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Code of Student Conduct

CONTENTS

CONTENTS	1
CHAPTER I. OFFICE OF STUDENT CONDUCT PRINCIPLES	4
CHAPTER II. STUDENT CONDUCT AUTHORITY	5
A. JURISDICTION	5
B. STANDARD OF PROOF	5
CHAPTER III. DEFINITION OF TERMS	6
CHAPTER IV. ADMINISTRATIVE REGULATIONS	12
A. AMNESTY PROTOCOL	12
B. AMNESTY THROUGH RESPONSIBLE ACTION	12
C. TREATMENT	12
D. INTERIM MEASURES	13
E. STUDENT CONDUCT POLICY ON COMMUNICATION	14
F. STUDENT CONDUCT ACTIONS/RECREATIONAL FACILITIES STATUS	14
G. STUDENT CONDUCT RECORDS	14
H. STUDENT CONDUCT RECORD SHARING	14
I. FREEDOM OF EXPRESSION	15
J. CODE OF STUDENT CONDUCT REVISIONS	15
CHAPTER V. STUDENT RIGHTS, VICTIM'S RIGHTS, RECUSAL/CHALLENGE FOR BIAS, & ROLE OF THE ADVISOR	16
A. STUDENT RIGHTS	16
B. VICTIM'S RIGHTS	16
C. RECUSAL/CHALLENGE FOR BIAS	16
D. ROLE OF THE ADVISOR	16
CHAPTER VI. BEHAVIORAL REGULATIONS, PROCEDURES, AND SANCTIONS	18
A. BEHAVIORAL REGULATIONS	18
1. Alcohol Possession and Use	18
2. Animals	18
3. Assault/Violent Behavior	18
4. Classroom Disruption	19
5. Damage or Destruction of Property	19
6. Deception	19
7. Disorderly Conduct	19
8. Disorderly/Improper Assembly	19
9. Drugs	19
10. Endangerment	20
11. Failure to Comply	20
12. Felony Conviction	20
13. Fire Safety	20
14. Gambling	21
15. Harassment	21
	1

16. Hazing	21
17. Imitation and/or Hoax Devices	21
18. Joint Responsibility	22
19. Retaliation	22
20. Sexual Misconduct	22
21. Solicitation	22
22. Student Identification Card Violations	22
23. Theft	22
24. Threats	22
25. Tobacco & Nicotine	23
26. Unauthorized Entry	23
27. Unauthorized Use	23
28. Unauthorized Use of Computer or Electronic Resources	23
29. Violation of Confidentiality	23
30. Violation of Law	23
31. Weapons and Firearms	24
B. BEHAVIORAL CONDUCT PROCEDURES	24
1. Reporting	24
2. Confidentiality	24
3. Retaliation	25
4. False Complaints	25
5. Amnesty	25
6. Sexual Misconduct	25
C. MINOR VIOLATIONS	25
1. Notice of Charges and Procedures	25
2. Minor Violations – Informal Resolution	26
3. Minor Violations – Formal Resolution	27
D. MAJOR VIOLATIONS	28
1. Notice of Allegation(s) and Investigation	28
2. Major Violations – Informal Resolution	29
3. Major Violations – Formal Resolution	30
E. BEHAVIORAL CONDUCT SANCTIONS	31
F. INSTITUTIONAL SANCTIONS	32
CHAPTER VII. UNIVERSITY HOUSING REGULATIONS	36
A. UNIVERSITY HOUSING REGULATIONS	36
B. UNIVERSITY HOUSING INSTITUTIONAL SANCTIONS	40
CHAPTER VIII. UNIVERSITY STUDENT CONDUCT BOARD	42
A. UNIVERSITY STUDENT CONDUCT BOARD	42
B. EAGLE ETHICS AMBASSADORS	42
C. TRAINING & DEVELOPMENT	42

CHAPTER IX APPEALS	43
A. BEHAVIORAL CONDUCT	43
B. SEXUAL MISCONDUCT	43
CHAPTER X. SEXUAL MISCONDUCT POLICY	44
A. WHAT TO DO IF YOU EXPERIENCE SEXUAL MISCONDUCT	44
B. RESOURCES	45
CHAPTER XI. STUDENT GROUPS AND STUDENT ORGANIZATIONS	47
A. GROUPS AND ORGANIZATIONS RIGHTS	47
B. AMNESTY FOR STUDENT GROUPS AND/OR ORGANIZATIONS	47
C. GROUP AND ORGANIZATION SANCTIONS	49
D. INSTITUTIONAL SANCTIONS	50
CHAPTER XII. ACADEMIC DISHONESTY POLICY	52
A. ACADEMIC DISHONESTY REGULATIONS	52
B. ACADEMIC DISHONESTY PROCEDURES	53
C. MINOR VIOLATIONS- INFORMAL RESOLUTION	54
D. MINOR VIOLATIONS - FORMAL RESOLUTION	55
E. MAJOR VIOLATIONS - RESOLUTION PROCESS	55
F. ACADEMIC DISHONESTY SANCTIONS	56
G. APPEALS	57

CHAPTER ONE

CHAPTER I. OFFICE OF STUDENT CONDUCT PRINCIPLES

The institution exists to provide an environment in which intellectual achievement, scholarship, and character development can flourish. The university community (Students, Faculty, and Staff) willingly shares the responsibility for sustaining a creative and productive atmosphere through adherence to the highest standards of personal and professional Conduct. All who are privileged to be a part of the campus life must remain aware they are representatives of the university, whether they are on campus or elsewhere, and are therefore expected to avoid behavior that brings discredit or dishonor upon themselves or the University as an institution. Recognizing trust is the cornerstone of all human relations, Students will work to build and sustain the trust of their peers, the Faculty, and Staff by following both the letter and the spirit of the Code of Student Conduct. A Student-centered University embraces a campus climate in which civility and respect among members of the campus community is viewed as vital to the overall ethical development of its Students.

The University is dedicated not only to learning and the advancement of knowledge, but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through sound educational programs and policies governing Student Conduct that encourage independence and maturity.

The Student Conduct process is not a court of law, and therefore does not follow prescribed legal or evidentiary standards. The Student Conduct process is also completely separate from any criminal proceeding and one will have no bearing on the other. Should a Student have a pending legal case, the University will move forward with the Student Conduct process.

The University may apply sanctions or take other appropriate action when the Conduct of a Student and/or Student Organization or Student Group interferes with the University's (a) responsibility of ensuring the opportunity for attainment of educational objectives; or (b) responsibility of protecting property, keeping records, providing services, and sponsoring non-classroom activities such as lectures, concerts, athletic events, and social functions. The institution reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community.

CHAPTER TWO

CHAPTER II. STUDENT CONDUCT AUTHORITY

Admission, discipline, promotion, graduation, and formulation of all rules and regulations pertaining to students of University System of Georgia institutions are matters to be handled by the institutions within the framework of policies and regulations issued by the Board of Regents. Students failing to comply with Board of Regents' or institution rules, regulations, or directives may face disciplinary actions. The Chief Conduct Officer shall develop policies for the administration of the Student Conduct program and the procedural rules for the Conduct of hearings that are consistent with the provisions of the Code of Student Conduct. The Chief Conduct Officer will determine the composition of the University Student Conduct Board.

A. JURISDICTION

- a. Any individual defined as a Student and any body defined as a "Group" or "Organization" under this Code falls under the jurisdiction of this Code. The processes outlined in this Code will be followed for incidents that happen on University property (including international locations), at University Events, online through the University's programs, networks, or equipment, or that otherwise violate this Code, regardless of where the conduct occurs. For incidents occurring off campus, the Vice President of Student Affairs or designee will determine if the interests of the University are affected such that the incident falls under the scope of this Code. The Code continues to apply to conduct that took place while the accused was a Student, even if the Student later withdraws from the University.

B. STANDARD OF PROOF

- a. Standard of Proof means the standard by which it is determined whether a violation of this Code has occurred. For the purposes of the Student Conduct process, the Standard of Proof required is a preponderance of evidence (the evidence demonstrates it is more likely than not that a violation has occurred). *Any decision to place a Student on Disciplinary Suspension or Expulsion must be supported by substantial evidence.*

CHAPTER THREE

CHAPTER III. DEFINITION OF TERMS

- A. The term “**Advisor**” refers to an individual chosen by a Respondent or Complainant (where applicable) to provide support and guidance throughout the conduct process. Advisors may attend meetings and hearings but may not actively participate unless permitted by law (e.g., Title IX cross-examination). Parties may select any advisor, including attorneys, but are responsible for any associated costs if the advisor is not provided by the institution.
- B. The term “**Alcohol Container**” refers to any original packaging designed and sold to contain alcoholic beverages. This includes, but is not limited to, bottles, cans, or boxes that once held alcohol - regardless of whether they are full, partially full, or empty.
- C. The term “**Alcohol Paraphernalia**” refers to any non-original item used to store, serve, conceal or consume alcohol - or to facilitate drinking. This includes, but is not limited to, beer pong tables, cups, funnels, shot dispensers, decorative shot glasses or flasks, and/or alcohol-branded items. Alcohol paraphernalia may also include a non-beverage container or item associated with the storage, transport, serving or consumption of alcohol. This includes, but is not limited to, drinking games materials, or packaging that once held alcohol (i.e. beer boxes or 12-pack cases).
- D. The term “**Allegation**” refers to the possible violations of the Code of Student Conduct. Allegations are to be investigated and may or may not result in a charge.
- E. The term “**Amnesty**” refers to protections that encourage Students, Student Organizations and/or Student Groups to seek assistance in good faith for potential medical emergencies that may involve violations of law or policy, including those related to alcohol or drugs, without fear of disciplinary or legal action for substance-related violations.
- F. The term “**Charge**” refers to a potential or alleged violation of the Code of Student Conduct.
- G. The term “**Chief Conduct Officer**” refers to the Associate Dean of Student Conduct & Community Standards, or designee, responsible for the oversight and administration of Student Conduct.
- H. The term “**Confidential Employee**” refers to University employees who have been designated by the Institution to talk with a Complainant or Respondent in confidence. Confidential Employees must only report that the incident occurred and provide date, time, location, and name of alleged Respondent (if known) without revealing any information that would personally identify the alleged Victim. This minimal reporting must be submitted in compliance with Title IX and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety.
- I. The term “**Code**” refers to the Code of Student Conduct.
- J. The term “**Community**” refers to Students, Faculty, Staff, as well as contractors, vendors, visitors, and Guests.
- K. The term “**Complainant**” refers to any person who has filed a verbal and/or written report with an University representative of alleged conduct that would violate any applicable Board of Regents or University policy, including an alleged violation of this Code. The Complainant may not always be the alleged Victim.

