set for hearing; however, in cases with a Complainant, the Complainant and Respondent may have the option of selecting informal resolution, except where deemed inappropriate by the Associate Vice President for Student Life & Dean of Students, (or their designee) or the System Director.

Where a case is not resolved through informal means, the charges shall be heard either by an Administrator or a Student Conduct Panel. Notice of the date, time, and location of the hearing, shall be provided to the Respondent and the Complainant (where applicable) at least five (5) Business Days prior to the hearing. Hearings shall be conducted in person or via conferencing technology as reasonably available.

The following standards will apply to any such hearing, whether before an Administrator or a Student Conduct Panel:

1. The Respondent and Complainant (where applicable) shall have the right to present Witnesses and evidence to the hearing officer or panel. Witness testimony, if provided, shall pertain to knowledge and facts directly associated with the case being heard. The Respondent and

Complainant (where applicable) shall have the right to confront any Witnesses, including the other party, by submitting written questions to the Hearing Officer or Hearing Panel for consideration. Advisors may actively assist in drafting questions. The Hearing Officer or Hearing Panel shall 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(s). In any event, the Hearing Officer or Hearing Panel shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.

2. Where the Student Conduct Administrator or panel determines that a party or Witness is unavailable and unable to be present due to extenuating circumstances, the Student Conduct Administrator or panel may establish special procedures for providing testimony from a separate location. In doing so, the Student Conduct Administrator or 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 by the Student Conduct Administrator or panel that a party or Witness who is not physically present has presented tainted testimony, the Student Conduct Administrator or panel will disregard or discount the testimony.
3. Formal judicial rules of evidence do not apply to the investigatory or resolution process.
4. The standard of review shall be a Preponderance of the Evidence; however, any decision to suspend or to expel a student must also be supported by Substantial Evidence at the hearing.
5. The Institute shall maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings and/or video recordings.
6. Following a hearing, both the Respondent and Complainant (where applicable) shall be provided a written decision of the outcome and any resulting sanctions. The decision shall include details on how to appeal, as outlined below. Additionally, the written decision shall summarize the evidence in support of the sanction. The same form will be completed, regardless of whether the student opts for a student panel or an administrative hearing.

#### **a. Administrative Resolution**

The Student Conduct Administrator renders a decision of: 1) Not Responsible, which closes the case, or 2) Responsible for one or more violations with an appropriate Sanction, and, as warranted, one or more from among the Supplementary Requirements. The Respondent, after being notified of the Student Conduct Administrator's decision, may submit an appeal to the Associate Vice President for Student Life & Dean of Students according to the appeal procedures described in Section H.

#### **b. Student Conduct Panel**

##### **1. Decisions and Sanctions**

The Student Conduct Panel, after convening a hearing, recommends a disciplinary decision to the Director of Student Integrity. The Director of Student Integrity, after reviewing the case, renders a decision of 1) Not Responsible, which closes the case, or 2) Responsible for one or more violations of the Policy with an appropriate Sanction and, as warranted, one or more from among the Supplementary Requirements. The Respondent, after being notified of the decision and Sanction, may appeal to the Associate Vice President for Student Life & Dean of Students, according to appeal procedures described in Section H.

##### **2. Scheduling of Student Conduct Panel Hearing**

After the case is forwarded to a Student Conduct Panel, the Complainant and the Respondent will be notified of available dates and times for a hearing. The Respondent may indicate preferences from among the available dates and times. These preferences will be considered by OSI if received within three (3) Business Days of the date the options were presented to the Respondent.

This official notice will be provided at least five (5) Business Days prior to the hearing and will include the time, date, and location of the hearing. In addition, the notice will specify the Complainant(s), Witnesses(s), and nature of the alleged misconduct. The Respondent may waive the notification timeline in order to expedite the hearing process. Upon request, the Respondent may meet with a Student Conduct Administrator to review Information and hearing procedures.

### **c. Faculty Conference (optional academic case resolution)**

A faculty conference is an optional way in which an alleged act of academic misconduct can be resolved.