- L. The term “**Consent**” refers to words or actions that show a knowing and voluntary willingness to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, intimidation or coercion; by ignoring or acting in spite of objections of another; or by taking advantage of the incapacitation of another where the Respondent knows or reasonably should have known of such incapacitation. Minors under the age of 16 cannot legally consent under Georgia law. Consent is also absent when the activity in question exceeds the scope of consent previously given. Past consent does not imply present or future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time by either party by using clear words or actions.
- M. The term “**Dating Violence**” refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship shall be determined based on the totality of the circumstances including, without limitation to: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.
- N. The term “**Day(s)**” refers to any calendar day on which regular classes are in session or final exams are held, as outlined in the official university academic calendar. “Days” do not include weekends, holidays, or any other days when the university is officially closed or classes/final exams are not scheduled.
- O. The term “**Delivery Date**” refers to the date and time of delivery of correspondence to a Student’s official institutional email.
- P. The term “**Domestic Violence**” refers to violence committed by a current or former spouse or intimate partner of the alleged victim; by a person with whom the alleged victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the alleged victim.
- Q. The term “**Formal Resolution**” refers to when a Student is charged with a violation of the Code of Student Conduct and the case is resolved by a Single Hearing Officer or the University Student Conduct Board. As part of this resolution, the Student maintains their right to appeal.
- R. The term “**Guest**” refers to any non-Student, non-Faculty, or non-Staff of the University; or non- residents of a specific residence hall unit (e.g. residence hall, apartment, or suite).
- S. The term “**Group**” or “**Organization**” means any association, corporation, order, club, society, fraternity, sorority, athletic team, group living together which has students or alumni as its principal members, including local affiliate organizations, or similar groups of Students which are affiliated with, recognized by, or which use the facilities under the jurisdiction of University. This term includes, but is not limited to, Registered Student Organizations.
- T. The term “**Hearing Officer**” refers to any person designated by the Chief Conduct Officer or designee to investigate, adjudicate or otherwise resolve any cases of alleged Student Misconduct.
- U. The term “**Hearing Panel / Board**” refers to a panel of trained faculty, staff, and/or students authorized to hear formal conduct cases and determine responsibility and sanctions.
- V. The term “**Hoax**” refers to the creation and/or use of any device that can reasonably be mistaken or interpreted as a lethal or dangerous device capable of launching a projectile by air, gas, explosion, or mechanical means (including BB guns, air-soft guns, stun guns, and paintball guns).

- W. The term “**Incapacitation**” refers to the physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep or any state of unconsciousness, involuntary physical restraint, status as a minor under the age of 16, or from intentional or unintentional taking of alcohol and/or other drugs. Whether someone is incapacitated is to be judged from the perspective of an objectively reasonable person.
- X. The term “**Informal Resolution**” refers to when Students are charged with a violation of the Code of Student Conduct and the case is resolved by accepting the outcome offered by the Hearing Officer. By accepting the outcome, Students waive their right to a formal hearing and waive their right to an appeal.
- Y. The term “**Investigator**” refers to a trained individual assigned to conduct impartial investigations into alleged violations. Investigators may prepare reports summarizing evidence, applicable policies, and/or recommended sanctions.
- Z. The term “**Learning Environment**” includes, but is not limited to, the physical classroom environment, labs, and asynchronous learning. It may also include electronic correspondence and environments outside-of-campus locations, outdoor environments, and other locations and contexts in which students learn.
- AA. The term “**Major Violation**” refers to any violation or accumulation of violations, which is likely to result in Disciplinary Suspension, Expulsion, or any removal from University Housing.
- BB. The term “**Minor Violation**” refers to any violation that is not likely to result in Disciplinary Suspension, Expulsion, or any removal from University Housing.
- CC. The term “**Nonconsensual Sexual Contact**” refers to any physical contact with another person of a sexual nature without the person’s consent. It includes but is not limited to the touching of a person’s intimate parts (for example, genitalia, groin, breasts, or buttocks); touching a person with one’s own intimate parts; or forcing a person to touch the person’s own or another person’s intimate parts. This provision also includes “Fondling” as defined by the Clery Act.
- DD. The term “**Nonconsensual Sexual Penetration**” refers to any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and the genitals or anus of another person. This provision also includes “Rape, Incest, and Statutory Rape” as defined by the Clery Act.
- EE. The term “**Physical Abuse**” refers to repeated or severe physical behavior that causes bodily pain, injury, or physical distress to another person, regardless of intent.
- FF. The term “**Physical Harm**” refers to a single act that causes bodily injury, pain, or physical damage to a person.
- GG. The term “**Possession**” includes, but is not limited to, holding, no matter the duration, any prohibited item in hand or having such items in one’s property, room, vehicle, or other area and where the person owning or controlling the property, room, vehicle, or other area knew or should have reasonably known the item was present. Possession may also include drinking, ingesting, or introducing any amount of prohibited substance into one’s body.
- HH. The term “**Policy**” refers to the written regulations of the University as found in, but not limited to, the Code of Student Conduct, University Housing Regulations, the Residential Community Guidelines and Graduate/Undergraduate Catalogs, and all official publications of the University, whether in print or published online.
- II. The term “**Privileged Employees**” refers to individuals employed by the University to whom a complainant or alleged Victim may talk in confidence, as provided by law. Disclosure to these employees will not automatically trigger an investigation against the complainant’s or alleged Victim’s wishes. Privileged Employees include those providing

counseling, advocacy, health, mental health, or sexual-assault related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers) or as otherwise provided by applicable law. Exceptions to confidentiality exist where the conduct involves suspected abuse of a minor (in Georgia, under the age of 18) or otherwise provided by law, such as imminent threat of serious harm.

- JJ. The term “**Preponderance of the Evidence**” refers to the standard of proof by which a finding of responsibility is made if it is more likely than not that the alleged conduct occurred.
- KK. The term “**Reasonable Person**” refers to an individual who is objectively reasonable under similar circumstances and with similar identities to the person being evaluated by the institution.
- LL. The term “**Reporter**” is an individual who reports information or an allegation of conduct that may violate applicable Board of Regents or University policy, including this Code, but who is not a party to the complaint.
- MM. The term “**Residence Hall**” refers to any residential space or ground managed by University Housing.
- NN. The term “**Respondent**” refers to an individual who is alleged to have engaged in conduct that violates any applicable Board of Regents or University policy, including this Code.
- OO. The term “**Sexual Misconduct**” includes, but is not limited to, such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, nonconsensual sexual penetration, sexual exploitation, sexual harassment and stalking. For more information related to the University's policy prohibiting Sexual Misconduct and related definitions and procedures, see Chapter Nine.
- PP. The term “**Sanction**” refers to the outcome imposed for the violation of the Code. Generally, sanctions are educational in nature and intended to modify the student's behavior as well as build an awareness of personal responsibility and community standards. This term does not include emergency measures put in place on a temporary basis pending the outcome of proceedings regarding an underlying violation (such as Interim Suspension and/or other Interim Measures).
- QQ. The term “**Stalking**” refers to 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, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with person's property. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.
- RR. The term “**Student**” means an individual who has been accepted for admission to the University and maintains a continuing relationship with the University by being enrolled in classes or being eligible to enroll in classes. Students also include but are not limited to online students, SOAR participants, and Savannah State University, Ogeechee Technical College, East Georgia State College, or transient Students taking courses on any campus affiliated with the institution.
- SS. The term “**Student Conduct Record**” refers to the Student's disciplinary record kept on file within the Office of Student Conduct.
- TT. The term “**Responsible Employees**” refers to those employees who must promptly and fully report complaints of or information regarding sexual misconduct to the Title IX Coordinator. Responsible Employees include any

administrator, supervisor, faculty member, or other person in a position of authority who is not a Confidential Employee or Privileged Employee. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this Policy (e.g., teaching assistants, residential assistants, student managers, orientation leaders).

- UU.** The term “**Sexual Exploitation**” refers to taking non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. Examples of sexual exploitation may include, but are not limited to, the following: 1. Invasion of sexual privacy; 2. Prostituting another individual; 3. Non-consensual photos, video, or audio of sexual activity; 4. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity or capturing of the activity was consensual; 5. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts; 6. Knowingly transmitting an STD or HIV to another individual through sexual activity; 7. Intentionally and inappropriately exposing one’s breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or 8. Sexually-based bullying.
- VV.** The term “**Sexual Harassment**” (Student on Student) refers to unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes), determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity in violation of Title IX.
- WW.** The term “**Sexual Harassment**” (other than Student on Student) refers to unwelcome verbal, nonverbal, or physical conduct, based on sex (including gender stereotypes), that may be any of the following:
1. Implicitly or explicitly a term or condition of employment or status in a course, program, or activity;
 2. A basis for employment or educational decisions; or
 3. Is sufficiently severe, persistent, or pervasive to interfere with one’s work or educational performance creating an intimidating, hostile, or offensive work or learning environment, or interfering with or limiting one’s ability to participate in or to benefit from an institutional program or activity. The University System of Georgia (USG) and the institution also prohibit unwelcome conduct determined by a Reasonable Person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a USG education program or activity in violation of Title IX.
- XX.** The term “**System Director**” refers to the University System of Georgia (USG) Staff member who will be notified for any violations of the Code of Student Conduct that may result in separation from the University. The System Director may provide guidance or assistance with the investigation and preparation for a Major Violation.
- YY.** The terms “**University**” and “**Institution**” refers to Georgia Southern University or East Georgia State College and includes the Statesboro Campus, Armstrong Campus, Liberty Campus, Swainsboro Campus, Augusta Campus, all online Students, the Wexford, Ireland location and any Study Abroad or extension locations.
- ZZ.** The term “**University Event**” refers to any event (on-campus or off-campus) sponsored or facilitated by the University, a Student Group, or an Organization. This definition is used for purposes of the Code of Student Conduct only and does not imply or establish any legal responsibility on the part of the University for any event.
- AAA.** The term “**University Official**” refers to and includes any person employed by the institution , performing assigned administrative or professional responsibilities.
- BBB.** The term “**University Student Conduct Board**” refers to a body trained to hear and make recommendations concerning alleged violations of the Code of Student Conduct. This board may include Students, Faculty, and Staff.

- CCC.** The term “**Victim**” refers to any person who has been directly impacted by behavior of a Respondent, which violates or allegedly violates the Code of Student Conduct.
- DDD.** The term “**Witness**” refers to any individual who has knowledge of the events or circumstances related to the alleged incident and can provide relevant information or testimony. This may include someone who directly observed the incident, someone who has evidence or information that supports one side of the case, and/or a person who has knowledge (i.e. first hand, indirect) or information related to an incident.

CHAPTER FOUR

CHAPTER IV. ADMINISTRATIVE REGULATIONS

A. AMNESTY PROTOCOL

The institution is committed to provide guidance so Students can learn to develop a responsible approach to social challenges, including whether to use alcohol, how to do so in moderation, and how to comply with local, state, and federal laws governing alcohol consumption. It is expected Students will abide by the laws and the policies established by the University. However, the institution is aware that there will be instances when Students may face medical emergencies involving excessive alcohol and/or drug use and because of this, the University has implemented a Medical Amnesty Protocol.

The Amnesty Protocol is not intended to shield or protect those Students, Groups, or Organizations that repeatedly violate the Code of Student Conduct. In cases where repeated violations of the Code of Student Conduct occur, the University reserves the right to take disciplinary action on a case-by-case basis regardless of the manner in which the incident was reported.

If a Student believes they have a situation which qualifies for amnesty under this protocol, please contact the Office of Student Conduct to receive further instructions. The decision to grant amnesty under this policy resides with the Chief Conduct Officer.

B. AMNESTY THROUGH RESPONSIBLE ACTION

Any Student who, in good faith and in a timely manner, seeks emergency medical assistance for a person who reasonably appears to be experiencing an overdose from alcohol or drugs may not be held responsible for a violation of prohibited alcohol or drug related conduct only, as defined in this Code, if the Student does all of the following:

- A. Remains with the person who reasonably appears to be in need of emergency medical assistance due to an overdose until such assistance is provided;
- B. Identifies themselves, if requested by emergency medical assistance personnel, law-enforcement officers, or University officials;
- C. Cooperates with and provides any relevant information requested by emergency medical assistance personnel, law-enforcement officers, or University officials needed to treat the person reasonably believed to be experiencing an overdose; and
- D. Completes any additional conditions imposed on the student or student organization by the Office of Student Conduct Staff.

Distressed Student: *If the person who reasonably appears to be experiencing an overdose from alcohol or drugs is also a student, they will not be held responsible for a violation of prohibited alcohol or drug related conduct, as defined in this Code, but may be required to complete additional conditions imposed by the Office of Student Conduct Staff in order to receive amnesty.*

C. TREATMENT

If a Student is identified by the institution as having a substance abuse problem, the Student will be referred to community treatment centers for rehabilitation counseling and/or treatment. This treatment will be at the Student's expense. For further information about rehabilitation counseling, treatment programs, and educational resources, please contact:

Armstrong and Liberty Campuses:

University Counseling Services; 912-344-2529 or <http://Students.georgiasouthern.edu/counseling>

Office of Student Wellness and Health Promotions; 912-478-1283 or <https://students.georgiasouthern.edu/swhp/>

Statesboro Campus:

University Counseling Center; 912-478-5541 or <http://Students.georgiasouthern.edu/counseling>

Office of Student Wellness and Health Promotions; 912-478-1283 or <https://students.georgiasouthern.edu/swhp/>

Swainsboro Campus:

University Counseling Services; 478-289-2182 or

<https://www.ega.edu/current-students/student-support/counseling/index.html>

D. INTERIM MEASURES**a. Temporary Remedial Measures**

- i. In certain circumstances, the Associate Vice President and Dean of Students or designee, in consultation with the System Director for the University System of Georgia, may impose a University or Residence Hall Interim Restriction prior to a hearing. A Temporary Remedial Measure should only occur where necessary to maintain safety and should 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 will consider the existence of a significant risk to the health or safety of the alleged Victim 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.
- b. Temporary remedial measures may include, but are not limited to:
 - i. Change of housing assignment;
 - ii. Issuance of a “no contact” directive;
 - iii. Restrictions or bars to entering certain institution property;
 - iv. Changes to academic or employment arrangements, schedules, or supervision; and
- c. Other measures designed to promote the safety and well-being of the parties and the University’s community may be imposed. If a Temporary Remedial Measure is imposed, the notice and hearing should, if requested and/or absent extenuating circumstances, follow within three (3) Days. The decision from an Interim Restriction hearing will be final.

d. Interim Disciplinary Suspension

- i. In certain circumstances, the Associate Vice President and Dean of Students or designee, in consultation with the System Director for the University System of Georgia, may impose a University or Residence Hall Disciplinary Suspension prior to a hearing. An Interim Disciplinary Suspension should only occur where necessary after determining that temporary remedial measures are not sufficient and/or when necessary to maintain safety and should 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 will consider the existence of a significant risk to the health or safety of the alleged Victim 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.
- ii. When an Interim Disciplinary Suspension is imposed, the terms of the suspension take effect immediately. During an Interim Disciplinary Suspension of an individual, Students may not participate in classes or educational activities and may be denied access to the Residence Halls and/or to the campus. The Student will be responsible for working with Faculty Members to make up any missed work (if possible/applicable). The Respondent shall receive notice and the opportunity to respond within three (3) Days to determine whether the interim suspension should continue. The

- decision from this opportunity to be heard is final.
- iii. Student Organizations and/or Student Groups may be subject to Interim Disciplinary Suspension for similar reasons; however, the Interim Disciplinary Suspension will remain in place until it is lifted by the Associate Vice President and Dean of Students or designee and/or until the conclusion of the conduct investigation (as applicable).
- iv. A Student who is charged with, or indicted for, a felony or crime involving moral turpitude may be suspended pending the disposition of the criminal charges against them. Upon request, the Student shall be afforded a hearing, as provided in this Policy Manual and any related university policy, where they shall have the burden of establishing that their continued presence as a member of the University community will not be detrimental to the health, safety, welfare, or property of other students or members of the campus community or to the orderly operation of the institution.

E. STUDENT CONDUCT POLICY ON COMMUNICATION

The Office Student Conduct utilizes the institutional email as its primary means of communication with Students and Student Organizations and Student Groups. It is necessary for Students to check their University email daily and to promptly respond to any requests from the Office of Student Conduct or designee. Students will not receive communication from the Office of Student Conduct regarding conduct cases when classes and/or finals are not in session.

F. STUDENT CONDUCT ACTIONS/RECREATIONAL FACILITIES STATUS

Per the Campus Recreation and Intramurals protocol, and as a result of non-compliance with any University or Campus Recreation and Intramural policy; Students, Groups, and Organizations may be ejected from the recreational activities facilities by University Staff. Students, Groups, and Organizations who are ejected may also be referred to the Office of Student Conduct and face Conduct Charges based on their reported behavior.

G. STUDENT CONDUCT RECORDS

Student Conduct Records are not noted on the official transcript. Requests for Student Conduct Records can be made utilizing the Open Records request process through the Office of Legal Affairs. See <http://president.georgiasouthern.edu/legal/services/open-records-and-subpoenas/> for more information on how to request a copy of a Student Conduct Record. Students may request a copy of their own Student Conduct Record through the Office of Student Conduct. In accordance with the University System of Georgia policy, all Student Conduct Records will be maintained for five years after the Student has graduated, the Student's last date of attendance, or the date of last official withdrawal from the institution.

H. STUDENT CONDUCT RECORD SHARING

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. FERPA rights are provided only to students upon actual enrollment for classes at the University. Under FERPA, students attending an institution of postsecondary education may:

- A. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such disclosure is authorized without consent;
- B. Choose to suppress (i.e., keep from being disclosed) their directory information per the process identified;
- C. Inspect and review their education records;
- D. Seek amendment of those education records believed to be inaccurate, misleading or otherwise in violation of their privacy rights; and
- E. File complaints with the Department of Education about alleged failures by the University to comply with the requirements of FERPA.

The institution may disclose information without the individual's consent to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person, including a student, serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record to fulfill their professional responsibility.

With no attempt to make this list exhaustive, other types of disclosures which do not require prior consent of the student include these:

- A. Upon request, to officials of another school in which the student seeks or intends to enroll,
- B. To parents of dependent students, as defined in section 152 of the Internal Revenue Code of 1986,
- C. In case of a health or safety emergency,
- D. Results in disciplinary hearings to an alleged victim of a crime of violence,
- E. Directory information.

I. FREEDOM OF EXPRESSION

Students, faculty, staff, and their invited guests are free to express their views, individually or in organized groups, orally, by sign or exhibit, on any topic, in all parts of the campus. The Freedom of Expression policy can be found [here](#).

For East Georgia State College students, the Freedom of Expression policy can be found [here](#).

J. CODE OF STUDENT CONDUCT REVISIONS

The institution reserves the right to revise or correct the Code of Student Conduct as needed. The most updated edition can be found on the Office of Student Conduct website. Those revisions and corrections shall supersede all earlier printed and electronic versions.

CHAPTER FIVE

CHAPTER V. STUDENT RIGHTS, VICTIM'S RIGHTS, RECUSAL/CHALLENGE FOR BIAS, & ROLE OF THE ADVISOR

A. STUDENT RIGHTS

Any Student accused of a violation of the Code of Student Conduct will have the following rights:

1. The right to request a copy of your individual Student Conduct Record.
2. The right to not give testimony against oneself.
3. In a Hearing, the right to question any individual providing testimony to the University Student Conduct Board or Single Hearing Officer. Furthermore, in non-Title IX Hearings, the University reserves the right to provide alternative effective means of questioning a witness in cases where direct questioning is not possible or prevents the hearing from being conducted in a civil and orderly manner. In a Title IX Hearing, the cross examination will be conducted by the party's advisor.
4. To know the nature of the evidence against them and the names of witnesses scheduled to appear.
5. To receive a written statement of the Charges.
6. To receive a fair and impartial hearing.
7. To present evidence and witnesses on their own behalf.
8. To be accompanied at a hearing by an advisor of their choice.
9. To be present at the hearing during the presentation of any evidence or material on which a recommendation will be made. If a Student, Student Organization, or Student Group fails to attend the hearing, it will be held in their absence.
10. To receive a decision based solely on the evidence presented.
11. To receive a written notice of the decision and sanctions, including rationale for the decision from formal hearings.
12. To appeal decisions resulting from a formal hearing.

B. VICTIM'S RIGHTS

Students have the following rights if they feel they are a Victim of a violation either of the law or of the Code of Student Conduct:

1. Regardless of whether an act is in violation of the law, the Victim may file a report alleging a violation of the Code of Student Conduct.
2. To have an advisor accompany them throughout the Student Conduct process.
3. To submit a Victim impact statement prior to a sanction being imposed.

C. RECUSAL/CHALLENGE FOR BIAS

Any party may challenge the participation of any University Official, employee or University Student Conduct Board member in the process on the grounds of personal bias by submitting a written statement along with evidence of why such a challenge is being made, to the Office of Student Conduct setting forth the basis for the challenge. The written challenge should be submitted within a reasonable time after the individual knew or reasonably should have known the existence of the bias. The Office of Student Conduct will determine whether to sustain or deny the challenge, and if sustained, the replacement to be appointed.

D. ROLE OF THE ADVISOR

The Respondent and Complainant (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be an attorney) of the party's choosing, and at the party's own 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 the advisor's advisee (Respondent and/or

Complainant) is present. The advisor may advise the advisor's advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions posed to the advisee, but shall not participate directly during the investigation or hearing process. The University shall not prohibit family members of a party from attending the hearing if the party requests such attendance but may limit each participant to having two family members present. The Respondent will be responsible for presenting the Respondent's case and may be assisted by an advisor. Advisors, including attorneys, are not permitted to represent a Respondent in any portion of Formal Resolution, but may only offer advice to the Respondent. Advisors, including attorneys, may not address the University Student Conduct Board or any member of the University Student Conduct Board, may not question or examine witnesses, and may not act as witnesses in any capacity.

CHAPTER SIX

CHAPTER VI. BEHAVIORAL REGULATIONS, PROCEDURES, AND SANCTIONS

A. BEHAVIORAL REGULATIONS

1. Alcohol Possession and Use

- a. Possession, use, and/or consumption of alcoholic beverages by persons under the age of 21.
- b. Possession of alcohol containers by persons under the age of 21.
- c. Possession of empty alcohol containers displayed for decorative purposes within the residential facilities and/or in a manner which promotes the use of alcohol including, but not limited to bottles displayed over kitchen cabinets, funnels, beer bong, shot dispensers, etc.
- d. Operating a motor vehicle while under the influence of alcohol or while impaired by the consumption of alcohol.
- e. Possession, use, and/or consumption of alcoholic beverages in public locations on campus or in any location in which the possession of alcohol is prohibited (regardless of age), including the East Georgia State College campus. Public locations include Residence Hall common spaces which refer to any public space that exists outside the bedroom of a specific residential unit. Examples include, but are not limited to kitchens, living rooms, bathrooms, group study/lounge spaces, laundry rooms, elevator lobbies, computer rooms etc. Common spaces also include the public spaces located on the outside grounds of a Residence Hall. If alcohol is found in the common area, all Students may be charged and/or found responsible.
- f. The sale, distribution, or furnishing of alcoholic beverages, or otherwise facilitating consumption of alcohol for/by persons under the age of 21.
- g. Organization of or participation in activities that encourage rapid consumption of alcohol ("drinking games"). The presence of alcohol where the game is being played is sufficient to classify the incident as a drinking game, even when the game itself is played without alcohol. This provision prohibits beer pong, water pong, flip cup, contests, all forced or ritualized consumption (including new member rituals), and any other activity that is objectively and reasonably perceived to be a drinking game.
- h. Possession or use of common source containers (e.g. kegs, pony kegs, beer bong, beer funnel) by persons under the age of 21.
- i. Possession or use of common source containers (e.g. kegs, pony kegs, beer bong, beer funnel) by Student Organizations/Groups.
- j. Providing alcoholic beverages to a person who is intoxicated.
- k. Any activity or conduct involving the use of alcohol that is in violation of law.