#### **1. Initiation of Complaint**

The Faculty Conference is initiated by the instructor of record, who requests the meeting with the Respondent to discuss the alleged misconduct. Should the Respondent not choose to participate in a Faculty Conference, the instructor should forward the case to OSI for investigation.

#### **2. Participants**

The Faculty Conference involves the instructor of record and the Respondent. The Faculty Conference may also involve Witnesses and a representative from OSI if requested by either the instructor or the Respondent.

#### **3. Process**

During the Faculty Conference, the instructor of record explains the alleged misconduct, supporting Information, and the Rights of the Respondent. The Respondent can provide: 1) his/her response to alleged misconduct, 2) supporting Information, and 3) Witnesses.

#### **4. Conclusion**

- If the instructor finds the Respondent not responsible, the case is closed.
- If the instructor finds the Respondent responsible, but the Respondent does not admit responsibility, the instructor forwards the case to OSI for investigation.
- If the instructor finds the Respondent responsible, and the Respondent acknowledges responsibility, the instructor proposes a Faculty Resolution including: 1) a Sanction of disciplinary warning, or disciplinary probation; 2) a grade penalty; and 3) an educational component.
- If the Respondent agrees to the Faculty Resolution, the Faculty Member forwards the resolution to OSI for consideration. OSI will determine if the Respondent has prior disciplinary history. If so, in the case will be investigated by OSI, in accordance with Section F-4.
- If the Respondent does not agree to the Faculty Resolution, the Faculty Member forwards the case to OSI.

#### **5. Implementation**

- The Respondent is formally notified of the proposed Faculty Resolution by OSI, according to the communication guidelines in Section F-2.
- The Faculty resolution goes into effect upon delivery unless the Respondent requests within five (5) Business Days that the case be forwarded to OSI for investigation.

#### **6. Hearing Participants and Attendees**

- Student Conduct Panel hearings shall ordinarily be closed except for the Respondent(s), the Complainant(s), Advisor(s), and Witnesses. Exceptions may be made at the discretion of the Chair. Witnesses are allowed at the discretion of the Chair. The Chair may exclude any person, including the Respondent, who disrupts a hearing.
- A Respondent who fails to appear after proper notice will be deemed to have responded "Not Responsible" to the charges against him/her and to have exercised the right to remain silent without prejudice. At the discretion of the Chairperson the hearing may be conducted in the absence of the Student(s) and all the Information regarding the alleged misconduct shall be presented and considered.
- The Complainant(s) and Respondent(s) may be accompanied by an Advisor and up to two (2) family members. The Complainant(s) and/or Respondent(s) should select an Advisor who can

attend the hearing at the scheduled date and time. Delays are not usually granted due to scheduling conflicts of an Advisor.

- Subject to the Chairperson's control of the hearing, the Complainant(s), Respondent(s), and their Advisor(s), and up to two (2) family members may be allowed to attend the Student Conduct Panel hearing, but not Panel deliberations.
- In Student Conduct Panel hearings involving more than one Respondent, OSI may permit the Student Conduct Panel hearings concerning each Student to be conducted either separately or jointly.
- A maximum of two (2) character Witnesses will be allowed in a hearing.