2. Animals

- a. Any abuse, inappropriate handling, or causing death to wildlife and/or other animals.
- b. Bringing any unauthorized animal into any building owned, leased, or controlled by the institution.
- c. Excessive noise, or destruction of property from service or assistance animals.
- d. Failure to properly clean up after the animal.
- e. Failure to properly maintain control of the animal (i.e., the use of a leash).

3. Assault/Violent Behavior

- a. Causing bodily harm to another person and/or;
- b. Inappropriate physical contact, such as pushing, slapping, or spitting and/or;
- c. Reckless disregard for the health or safety of any person and/or;
- d. Verbal threats or physically threatening behavior that would cause a reasonable person to fear for their safety.

4. Classroom Disruption

- a. Any classroom behavior that interferes with the Faculty's ability to conduct class, failure to conform to the Faculty member's announced expectations for the learning environment, or the ability of other Students to learn.
- b. Please see the Learning Environment definition in Chapter 3 of this Code.
- c. Any other behavior that interferes with the Faculty's ability to conduct class, or the ability of other Students to learn, or failure to conform to the Faculty member's announced expectations for the learning environment.

5. Damage or Destruction of Property

- a. Any damage or destruction of property belonging to a member of the University community, University property, or to a visitor or guest of the campus.
- b. Any damage or destruction of property that is caused by a University Student (including property not owned or leased by the institution).

6. Deception

- a. Any misuse of any University records, forms, or documents through forgery, unauthorized alteration, reproduction, or other means.
- b. Providing false information to law enforcement and/or university officials.
- c. Possession of any fake, altered, or any other identification that belongs to another person.
- d. Lending, selling, or otherwise transferring an identification card.
- e. Any attempt to perpetrate a fraud against the University or a member of the University community.
- f. Any unauthorized claim to speak and/or act in the name of the institution or any organization, Student, University officials or Faculty members.

7. Disorderly Conduct

- a. Any lewd, obscene, indecent behavior, or other forms of disorderly conduct.
- b. Any disruptive behavior such as but not limited to fighting, threatening behavior, public disturbance, or drunk and disorderly conduct.
- c. Any abuse or unauthorized use of sound amplification equipment.
- d. Any conduct which materially interferes with the normal operation of the University, or with the requirements of appropriate discipline.
- e. Any act of intimidation or bullying directed against any person or group of persons 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 experience by substantially disrupting the orderly operation of the University or the rights of any Student or other member of the University community.

8. Disorderly/Improper Assembly

- a. Any assembly for the purpose of causing a riot, destruction of property, or disorderly diversion, which interferes with the normal operation of the University.
- b. Any obstruction to the free movement of other persons about campus or the interference with the use of University facilities. This is not to deny any Student the right of peaceful, non-disruptive assembly or expression.

9. Drugs

- a. The possession, consumption, or use of an illegal substance (substance controlled by Federal or Georgia law) or synthetic cannabinoid (i.e., Spice or K2).
- b. The manufacture, cultivation, distribution, purchase, or taking delivery of any illegal substance (substance controlled by Federal or Georgia law) or synthetic cannabinoid.
- c. Misuse or improper possession of prescription medication.
- d. The possession and/or use of any drug paraphernalia, i.e. bowls, hookah pipes, bong, "homemade" smoking devices, any other smoking device or smoking paraphernalia.
- e. Operating a motor vehicle under the influence or while impaired by the consumption of substances controlled by federal law, Georgia law, or synthetic marijuana.
- f. Any activity or conduct involving drugs that is in violation of local, state, or federal law.
- g. Groups and Organizations which, through their officers, agents, or responsible members, knowingly permit, authorize, or condone the manufacture, sale, distribution, possession, serving, consumption or use of marijuana, controlled substances, or other illegal or dangerous drugs at any affair, function, or activity of such Group or Organization, social or otherwise. Sanctions for this and any other offense can be found in Chapter Eleven.

10. Endangerment

- a. Placing a Student, the University community or any individual at risk of physical injury or death.
- b. Bringing a non-Student or non-University community member into the University community that places a Student, other individual, or the University community at risk of physical injury or death.

11. Failure to Comply

- a. Failing to respond to a lawful request by properly identified University Officials or law enforcement officials in the performance of their duties.
- b. Failing to report for a conference, meeting, or appointment with any University Official or Faculty Member when properly notified.
- c. Failing to appear and cooperate as a witness in a disciplinary case when properly notified.
- d. Failing to comply with any disciplinary condition imposed on a person and/or Student Organization/Student Group by any Student Conduct body or administrator.
- e. Fleeing from law enforcement or University Officials.
- f. Failing to follow established University policies or guidelines.

12. Felony Conviction

- a. Being convicted of a felony while a Student.
- b. Pleading guilty to a felony while a Student.
- c. Pleading nolo contendere to a felony while a Student.
- d. Receiving First Offender Treatment or similar pretrial diversionary treatment for a felony grade offense while a Student.

13. Fire Safety

- a. Any failure to evacuate or immediately respond to a fire alarm.
- b. Participation in creating or causing a false fire alarm.
- c. Participation in tampering, disconnecting, or altering any fire alarm system, equipment or component.
- d. Improper discharge of a fire extinguisher.
- e. Failure to follow the instructions of Staff and emergency personnel during fire alarms.
- f. The possession, use, manufacture, and/or sale of any incendiary device, i.e. fireworks.
- g. Setting, causing to be set, or participation in setting any unauthorized fire in or on University property.

14. Gambling

- a. Engaging in any form of gambling that is a violation of the law.

15. Harassment

- a. Speech or other expression (words, pictures, symbols) that constitutes fighting words and is sufficiently severe, pervasive, or persistent so as to interfere, limit, or deny one's ability to participate in or benefit from an educational program. Fighting words may include, but are not limited to, words, pictures or symbols that:
 - i. are directed to an individual or individuals based on that person's race, color, sex, religion, creed, age, sexual orientation, gender, gender identity, disability, veteran status or national origin, and;
 - ii. threaten violence, tend to incite an immediate breach of the peace or provoke a violent response.
 - iii. In the context of this policy, fighting words are those which are commonly understood to convey direct and visceral hatred or contempt for human beings. When determining whether speech is such as would provoke a violent response or incite an immediate breach of the peace, it is not necessary to show that the person(s) addressed by the speech was or were actually incited to violence or hostile action. Conduct will be evaluated on a case-by-case basis, considering all circumstances involved.
- b. Following, placing under surveillance, or contacting (in person, by phone, electronically, or by any other means) another person without one's permission for the purpose of harassing or intimidating that person. Harassing or intimidating means a knowing and willful course of Conduct that serves no legitimate purpose and causes emotional distress by placing another person in reasonable fear for the safety of themselves or others.

16. Hazing

- a. Any act, intentional or unintentional, regardless of a Student's willingness to participate in such activity, which subjects a Student to an activity which, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership, office, or other status in a Group or Organization:
 - i. Endangers or is likely to endanger the emotional, mental, financial, or physical health or safety of a Student (including, but not limited to, acts that cause or are likely to cause physical discomfort, embarrassment and/or ridicule),
 - ii. Coerces a Student through the use of social or physical pressure to consume any food, liquid, alcohol, drug, or other substance which subjects the Student to a likely risk of vomiting, intoxication, or unconsciousness,
 - iii. Destroys or removes public or private property.
- b. Any other activity that meets the definition of "hazing" under applicable law, including but not limited to the Max Gruver Act (see the following link for full policy: [Max Gruver Legislation](#)) and Stop the Hazing Campus Act (see the following link for full policy: [Stop the Hazing Campus Act](#)).

17. Imitation and/or Hoax Devices

- a. No Student shall create, keep, use, possess, display, or carry any hoax device.
- b. No Student shall display or brandish any toy or simulated weapon which resembles a real weapon or firearm.

18. Joint Responsibility

- a. Students who knowingly act or plan to act in concert to violate University regulations have individual and joint responsibility for their behavior.
- b. Any Student who knowingly allows another person to violate University regulations without reporting to a University Official.

19. Retaliation

- a. No student shall engage in any materially adverse action or threat of a materially adverse action against any other individual for:
 - i. Making a good faith report of misconduct;
 - ii. Reasonably participating in the investigation of a report of misconduct;
 - iii. Reasonably objecting to or resisting misconduct, or;
 - iv. Being a close associate of someone who makes or may make a good faith report of misconduct.

20. Sexual Misconduct

- a. For information related to the University's policy prohibiting Sexual Misconduct and related regulations, definitions, and procedures, please see Chapter Ten of this Code.

21. Solicitation

- a. Conducting an unauthorized sales campaign in a Residence Hall, classroom, or administrative building, or any other campus location.
- b. Placing door hangers or signs on cars on campus or in on-campus residential facilities; or other campus property.
- c. Any violation of the Georgia Southern University "Campus Advertising, Sales and Solicitation Policy" (see the following [link](#) for full policy).
- d. Any violation of the East Georgia State College/USG "Campus Advertising, Sales and Solicitation Policy" (see the following links [here](#) and [here](#) for full policy).

22. Student Identification Card Violation

- a. Altering, lending, or selling a Student identification card.
- b. Using a Student identification card by anyone other than its original holder.
- c. Using a Student identification card in any unauthorized manner

23. Theft

- a. Taking, possessing, selling, or attempting to sell or distribute any property that is the property of another person, organization, or entity (including but not limited to the University).
- b. Taking or attempting to sell any service that belongs to the University without proper permission.

24. Threats

- a. **Any expression of an intent to commit an act of unlawful violence with the purpose (or in reckless disregard of the risk) of:**
 - i. Placing an individual or group of individuals in fear of bodily harm or death; or
 - ii. Causing the evacuation of a University facility, service, or event; or
 - iii. Otherwise causing serious disruption to the orderly operation of the University.

25. Tobacco & Nicotine

- a. The use of all forms of tobacco products on property owned, leased, rented or belonging to the institution, or in any way used by the University or its affiliates, is expressly prohibited. "Tobacco Products" is defined as cigarettes, cigars, pipes, all forms of smokeless tobacco, clove cigarettes and any other smoking devices that use tobacco such as hookahs or simulate the use of tobacco such as electronic cigarettes or vaporizers or any other oral smoking device.
- b. Possession and/or use of nicotine products and/or paraphernalia by individuals under the age of 21.

26. Unauthorized Entry

- a. Unauthorized entry on or into any University building, office, Residence Hall, off-campus residence, parking lot, motor vehicle, or other facilities.
- b. Remaining in any building after normal closing hours without proper authorization
- c. Remaining overnight in public areas of the Residence Hall or surrounding areas without approval from University Housing Staff.

27. Unauthorized Use

- a. Unauthorized use of University equipment.
- b. Unauthorized use of bathrooms, exits, or windows.
- c. Unauthorized use or duplication of keys.
- d. Unauthorized use or possession of any parking permit.

28. Unauthorized Use of Computer or Electronic Resources

- a. Unauthorized entry into any network, computer, or file to use, read, or change the contents, or for any other purpose.
- b. Unauthorized access and/or entry of web-based virtual platforms (i.e., Folio, Zoom, Skype, Google Classroom, WebEx)
- c. Unauthorized transfer of a file.
- d. Unauthorized use of another individual's identification and password.
- e. Use of computing facilities that interfere with the normal operation of the University computing system.
- f. Use of computing facilities that violate copyright laws.
- g. Use of any unregistered devices on the University network.
- h. Use of tools for port-scanning, "sniffing," or to monitor or read transmissions from other users on the network is prohibited.
- i. Any violation of the University's computer use policies.

29. Violation of Confidentiality

- a. Disclosing confidential Student Conduct information as a member of the University Student Conduct Board
- b. Disclosing confidential work-related information as a Student employee

30. Violation of Law

- a. Any act that violates a provision of the laws of the United States, the laws of any State in which such act occurs, the ordinances of any county, city, municipality, or other political subdivision, or the laws of another nation or political subdivision thereof in which such act occurs, is deemed to be a violation of the Code of Student Conduct when that act
 - i. Occurs on the campus of the University, including all property owned, leased, licensed, or otherwise controlled by the University
 - ii. Occurs on the premises of any domicile of a recognized Greek letter Organizations
 - iii. Occurs in the context of any event planned, presented, sanctioned, or made available by the

- University, any affiliate of the University, or any Student Organization.
- iv. Occurs at any intercollegiate athletic event in which one of the University's teams is participating, home or away.
 - v. Involves more than one member of the University community; or otherwise adversely affects the orderly operation of University.

31. Weapons and Firearms

- a. No Student shall keep, use, possess, display, or carry any pistol, revolver, or any instrument designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any instrument of like kind, and any stun gun or taser on any property owned, controlled, or leased by the University System of Georgia unless specifically authorized by University administration as part of a University sanctioned event or where allowed by law.
- b. Any object that is used to injure, attempt to injure, or harass another person may be considered a weapon. The context in which a particular object was used or attempted to be used will determine whether it is a weapon.
- c. No Student shall use, possess, display or carry any swords, any prohibited knives, any explosives (including fireworks and sparklers), any martial arts weapons, dangerous chemicals, or any other weapons as defined in University System of Georgia policy 6.11.2 unless specifically authorized by the administration or as part of a University sanctioned event.
- d. Any additional violation of applicable law, including the "Campus Carry" Legislation House Bill 280. See the following link for the full Georgia Southern University's policy: [Campus Carry Legislation](#). See the following link for the full For East Georgia State College's policy: [Campus Carry Legislation](#).

B. BEHAVIORAL CONDUCT PROCEDURES

1. Reporting

All suspected violations should be immediately reported to the Office of Student Conduct by any person who has knowledge of the commission of any such violation. Where appropriate, Complainants and/or Reporters may file a law enforcement report as well as a University report but are not required to file both. To report any violation of the Georgia Southern University Code of Student Conduct please click [here](#). To report any violation of the East Georgia State College Code of Student Conduct please click [here](#). Any individual and/or member of the University community may submit a report. Reports are reviewed to determine if the alleged behavior is in violation of this Code. A report of an alleged violation of the Behavioral Conduct policy should include:

- a. The type of alleged Misconduct.
- b. Name of the Respondent.
- c. Date, time, and place of Misconduct.
- d. Name and contact information for any witnesses.
- e. Any evidence available.
- f. Whether or not a criminal complaint was filed (if applicable).

2. Confidentiality

If a Complainant requests that the Complainant's identity be withheld, or the allegation(s) not be investigated, the Office of Student Conduct will inform the requesting party that the institution generally cannot guarantee

confidentiality. The Office of Student Conduct will consider whether such request(s) can be honored while protecting the safety and well-being of the University. Honoring the request may limit the institution's ability to respond fully to the incident and may limit the institution's ability to discipline the respondent.

3. Retaliation

Anyone who, in good faith, reports what they believe to be Student Misconduct, who participates or cooperates in, or who is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes they have 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 Conduct. Any person found to have engaged in retaliation in violation of the Code of Student Conduct shall be subject to disciplinary action, pursuant to institutional policy.

4. False Complaints

Individuals who intentionally give false statements to a university official, or who submit false complaints or accusations, including during a hearing, shall be subject to disciplinary action pursuant to institutional policy.

5. Amnesty

Individuals are encouraged to come forward and to report violations of policy, notwithstanding the individual's choice to consume alcohol or to use drugs. Information reported in good faith by an individual during an investigation concerning use of drugs or alcohol will not be used against that individual in disciplinary proceedings and will not be voluntarily reported to law enforcement. However, individuals may be provided with resources on drug and alcohol counseling or education. Please see Chapter Four for full Amnesty Policy.

6. Sexual Misconduct

All allegations of Sexual Misconduct will be reviewed by the Title IX Coordinator. The Title IX Coordinator will facilitate any investigation needed based on the needs of the case. Any Formal Hearing(s) will be heard and adjudicated by a trained Sexual Misconduct board. Following any finding of responsibility at a Formal Hearing, both the Complainant and the Respondent may submit a personal impact statement prior to any sanction being imposed. Both the Respondent(s) and Victim(s) will receive dual notification of the outcome of any adjudication. More information about the Sexual Misconduct procedures can be found in Chapter Nine.

C. MINOR VIOLATIONS

1. Notice of Charges and Procedures

- a. The Respondent will receive written notice via their institutional email. The notice will include:
 - i. The Statement of Charge(s);
 - ii. The name of the assigned Hearing Officer and instructions for challenging the Hearing Officer for bias; and
 - iii. Link to schedule an Administrative Disciplinary Meeting.

b. Response Deadline

- i. The Respondent has three (3) Days from the Delivery Date of the notice to:
 1. Schedule the Administrative Disciplinary Meeting;
 2. Respond to the Charges; and
 3. Challenge the Hearing Officer in writing (if applicable).
- ii. Failure to respond will be considered a general denial of the Charges and acceptance of the Hearing Officer assigned.

c. Challenging Assignment of Hearing Officer

- i. The assignment of the Hearing Officer may be challenged only based on a conflict of interest or perceived bias. Challenges must be submitted in writing to the Associate Vice President and Dean of Students or the Associate Dean of Student Conduct & Community Standards, who will render a decision.

2. Minor Violations – Informal Resolution

a. Applicability

- i. This process applies to first-time and/or less severe violations of the Code of Student Conduct that are not aggravated by additional circumstances. Informal Resolution is designed to resolve cases efficiently while maintaining fairness and educational outcomes. The Chief Conduct Officer or designee may refer any case directly to the University Student Conduct Board or Hearing Officer for Formal Resolution in cases where, in their sole discretion, the Chief Conduct Officer determines that Informal Resolution is not appropriate.

b. Informal Resolution

- i. The Respondent will meet with a Hearing Officer to review the case. The Hearing Officer will provide the Respondent with written notice to schedule a meeting at least five (5) Days from Delivery Date of the notice of Charge(s) letter. The purpose of the meeting will be to review and discuss the Charges before a final decision is reached.
- ii. During the meeting, the Respondent may:
 1. Review any and all information pertaining to the Charge(s);
 2. Present a written or verbal response;
 3. Submit names of witnesses or additional documentation;
 4. Ask questions about the process;
 5. Be accompanied by an Advisor (non-participatory).
- iii. No more than two (2) additional third-party observers each may be present at the request of the Respondent or the Hearing Officer.

c. Case Resolution Form (CRF)

- i. The Hearing Officer will provide the Respondent with the Case Resolution Form (CRF) showing a finding of responsible or not responsible for the Charge(s). The Respondent will have three (3) Days to review and complete the CRF. Once signed, the Respondent may adjust their original response at any time within the initial three (3) Days. The Respondent must communicate with their Hearing Officer if they wish to adjust their original response. By signing the CRF, the Respondent accepts the finding of the Hearing Officer and waives the right to a formal hearing and appeal.

d. Outcome Notification

- i. If the Respondent accepts the resolution:
 1. The Hearing Officer will finalize the outcome;
 2. A written decision will be sent via email within five (5) Days;
 3. Sanctions will be implemented as outlined.
- ii. If the Respondent declines the resolution or fails to respond:
 1. The case will be referred to the Formal Resolution Process;
 2. A new Hearing Officer or University Student Conduct Board will be assigned.

e. Failure to Participate

- i. If the Respondent fails to schedule an Informal Resolution or fails to attend a scheduled Informal Resolution Meeting, a Formal Resolution will be scheduled.

3. Minor Violations – Formal Resolution

a. Applicability

- i. This process applies to Minor Violations that are disputed or unresolved through the Informal Resolution process. A Formal Resolution involves adjudication by the University Student Conduct Board or a designated Hearing Officer.

b. Notice of Hearing

- i. The Respondent will receive written notice via their institutional email at least five (5) Days in advance of the Hearing that includes:
 - 1. The date, time, and location of the hearing;
 - 2. The alleged violation(s) of the Code;
 - 3. The names of the University Student Conduct Board members or Hearing Officer assigned to the case.

c. Challenge to Hearing Participants

- i. The Respondent has three (3) Days from the Delivery Date of the Notice to challenge any individual scheduled to be a part of the University Student Conduct Board or Hearing Officer hearing the case. Challenges must be submitted in writing to the Office of Student Conduct and must be based on a perceived conflict of interest or bias. The Office of Student Conduct will render a final decision regarding the composition of the hearing body.

d. Hearing Procedures

- i. During the Formal Hearing:
 - 1. The Complainant and witnesses (if applicable) may be present to answer questions posed by the University Student Conduct Board, Hearing Officer, or Respondent. The Complainant will also have the opportunity to question the Respondent and witnesses (if applicable);
 - 2. All questions will be submitted in writing and asked by the Chair or Hearing Officer as written;
 - 3. Questions may be excluded only if deemed irrelevant to determining the veracity of the charges. The reason for exclusion will be read into the record.

e. Advisor Participation

- i. As outlined in Chapter V, the Respondent is entitled to an Advisor who may assist in preparing for the hearing and drafting questions. Advisors may not actively participate unless permitted by law or policy.

f. Remote or Sequestered Testimony

- i. The Chief Conduct Officer or designee may authorize testimony from a separate room or remote location. In such cases, proper sequestration will be ensured to maintain the integrity of the testimony and avoid disadvantage to any party. Reasonable accommodations will be provided to allow questioning of all witnesses.

g. Determination and Sanctioning

- i. Following the hearing:
 - 1. The University Student Conduct Board or Hearing Officer will determine findings based on the preponderance of the evidence;
 - 2. Sanctions will be recommended based on the circumstances of the case;
 - 3. Prior conduct history (if applicable) will not be considered until the sanctioning phase.

h. Administrative Review

- i. A written recommendation will be submitted to the Associate Vice President and Dean of Students or designee, who may:
 - 1. Affirm the findings and sanctions; or
 - 2. Reduce the recommended sanctions
- ii. The final written decision will be sent to the Respondent and the Office of Student Conduct.

i. Appeal Rights

- i. The Respondent retains the right to appeal the final decision as outlined in Chapter VIII of this Code.

j. Failure to Participate

- i. If the Respondent fails to cooperate or attend a scheduled Hearing:
 - 1. The Hearing will proceed in their absence;
 - 2. A decision will be made based on the available evidence;
 - 3. Sanctions may be imposed accordingly.