## **7. Hearing Procedures for Student Panel**

- The Chair shall exercise control over the proceedings to achieve orderly completion of the hearing.
- Advisors are restricted to private communications with their advisee(s). If the Advisor disrupts the hearing process, he/she may be asked to leave.
- All questions by the Complainant(s) and Respondent(s) must be directed to the Chairperson, rather than to the Witness directly. Questions of whether potential information will be received shall be resolved at the discretion of the Chairperson.
- In addition to the information provided by OSI, the Student Conduct Panel, at the discretion of the Chair, may accept additional pertinent information and testimony (including impact statements). Any letters of recommendation submitted by the Respondent will be admitted for consideration at the discretion of the Chair and, if admitted, will be viewed only during Panel deliberations.
- All procedural questions arising during the hearing are subject to the final decision of the Chair.
- The Student Conduct Panel's standard of proof shall be a Preponderance of the Evidence. Where the potential sanctions for the alleged misconduct may involve a suspension or expulsion, the Panel's finding must be supported by Substantial Evidence.
- The Student Conduct Panel in consultation with OSI, may reasonably accommodate concerns for the personal safety and well-being of the Complainant(s), Respondent(s), and/or Witnesses during the hearing.
- The Student Conduct Panel shall make a recording of the proceeding, which will serve as the official record of the hearing. No other recording will be permitted. The Respondent or the Complainant may request a copy of the Institute's recording or may listen to the original recording in a location designated by OSI at no charge. The record shall be the property of the Institute and is subject to the Family Educational Rights and Privacy Act of 1974, 20 USC §1232g.

## **G. SANCTIONS**

Sanctions are imposed only when the Respondent is found responsible for one (1) or more violations of the Policy. All Sanctions are officially recorded. A Respondent who is found responsible must be given one of the four (4) Sanctions, listed in Section G-1 in ascending order of severity. The Respondent may also be subject to one or more Supplementary Requirements. There is no requirement that a Student receive less severe sanctions before more severe sanctions; some conduct may warrant immediate expulsion.

In determining the severity of sanctions or corrective actions the following should be considered: the frequency, severity, and/or nature of the offense, history of past conduct, a Respondent's willingness to accept responsibility, previous institutional response to similar conduct, strength of the evidence,

and the wellbeing of the Institute community. The Institute will determine sanctions and issue notice of the same, as outlined above.

## **1. Sanction Descriptions**

### **Disciplinary Warning**

A disciplinary warning is a formal written notice that the Student, Group, or RSO has violated the Student Code of Conduct and that further violations may result in more serious disciplinary action. Students, Groups, or RSOs who receive a disciplinary warning are still considered in good standing with the Institute.

### **Disciplinary Probation**

Disciplinary probation means there is a specified time period during which the Student, Group, or RSO is considered not in good standing with the Institute. Further violations during that time period may result in more serious disciplinary action, up to and including expulsion from the Institute.

### **Suspension**

Suspension means a Student, Group, or RSO has been found responsible for violating the Institute's Policy. Suspension is separation of the Student from the Institute for a specified period of time, after which the Student is eligible to return. Conditions for readmission may be specified by OSI or the Associate Vice President for Student Life & Dean of Students. A suspended Student shall immediately leave campus and may not re-enter campus without prior approval from the Associate Vice President for Student Life & Dean of Students. Students on suspension are not permitted to enroll in classes at the Institute during their suspension. OSI will determine when the Respondent has met the requirements for readmission. For an RSO, the Institute will withdraw recognition for the duration of the suspension. Any further disciplinary violation may result in disciplinary action up to and including Expulsion.

### **Expulsion**

Expulsion means a Student, Group, or RSO has been found responsible for violating the Institute's Policy. Expulsion is permanent separation and termination of the Respondent's status as a Georgia Tech Student, and exclusion from Institute Premises, privileges, and activities. For an RSO, the Institute permanently withdraws recognition.

For suspension and expulsion, the Institute must articulate, in its written decision, the Substantial Evidence relied upon in determining that suspension or expulsion were appropriate.

## **2. Supplementary Requirements**

- Restitution: Payment to the Institute or to an affected party for damages resulting from a violation of the Code.
- Fine: A monetary penalty paid to the Institute.
- Grade Change: Change of grade for the course and/or coursework in which the academic misconduct occurred.
- Programmatic Requirements: Required completion of designated educational programs (e.g., alcohol, community issues, anger management, assessments, etc.).
- Restrictions: Exclusion from participation in specified services and activities.
- Revocation of Admission and/or Degree: Admission to, or a degree awarded from the Institute may be revoked for fraud, misrepresentation, or other violation of Institute standards obtaining the degree, or for other serious violations committed by a Student prior to graduation.
- Withholding Degree: The Institute may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all Sanctions and Supplementary Requirements, if any.
- Other Requirements may be imposed.