D. MAJOR VIOLATIONS

1. Notice of Allegation(s) and Investigation

- a. The Office of Student Conduct will contact the Respondent at their institutional email address to notify them of:
 - i. Preliminary Allegations;
 - ii. Possible sanctions;
 - iii. The investigator who will be involved;
 - iv. Opportunity to request recusal for bias;
 - v. The link to provide a written response;
 - vi. The opportunity to schedule an Administrative Disciplinary meeting.

b. Challenge of Investigator

- i. The Respondent has three (3) Days from the Delivery Date of the written notice to challenge the assignment of the Investigator. Challenges must be submitted in writing to the Office of Student Conduct and must be based solely on a perceived conflict of interest or bias. If the Investigator is the Chief Conduct Officer, the challenge must be submitted to the Associate Vice President and Dean of Students. A non-response will be considered a waiver of the right to challenge.

c. Written Response to Allegations

- i. The Respondent has five (5) Days from the Delivery Date of the written notice to submit a written response. This response may include:
 - 1. An admission or denial of the allegations;
 - 2. A statement of defense;

3. Names of witnesses;
 4. Supporting documents (written or electronic).
- ii. A non-response will be treated as a general denial of the allegations.

d. Investigation Process

- i. Based on the Respondent's response, the Investigator will:
 1. Interview the Respondent, Complainant (if applicable), and any witnesses;
 2. Collect and review relevant documents, physical evidence, or electronic records;
 3. Retain written notes or obtain written/recorded statements from each interview;
 4. Document any proffered witnesses not interviewed, including a brief explanation.

e. Preliminary Investigative Report

- i. The Investigator will prepare a preliminary investigative report that includes:
 1. A summary of the facts and evidence;
 2. Any resulting Charges or a determination of no Charges;
 3. Witness statements (if applicable);
 4. Recommended sanctions (if applicable);
- ii. This report will be sent to the Respondent via their institutional email.

f. Respondent's Response to Report

- i. The Respondent has five (5) Days from the Delivery Date of the preliminary report to submit a written response. This response should:
 1. Indicate a plea to each Charge;
 2. Include any additional defense, facts, witnesses, or documents (if applicable).
- ii. A non-response will be treated as a denial of the Charge(s).

g. Supplemental Investigation

- i. If warranted by the Respondent's response, the Investigator may conduct an additional investigation before finalizing the report.
- ii. In no case shall a hearing to resolve charge(s) of student misconduct take place before the investigative report has been finalized.

2. Major Violations – Informal Resolution

- a. A student accused of a Major Violation may choose to resolve the matter through an Informal Resolution process.
- b. The Respondent will be given the opportunity to:
 - i. Meet with a Hearing Officer, and/or
 - ii. Submit a written response addressing the allegations.
- c. The Respondent may, upon request, review all case materials prior to the meeting or submission.
- d. The Hearing Officer will determine whether the Respondent is responsible for the alleged violation(s) using the preponderance of the evidence standard.
- e. The outcome of the Informal Resolution will be communicated to the Respondent via their institutional email within five (5) Days of the Informal Resolution meeting and/or email correspondence.
- f. By accepting the Informal Resolution, the Respondent waives the right to a formal hearing and appeal.

- g. If the Respondent does not schedule, attend the Informal Resolution meeting and/or respond in writing, the case will proceed through the Formal Resolution process.

3. Major Violations – Formal Resolution

a. Applicability

- i. This process applies to Major Violations that are disputed or unresolved through the Informal Resolution process. A Formal Resolution involves adjudication by the University Student Conduct Board or a designated Hearing Officer.

b. Notice of Hearing

- i. The Respondent will receive written notice via their institutional email at least five (5) Days in advance of the Hearing that includes:
 - 1. The date, time, and location of the hearing;
 - 2. The alleged violation(s) of the Code;
 - 3. The names of the University Student Conduct Board members or Hearing Officer assigned to the case.

c. Challenge to Hearing Participants

- i. The Respondent has three (3) Days from the Delivery Date of the Notice to challenge any individual scheduled to be a part of the University Student Conduct Board or Hearing Officer hearing the case. Challenges must be submitted in writing to the Office of Student Conduct and must be based on a perceived conflict of interest or bias. The Office of Student Conduct will render a final decision regarding the composition of the hearing body.

d. Hearing Procedures

- i. During the Formal Hearing:
 - 1. The Complainant and witnesses (if applicable) may be present to answer questions posed by the University Student Conduct Board, Hearing Officer, or Respondent. The Complainant will also have the opportunity to question the Respondent and witnesses (if applicable);
 - 2. All questions will be submitted in writing and asked by the Chair or Hearing Officer as written;
 - 3. Questions may be excluded only if deemed irrelevant to determining the veracity of the charges. The reason for exclusion will be read into the record.

e. Advisor Participation

- i. As outlined in Chapter V, the Respondent is entitled to an Advisor who may assist in preparing for the hearing and drafting questions. Advisors may not actively participate unless permitted by law or policy.

f. Remote or Sequestered Testimony

- i. The Chief Conduct Officer or designee may authorize testimony from a separate room or remote location. In such cases, proper sequestration will be ensured to maintain the integrity of the testimony and avoid disadvantage to any party. Reasonable accommodations will be provided to allow questioning of all witnesses.

g. Determination and Sanctioning

- i. Following the hearing:
 - 1. The University Student Conduct Board or Hearing Officer will determine findings based on the preponderance of the evidence;
 - 2. Sanctions will be recommended based on the circumstances of the case;
 - 3. Prior conduct history (if applicable) will not be considered until the sanctioning phase.

h. Administrative Review

- i. A written recommendation will be submitted to the Associate Vice President and Dean of Students or designee, who may:
 - 1. Affirm the findings and sanctions; or
 - 2. Reduce the recommended sanctions
- ii. The final written decision will be sent to the Respondent and the Office of Student Conduct.

i. Appeal Rights

- i. The Respondent retains the right to appeal the final decision as outlined in Chapter VIII of this Code.

j. Failure to Participate

- i. If the Respondent fails to cooperate or attend a scheduled Hearing:
 - 1. The Hearing will proceed in their absence;
 - 2. A decision will be made based on the available evidence;
 - 3. Sanctions may be imposed accordingly.

E. BEHAVIORAL CONDUCT SANCTIONS

1. A Student found responsible for violating the Code of Student Conduct other than academic dishonesty may receive one or more of the sanctions listed below, as determined by the Chief Conduct Officer or designee after review of the findings of fact and recommendations of the University Student Conduct Board or Hearing Officer. Prior to issuing a sanction, the University Student Conduct Board and/or Single Hearing Officer will be made aware if the Respondent has any previous violations of the Code of Student Conduct. This may have an effect on the type and level of the sanction(s) to be imposed. Factors to consider when sanctioning include but are not limited to:
 - a. *The nature of the violation;*
 - b. *The Student's involvement in the violation*
 - c. *The harm done to others or potential for harm to others*
 - d. *The impact of the behavior to the community;*
 - e. *The Student's understanding of the consequences associated with the behavior*
 - f. *The Student's prior conduct history*
2. When a Student Group or Student Organization engages in an act of misconduct, the University reserves the right to take action not only against the Group or Organization but also against the individual Student members of the Group or Organization. Please see Chapter Ten for more information on Student Groups and Student Organizations.
3. The following list of sanctions is intended to show the range of sanctions that may be imposed on a Student. This list is not to be regarded as all-inclusive, but rather as a sample of sanctions that may be imposed. Other University policies and regulations may impose specific penalties for specific violations, and nothing in this chapter is intended to limit the imposition of those specific sanctions.
4. Respondents who fail to complete their sanctions by their determined deadline will be assessed a disciplinary hold. The University is not responsible for any financial loss incurred by the Student for any sanction, including

- but not limited to fines and disciplinary holds.
- Where any sanction is based solely on a conviction in a court of law, such sanction shall be immediately dismissed upon a show of proof to the Office of Student Conduct that the underlying conviction has been overturned on appeal or otherwise legally overturned.

F. INSTITUTIONAL SANCTIONS

- Disciplinary Warning** – An official written reprimand stating unacceptable behavior has occurred and any further inappropriate behavior or other violations of the Code of Student Conduct may result in more serious Student Conduct actions by the University
- Disciplinary Probation** – A specific period of time for which the Student is not in good disciplinary standing during which further violations of the Code of Student Conduct may result in Disciplinary Suspension or Expulsion. Violations of Disciplinary Probation generally may result in more serious disciplinary action against the Student, such as Disciplinary Suspension or Expulsion from the University, in addition to appropriate educational sanctions.
- Disciplinary Suspension** – A Student placed on Disciplinary Suspension indicates that a Student, by their actions, is temporarily separated from the University for a specified period of time. Students who reside on campus will have a minimum of 48-hour notice to remove all their belongings out of the Residence Hall after notification that the sanction of Disciplinary Suspension is in effect. All Residence Hall fees and deposits may be forfeited. The Student may also be added to the University System of Georgia's Student Disciplinary Actions Reporting System. A Student facing Disciplinary Suspension for whom there are mitigating circumstances as determined by the Associate Vice President & Dean of Students or designee may have the start of the Disciplinary Suspension deferred to the following semester.
 - Students must apply for readmission following Disciplinary Suspension according to the "Guidelines for Readmission Following Disciplinary Suspension" document from the Office of Student Conduct. Conditions for readmission may be specified. Readmission documents may start to be submitted within the last three (3) weeks of the Disciplinary Suspension period. Once all documents have been received, they will be reviewed and a recommendation will be made.*
- Expulsion** – Expulsion is the most serious sanction that can be imposed on a Student. Expulsion is a permanent separation from the University. Students who reside on campus will have a minimum of 48-hour notice to remove all of their belongings out of the Residence Hall after notification the sanction of Expulsion is in effect. The Student may also be added to the University System of Georgia's Student Disciplinary Actions Reporting System.
- Restitution** – Requiring restitution allows for the compensation of loss or damage caused by a Student's misconduct. Compensation may take the form of appropriate service, monetary, or material replacement. Requests for property or money to be exchanged between parties in the Conduct process may be referred to mediation. The Office of Student Conduct will not take responsibility for the facilitation of these exchanges. For monetary restitution concerning any damages to University property, the fee is added to a Student's account, which will incur an automatic financial hold which will prevent the Student from registering from classes until the fine or fee is paid.
- Fines and Fees** – There are fines for alcohol and/or drug Charges, as well as fees for the alcohol and/or drug education programs. There are also fees and fines for other regulations within this Code.
- Educational Sanction(s)** – An educational sanction may consist of the assignment of specific projects to be performed by a Student, such as writing a research paper on a specific topic, performing community service hours, attending an educational program, or writing reaction papers on a specified topic. Educational sanctions might also include completing mandated alcohol, drug or other behavioral education programs or enrolling in web based online alcohol and drug education programs.
- Loss of Privileges** – Exclusion of specific privileges as may be consistent with the violation committed, for a designated period of time.
- Residence Hall Temporary Removal** – A Temporary Removal of the Student from the Residence Halls for a

specific period of time. Students who are removed from the Residence Hall may be banned from all Residence Hall buildings and property throughout the duration of the Hall Removal. Removal from University Housing due to Conduct sanctions may result in loss of room or board attributable to that semester. All Residence Hall fees and deposits may be forfeited.