## **H. APPEAL PROCEDURES**

Appeals may be made in any cases where sanctions are issued, even when such sanctions are held "in abeyance," such as probationary or expulsion. Where the sanction imposed includes a suspension or expulsion, there are appellate procedures provided to the Respondent and Complainant at every level.

Any party may challenge the participation of any Institute official or employee in the process on the grounds of personal bias by submitting a written statement to the Institute's designee setting forth the basis for the challenge. The written challenge should be submitted within a reasonable time after the party reasonably should have known of the existence of the bias. The Institute's designee will determine whether to sustain or deny the challenge, and if sustained, the replacement to be appointed.

### **1. Reasons for Appeal**

The appeal process is not intended to grant a new hearing at a higher level. An appeal shall be limited to a review of the record of the initial hearing, supporting documents, and the Respondent's written appeal. The Respondent must explicitly state why he or she believes an appeal is warranted. Appeals will be considered only for the following reasons:

- a. to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing (or appeal), because such information was not known or knowable to the person appealing during the time of the hearing (or appeal);
- b. to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing (or appeal), including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, investigator(s), or decision maker(s); or
- c. to allege that the finding was inconsistent with the weight of the information.

### **2. Process**

#### **a. Effective date of sanctions**

- If a case is appealed, sanctions are not imposed while the appeal is pending unless the welfare of a person or the community is threatened.
- Sanctions will be imposed if an appeal is not filed, the deadline for an appeal passes, or when an appeal decision has been finalized.

#### **b. Appeal to the Associate Vice President for Student Life & Dean of Students**

- The appeal must be made in writing and must set forth one or more of the bases outlined above and must be submitted within five (5) Business Days of the date of the final written decision.
- The appeal shall be a review of the record only, and no new meeting with the Respondent or the Complainant will be held. The Associate Vice President for Student Life & Dean of Students, or their designee, may affirm the original finding and sanction; affirm the original finding but issue a new sanction of greater or lesser severity; remand the case back to the decision-maker 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 Associate Vice President for Student Life & Dean of Students or their designee shall then issue a decision in writing to the Respondent within a reasonable time period, ordinarily ten (10) Business Days. This is the final decision of the Institute, unless the sanction is suspension or expulsion.
- In cases where the Respondent has been expelled or suspended, the decision of the Associate Vice President for Student Life & Dean of Students may be appealed to the President or their designee solely on the three grounds set forth above.

#### **c. Appeal to the President**



- The appeal to the President or their designee must be made in writing, must set forth one or more of the bases outlined above, and must be submitted within five (5) Business Days of the date of the final written decision by the Associate Vice President for Student Life & Dean of Students. The President's designee shall normally be the Vice President for Student Engagement and Well-Being, unless there is a conflict of interest or the Vice President for Student Engagement and Well-Being is otherwise unavailable.
- The appeal shall be a review of the record only, and no new meeting with the Respondent or the Complainant (where applicable) will be held.
- The President or their designee may affirm the original finding and sanction; affirm the original finding but issue a new sanction of greater or lesser severity, remand the case back to any lower decision maker 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 or their designee's decision shall be issued in writing to the parties within a reasonable time period, ordinarily within ten (10) Business Days. The President or their designee's decision shall be the final decision of the Institute.

### **3. Appeal Decisions**

Decisions of the Appellate Officer go into effect immediately. Appeals received after the designated deadlines will not be considered unless the Institute or Board of Regents has granted an extension prior to the deadline. If an appeal is not received by the deadline the last decision on the matter will become final.

### **4. Board of Regents**

In cases where the President or their designee has received an appeal and issued a final decision, The Respondent or Complainant (where applicable) may file an application for discretionary review to the Board of Regents in accordance with the Board of Regents Policy 6.26, Application for Discretionary Review. Applications from USG students are permitted for final institution decisions other than decisions on admissions (including program admissions), residency, student grades, and traffic citations, as the final decision on those matters rests with the President or their designee. The application for review shall be submitted in writing to University System Office of Legal Affairs the within twenty (20) calendar days following the Institute's final decision.