10. **Residence Hall Permanent Removal** – Permanent removal of the Student from the Residence Halls. Students who are permanently removed from the Residence Hall may be banned from all Residence Hall buildings and property indefinitely. Removal from University Housing due to Conduct sanctions may result in loss of any room or board paid for that semester. All Residence Hall fees and deposits may be forfeited.
11. **Parental/Guardian Notification** - The University may notify parents/guardians if Students under the age of 21 are found responsible for drug or alcohol violations. Exceptions may be made for Students who are recognized by the Office of Financial Aid as being financially independent or claim Independent Student Status. Upon a finding of responsibility, whether in an Informal/Formal Resolution where a student has accepted responsibility and/or been found responsible for a violation of the alcohol and/or drug policies, Parental Notification will be made if a student is under the age of 21 when the violation is set to be disclosed. This is allowable notice under the Family Educational Rights and Privacy Act. The institution will notify the parent or guardian of the violated policy, associated sanctions and completion dates.
12. **Alcohol Possession and Use** - Students responsible for violating the Alcohol Possession and Use Policy may be subject to the following sanctions as well as possible additional sanctions. The following list is not exhaustive. In addition, a student does not have to progress in sequence from one level to the next. The incident levels are not a progression, as a student's violation may fall within any of these three levels depending on the incident details. Sanctions are determined on a case-by-case basis by the Conduct and/or Hearing Officers and may vary due to circumstances, including but not limited to campus location.
13. **Hazing Public Disclosure** - The University will publicly disclose administrative adjudications of hazing or hazing related criminal convictions within 15 days of final adjudication or public notice of conviction.
14. **Alcohol Possession and Use:** *Any violation of the Alcohol Possession and Use Policy while on Disciplinary Probation may result in Disciplinary Suspension.*
 - a. **Level One Violations** (potential violations include, but are not limited, to empty alcohol container, single container or small amount of alcoholic beverages, student under the age of 21 in possession of alcohol but is not being consumed, alcohol consumption under the age of 21, etc.):
 - i. **Minimum:** \$50 Alcohol Fine, Disciplinary Warning, Parental Notification, and Alcohol Education. Additional sanctions such as educational, reflective or transformative may be imposed.
 - ii. **Intermediate:** \$100 Alcohol Fine, Parental Notification, Disciplinary Probation for three (3) months, and Alcohol Education. Additional sanctions such as educational, reflective or transformative may be imposed.
 - iii. **Elevated:** Disciplinary Probation for six (6) months, Parental Notification, \$175 Alcohol Fine, and Alcohol Education. Additional sanctions such as educational, reflective or transformative may be imposed.
 - b. **Level Two Violations** (potential violations include, but are not limited, to disruptive or disorderly behavior caused by alcohol consumption, playing a drinking game where alcohol is being consumed and/or is visible, DUI/DWI, substantial amount of alcohol, hosting a party where alcohol is present, etc.):
 - i. **Minimum:** \$150 Alcohol Fine, Disciplinary Probation for six (6) months, Parental Notification and Alcohol Education. Additional sanctions such as educational, reflective or transformative may be imposed.
 - ii. **Intermediate:** \$225 Alcohol Fine, Disciplinary Probation for twelve (12) months or Disciplinary Suspension for three (3) months, Parental Notification and Alcohol Education. Additional sanctions such as educational, reflective or transformative may be imposed.

- iii. **Elevated:** \$275 Alcohol Fine, Disciplinary Suspension for twelve (12) months, Alcohol Education and/or possible removal from the Residence Halls without refund. Additional sanctions such as educational, reflective or transformative may be imposed.
 - c. **Level Three Violations** (the institution considers Level Three violations to be more severe in nature and can be evaluated as an elevated incident on the sanctioning matrix).
 - i. Disciplinary Suspension for at least twelve (12) months up to Expulsion, Readmission Guidelines, and/or possible removal from the Residence Halls without refund.
- 15. **Drugs and/or Any Other Illegal Substances** - Students responsible for violating the Drugs and/or Any Other Illegal Substance Policy may be subject to the following sanctions as well as possible additional sanctions. The following list is not exhaustive. In addition, a student does not have to progress in sequence from one level to the next. The incident levels are not a progression, as a student's violation may fall within any of these three levels depending on the incident details. When a student is in violation of one of these policies, the Conduct Officer and hearing panels will take into account the context of the violation and prior conduct history (as applicable) when considering appropriate sanctions. Sanctions are determined on a case-by-case basis by the Conduct and/or Hearing Officers and may vary due to circumstances, including but not limited to campus location. *Any violation of the Drugs Policy while on Disciplinary Probation may result in Disciplinary Suspension. Any violation of the Drugs Policy that could be considered a felony may result in Disciplinary Suspension.*
 - a. **Level One Violations** (potential violations include, but are not limited to possession of under 1oz of marijuana but not being utilized, drug paraphernalia with residue but not being used, etc.).
 - i. **Minimum:** \$75 Drug Fine, Disciplinary Warning, Parental Notification, Drug Education. Additional sanctions such as educational, reflective or transformative may be imposed.
 - ii. **Intermediate:** \$175 Drug Fine, Parental Notification, Disciplinary Probation for three (3) months and Drug Education. Additional sanctions such as educational, reflective or transformative may be imposed.
 - iii. **Elevated:** Disciplinary Suspension for six (6) months, Parental Notification, \$225 Drug Fine. Additional sanctions such as educational, reflective or transformative may be imposed (i.e. Prime for Life course)
 - b. **Level Two Violations** (potential violations include, but are not limited to disruptive or disorderly behavior caused by drugs, possession and/or use of under 1oz of marijuana, drug paraphernalia is present and utilized, hosting a gathering or event where marijuana is present, other drugs, etc.)
 - i. **Minimum:** \$175 Drug Fine, Disciplinary Probation for six (6) months, Parental Notification, Drug Education. Additional sanctions such as educational, reflective or transformative may be imposed.
 - ii. **Intermediate:** \$275 Drug Fine, Disciplinary Probation for twelve (12) months to Disciplinary Suspension for three (3) to six (6) months, Parental Notification. Additional sanctions such as educational, reflective or transformative may be imposed.
 - iii. **Elevated:** Disciplinary Suspension for six (6) months, Parental Notification, \$375 Drug Fine, Readmission Guidelines, and/or possible removal from the Residence Halls without refund. Additional sanctions such as educational, reflective or transformative may be imposed.
 - c. **Level Three Violations** (the institution considers Level Three violations to be more severe in nature and can be evaluated as an elevated incident on the sanctioning matrix).
 - i. Disciplinary Suspension for at least twelve (12) months up to Expulsion, Readmission Guidelines, and/or possible removal from the Residence Halls without refund.
- 16. **Tobacco & Nicotine Products** - Students responsible for violating the Tobacco & Nicotine Products Policy may be subject to the following sanctions as well as possible additional sanctions. The following list is not exhaustive. In addition, a student does not have to progress in sequence from one level to the next. The incident levels are not a progression, as a student's violation may fall within any of these three levels depending on the incident details. When a student is in violation of one of these policies, the Hearing Officer

and Hearing Panels will take into account the context of the violation and prior conduct history (as applicable) when considering appropriate sanctions. Sanctions are determined on a case-by-case basis by the Hearing Officers and may vary due to circumstances, including but not limited to campus location.

a. Level One Violations

- i. **Minimum**: \$25 fine, Disciplinary Warning, and a letter outlining the University Tobacco policy. Additional sanctions such as educational, reflective or transformative may be imposed. Further violation of this policy will result in more severe Conduct sanctions.
 - ii. **Intermediate**: \$50 fine, Disciplinary Probation for three (3) months. Additional educational sanctions such as educational, reflective or transformative may be imposed. Further violation of this policy will result in more severe Conduct sanctions.
 - iii. **Elevated**: \$75 fine, Disciplinary Probation for six (6) months. Additional educational sanctions such as educational, reflective or transformative may be imposed and/or possible removal from the Residence Halls without refund.
17. **Overdue Sanctions**: For any overdue sanctions, including fees and fines, a disciplinary hold is assessed to the Student's account which will prevent the Student from registering from classes until all sanctions are completed.

CHAPTER SEVEN

CHAPTER VII. UNIVERSITY HOUSING REGULATIONS

Please refer to your Residential Community Guide for items that are permitted and prohibited in Residence Halls. An accumulation of University Housing violations where the Student has been found responsible may result in removal from the Residence Halls.

A. UNIVERSITY HOUSING REGULATIONS

1. Alcohol Possession and Use in the Residence Halls

For students of all ages please refer to Chapter Six of this Code for more information, and to the Residential Community Guide for regulations specific to the storage of alcohol within University Housing.

- a. Failure to abide by the regulations for appropriate handling of alcohol for those persons 21 years of age or older as outlined in the Residential Community Guide. This includes possession and/or use by individuals over the age of 21 in any building or campus area where such possession is prohibited.
- b. Failure to properly label alcohol containers.
- c. Possession or use of common source containers (e.g. kegs, pony kegs, beer bongs).

2. Animals

- a. Feeding of stray animals in or around residential facilities.
- b. Bringing any unauthorized animal into any University Housing building owned, leased, or controlled by the institution.
- c. Please refer to Chapter Six, Section A: Behavioral Regulations, Regulation 2: Animals, of this Code for other University regulations concerning Animals.

3. Community Living

- a. Violating any provision of the Residential Community Guide or other published University Housing Guidelines or Agreements.
- b. Violating any provision of a signed Roommate or Apartment Agreement.
- c. Failure to abide by the specific Housing agreements and requirements of a special residential community.

4. Facilities and Equipment

- a. Any act to defenestrate any item and/or tamper with/remove window screens from Residence Hall spaces.
- b. Unauthorized use of cable, computer access, or telephone access (including the splicing of wires).
- c. Painting or drawing on any surface in a Residence Hall room or common area, hallways, patios, furniture, and /or Residence Hall grounds.
- d. Loaning or transferring University-issued keys, including proximity access cards, to any person for any period of time.
- e. Entering or exiting a Residence Hall through windows or unauthorized doors.
- f. Entering or attempting to enter any restricted area (including, but not limited to: attics, basements, mechanical rooms, and roofs).
- g. Tampering with, adding, or removing any locking device on any Residence Hall door or window.
- h. Removal of any door from its hinges.

- i. Suspending hammocks from any surface within a Residence Hall, patio or signs on Residence Hall grounds.
- j. Tampering with/or damaging temperature control settings on a thermostat.
- k. Placing anything immediately in front of or close enough to the HVAC equipment (including vents and closets) that may hinder the HVAC equipment's effectiveness or block staff from accessing that equipment.

5. Furniture

- a. Removing, modifying, or tampering with furniture from a designated residential area, such as a Student unit or floor common areas, from inside apartment units to patios, or moving furniture in public spaces without permission.
- b. Placing furniture into elevators or stairwells.
- c. Suspending any furniture from the ceiling.
- d. Possession or use of a waterbed in a Residence Hall.
- e. Constructing a loft or any other structure within a Residence Hall.

6. Guests and Visitation – Refer to the Residential Community Guide for regulations specific to Guests within University Housing.

- a. Failure to abide by the regulations for Guests and visitors as outlined in the Residential Community Guide.
- b. Failure to escort a Guest within the Residence Halls.
- c. Failure to gain permission from all residents assigned to a unit prior to allowing entry for a Guest.
- d. Hosting a Guest within a Residence Hall for more than three consecutive nights.
- e. Hosting Guests for more than 15 nights total in one semester.
- f. Hosting more than two Guests at one time.

7. Improper Behavior

- a. Failure to keep a safe distance from residential facilities while participating in athletic activities that involve objects which may cause damage to persons or property (such as, but not limited to, playing soccer or throwing a football or Frisbee in the hallway).
- b. Participation in any athletic games or activities in the Residence Hall, including but not limited to, i) exterior corridors, ii) internal hallways or iii) common areas of a Residence Hall without prior approval from University Housing.
- c. Using rollerblades, skateboards, bicycles, scooters, electric vehicles, or similar devices within a Residence Hall.
- d. Using skateboards, bicycles, scooters, electric vehicles, or similar devices on the grounds of residential facilities in a manner that defaces or degrades landscaping or hard surfaces.

8. Littering/Trash Disposal

- a. Discarding or temporarily placing trash of any kind within the building or on the grounds of a residential facility other than in appropriate receptacles.
- b. Disposing of bags of personal trash in a public or common area trash receptacle.

9. Noise

- a. Creating excessive noise inside or around a Residence Hall, as defined in the Residential Community Guide.
- b. Failure to abide by the Quiet or Courtesy Hours policy as defined in the Residential Community Guide.
- c. Creating noise during the final exams period of the semester when 24-hour quiet hours are in effect.

10. Residence Hall Computer Labs

- a. Bringing food or drink into a Residence Hall computer lab or around a Residence Hall computer workstation and/or print station.
- b. Changing, removing, reconfiguring, or physically damaging any workstation hardware or software.
- c. Changing, or attempting to change, the settings on computer lab printers.
- d. Changing, or attempting to change, network connections for computer lab workstations or printers.