## **I. RECORD KEEPING AND RELEASE OF INFORMATION**

### **1. Retention of Student Conduct Records**

Georgia Tech retains student conduct records in accordance with [USG Records Retention Schedules](#).

### **2. Release of Information**

Student disciplinary files shall be governed by the Family Educational Rights and Privacy Act 20 U.S.C. § 1232g.

- Academic or non-academic misconduct resulting in expulsion may be released to third parties indefinitely.
- Academic misconduct that resulted in suspension may be released to third parties for five years after sanction completion.
- Any non-academic misconduct that resulted in suspension where a potential threat to the campus community exists (including but not limited to illegal drug distribution, endangering or harming any person, or jeopardizing the safety of any person) may be released to third parties for five years after sanction completion. In instances of suspension where no threat to the community is identified, the suspension may be reported until the sanction is complete.
- Any academic or non-academic misconduct that did not result in suspension or expulsion is not released to third parties.
- The Institute requires a specific written request from the student to release the entire disciplinary record to third parties.

### **3. Parent/Legal Guardian Notification**

Parents/Legal Guardians of Students under the age of 21 may be notified when a Student is found responsible for violating the Georgia Tech Student Policy on Alcohol and other Drugs when any of the

following occur:

- a. A Student endangers themselves or others while under the influence of alcohol or other substances. Specific instances include driving under the influence, fighting, alcohol poisoning, and hospitalization.
- b. The Associate Vice President for Student Life & Dean of Students determines that any future violation of Institute Policy will most likely result in suspension from the Institute.
- c. A Student Conduct Administrator determines that any future violation of Institute Policy will likely result in removal from housing.

#### 4. Transcript Encumbrances

In pending cases that could result in Suspension or Expulsion, the Associate Vice President for Student Life & Dean of Students will normally place a temporary encumbrance (hold) on a Respondent's records. The Associate Vice President for Student Life & Dean of Students will also place a hold on a Respondent's records if the Respondent fails to respond to an official request to meet with a Student Conduct Administrator or the Associate Vice President for Student Life & Dean of Students, or if the Respondent fails to complete assigned Sanctions.

#### J. REFERENCES

Academic Honor Code: [www.honor.gatech.edu](http://www.honor.gatech.edu)  
Board of Regents: [www.usg.edu/policymanual/](http://www.usg.edu/policymanual/)  
Computer Use and Network Policy: [www.security.gatech.edu](http://www.security.gatech.edu)  
Department of Housing: [www.housing.gatech.edu](http://www.housing.gatech.edu)  
Faculty Senate: [www.Facultysenate.gatech.edu](http://www.Facultysenate.gatech.edu)

Office of the Associate Vice President for Student Life & Dean of Students:

[www.studentlife.gatech.edu/](http://www.studentlife.gatech.edu/)

Office of Student Integrity: [www.osi.gatech.edu](http://www.osi.gatech.edu)

Title IX Information: <https://titleix.gatech.edu/>

Fraternity & Sorority Life Hazing Statement: <https://greek.gatech.edu/content/hazing-statement>

The following policies can be found on the [OSI website](#):

Alcohol and Drug Policy

Sexual Misconduct Policy

Good Samaritan/Medical Amnesty Provision

Revision Date	Author	Description
February 2021	Student Life/Legal Affairs	Editorial Updates
August 2020	Student Life/Legal Affairs	Revised per BOR Policy
October 2017	Office of Student Integrity	Revised per BOR Policy
July 1, 2016	Student Life/Legal Affairs	Substantive changes for BOR compliance
April 2015	Office of Student Integrity	Discriminatory Conduct Provision added to policy
March 2015	Office of Student Integrity	Added designee language to appeals section
04-22-2014	Office of Student Integrity	Code of Conduct posted

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◀ [Sexual Misconduct](#)

[up](#)

[Student Government Associations](#) ▶

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