11. Residential Fire Safety

- a. Tampering with any life safety equipment (including, but not limited to smoke detectors, fire alarm pull stations, panic alarms, emergency lights or signage, fire extinguishers, fire hoses, and sprinkler systems) within any University Housing Facility.
- b. Propping apartment, suite, exit, or fire doors within Residence Halls.
- c. Failure to evacuate during a planned or unplanned fire alarm.
- d. Any object, action, or activity that blocks or limits egress.
- e. Possession and/or use of items that do not align with the expectations set forth in the Community Guide for approved appliances and other items in any Residence Hall.
- f. Engaging in unsafe cooking practices that create or increase the risk of fire.
- g. Storing or riding a bicycle or similar object within a Residence Hall, apartment/suite unit or patio/patio closets.
- h. Securing a bicycle or similar object to anything other than bicycle racks provided by University Housing.
- i. Use, possession, charging, storing or operating any motorized vehicle within a Residence Hall, apartment/suite unit or patio/patio closets, including but not limited to hover boards, motorized scooters, etc.
- j. Parking any motorcycle, moped, scooter, or other motorized device anywhere that is not a designated parking area.

12. Posting

- a. Posting any material inside Residence Hall common spaces (i.e. community rooms or study lounges, kitchens, or clubhouses) or outside of on-campus residential facilities without prior approval from University Housing.

13. Room Changes

- a. Residents changing their current room assignment to another without prior approval from the appropriate University Housing staff member.
- b. Occupying more than one residential space (unless for a designated period of time approved by University Housing in the process of an approved room change).

14. Room Decorations

- a. Failure to keep posters or decorations at least twelve inches from the ceiling or floor; covering more than 50% of any given wall with postings or decorations.
- b. Suspending any item from the ceiling, including, but not limited to: fishnets, parachutes, poles, any lights, and flags.
- c. Possession or displaying of alcohol paraphernalia, including, but not limited to: funnels, beer bongs, shot dispensers, or other methods of alcohol delivery. For regulations and definitions regarding the possession and display of alcohol paraphernalia please see Chapter Three and Chapter Six of this Code.
- d. Affixing any item to a wall, ceiling, or floor in a manner that may create damage to the surface.
- e. Possession or displaying of any drug paraphernalia, i.e. bowls, hookah pipes, bongs, "homemade" smoking devices, any other smoking device or smoking paraphernalia. For regulations and definitions regarding the possession and display of drug paraphernalia please see Chapter Three and Chapter Six of this Code.
- f. Display of any item facing outward toward public spaces in windows or on porches/balconies of on-campus residential facilities (i.e. flags, posters, illuminated lights, etc.).
- g. Curtains or window treatments that do not possess a fire-retardant label from the manufacturer.
- h. Failure to use "low tack" tape (i.e. blue painters' tape) or approved low tack hanging devices (i.e. 3M Command products) when hanging decorations.
- i. Affixing any item to a fire rated door (i.e. decorating or posting on your apartment/unit door, etc.).

15. Sanitation and Cleanliness

- a. Failure to observe reasonable standards of cleanliness and sanitation in room, bathrooms, and common areas of Residence Hall units, as determined by University Housing.
- b. Disposal of any waste material on floors, wall, etc.
- c. Deliberately clogging or attempting to clog plumbing fixtures.
- d. Use of cooking facilities for purposes other than food preparation.

16. University Housing Signage or Property

- a. Theft of, possession of, or misuse of any signage, which is the property of University Housing or the institution.
- b. Theft of, possession of, or use of residential facility property without permission;
- c. Destruction of a residential facility or University Housing property.

17. Joint Responsibility for University Housing Regulations

- a. Students who knowingly act or plan to act in concert to violate University Housing regulations have individual and joint responsibility for their behavior.
- b. Any Student who knowingly allows another person to violate University regulations without reporting to a University Official.

B. UNIVERSITY HOUSING INSTITUTIONAL SANCTIONS

Many violations of University Housing Policies come with recommended sanctions. Sanctions are determined on a case-by-case basis by the Hearing Officers and may vary due to circumstances, including but not limited to campus location.

1. **Alcohol Possession and Use** - Students of legal drinking age who are found responsible for violating the University Housing Alcohol Policy will be subject to the following recommended sanctions:
 - a. **Minimum:** \$50.00 fine and a Disciplinary Warning
 - b. **Intermediate:** \$100.00 fine and Disciplinary Probation for their next three months
 - c. **Elevated:** Referral to the Office of Student Conduct and further Conduct action, including possible removal from the Residence Hall without refund for the entire term of the contract.
2. **Animals** - Students found with an unauthorized *Animal* in their residence space will be given a notice and charged a daily fee of \$50/animal until the animal is removed. If the *animal* is not removed and/or the behavior continues *Students* will be subject to the following recommended sanctions. Additional fees may apply for damages or cleaning needs:
 - a. **Minimum:** \$100 fine and a disciplinary warning.
 - b. **Intermediate:** \$150 fine and Disciplinary Probation for three months
 - c. **Elevated:** Referral to the Office of Student Conduct and further Conduct action, including possible removal from the Residence Hall without refund for the entire term of the contract.
3. **Guests and Visitation** – Students found responsible for violating items “d” and/or “e” of the Guests & Visitation Policy will be subject to the following recommended sanctions:
 - a. **Minimum:** \$100 fine and Disciplinary Warning.
 - b. **Intermediate:** \$150 fine and Disciplinary Probation for their next three months
 - c. **Elevated:** Referral to the Office of Student Conduct and further Conduct action, including possible removal from the Residence Hall without refund for the entire term of the contract.
4. **Littering and Trash Disposal** – Students found responsible for violating the Littering/Trash Disposal Policy will be subject to the following recommended sanctions:
 - a. **Minimum:** \$25 fine and Disciplinary Warning.
 - b. **Intermediate:** \$50 fine and Disciplinary Probation for their next three months
 - c. **Elevated:** Referral to the Office of Student Conduct and further Conduct action, including possible removal from the Residence Hall without refund for the entire term of the contract.
5. **Residential Fire Safety or Room Decorations** – Students found responsible for violating the Residential Fire Safety or Room Decorations policy will be subject to the following recommended sanctions as well as possible additional sanctions including, but not limited to, restitution for damages:
 - a. **Level One Violations** (i.e. mini fridge, unburnt candle, microwave, holiday decorations, flags/banners, storage of bicycles or scooters, and like items):
 - i. **Minimum:** Disciplinary Warning.
 - ii. **Intermediate:** \$50 fine and Disciplinary Probation for their next three months
 - b. **Level Two Violations** (i.e. burnt candle, unsafe cooking practices, items containing an open flame or heating source, covering a smoke detector, failure to evacuate during a fire alarm, and like items)
 - i. **Minimum:** \$75 fine and possible removal from the Residence Hall without refund and/or Disciplinary Suspension from the institution.

- ii. **Intermediate**: Referral to the Office of Student Conduct for further Conduct action including possible removal from the Residence Hall without refund, fines and/or Disciplinary Suspension from the institution.
- c. **Level Three Violations** (i.e. activating a sprinkler head, disabling smoke detectors, tampering with doors or windows to prevent egress, pulling a fire alarm pull station without just cause, and like items)
 - i. **Minimum**: \$100 fine, restitution, and possible removal from the Residence Hall without refund and/or Disciplinary Suspension from the institution.
 - ii. **Intermediate**: Referral to the Office of Student Conduct for further Conduct action including possible removal from the Residence Hall without refund, fines, restitution and/or Disciplinary Suspension from the institution.

CHAPTER EIGHT

CHAPTER VIII. UNIVERSITY STUDENT CONDUCT BOARD

A. UNIVERSITY STUDENT CONDUCT BOARD

- a. The University Student Conduct Board will be composed of Students, Faculty, and Staff selected by the Office of Student Conduct. Only Students in good disciplinary standing with the University may serve. Appointments to the University Student Conduct Board will be made as needed to keep the University Student Conduct Board filled to adjudicate cases in a prompt manner. These appointments may constitute permanent or temporary replacements as the Office of Student Conduct deems necessary.
- b. There must be at least three (3) board members present to hear a case. A majority vote is required for findings and sanction recommendations.
- c. The University will utilize a specially trained Sexual Misconduct Board for Formal Hearings involving alleged violations of any regulation within the University System of Georgia Sexual Misconduct regulations and this Code.

B. EAGLE ETHICS AMBASSADORS

- a. The Eagle Ethics Ambassador is a leadership role within the Office of Student Conduct. Students serving in this role will find a variety of opportunities to engage with our office as well as with students across campus. These ambassadors will serve on the University Student Conduct Board, an integral part of the Student Conduct process that allows students to have their case heard by a panel that includes their peer's perspective. These student leaders will also assist in planning and facilitating programming initiatives and educational outreach with the Office of Student Conduct. These student leaders will have the opportunity to grow their leadership skills through regular leadership development workshops, mentor opportunities, and more! Eagle Ethics Ambassadors will also have the opportunity to earn service hours for the time and effort dedicated to the role.

C. TRAINING & DEVELOPMENT

- a. The University Student Conduct Board and Sexual Misconduct Board will receive annual training on this Code and the involved procedures. This training will be conducted by a designee from the Office of Student Conduct in collaboration with the Office of Equal Opportunity & Title IX and the Office of Student Wellness & Health Promotions.

CHAPTER NINE

CHAPTER IX. APPEALS

A. BEHAVIORAL CONDUCT

- a. For offenses other than Sexual Misconduct, an appeal may be allowed in any case where sanctions are issued, even when such sanctions are deferred or held “in abeyance,” such as probation or expulsion. Interim Measures are not Sanctions and cannot be appealed under this paragraph. The Respondent shall have the right to appeal the outcome on any of the following grounds:
 - i. *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.*
 - ii. *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 a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, Investigator(s), decision maker(s); or*
 - iii. *To allege that the finding was inconsistent with the weight of the information.*
- b. A Student may appeal to the President or designee in writing, provided the basis for the appeal is limited to the criteria listed above. Students who have accepted an Informal Resolution are not eligible for an appeal. The President may designate one or more appellate officers to review appeals as the President deems appropriate, including, but not limited to, a single appellate officer to review all appeals or a single appellate officer to review a specific type of appeal. In no case shall there be provided more than one level of institutional appeal.
- c. All appeal requests and responses in this process are transmitted by electronic mail.
- d. A Student found responsible for violating this Code will have five (5) Days from the Delivery Date of the official outcome letter to appeal. The appeal must be submitted by 5pm on the appeal deadline. The appeal packet will be limited to a review of the record of the University Student Conduct Board, supporting documents, and the Student’s written appeal. The Student must explicitly state why an appeal is warranted, i.e. the grounds for the appeal.
- e. Any Student wishing to appeal must submit the appeal in writing to the Office of Student Conduct. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the President or designee. The President or designee may:
 - i. *Affirm the original finding and sanction;*
 - ii. *Affirm the original finding but issue a new sanction of or lesser severity;*
 - iii. *Remand the case back to any lower decision-maker to correct a procedural or factual defect; or,*
 - iv. *Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.*
- f. The President or designee will issue a decision within a reasonable period of time. The President or designee’s decision will serve as the only level of appeal at the institutional level and shall be the final institutional decision.
- g. Following the decision of the President or designee, a student may apply to the Board of Regents for further review of the decision pursuant to [Board of Regents Policy 6.26](#).
- h. Appeals received after the designated deadlines above will not be considered unless the institution 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.

B. SEXUAL MISCONDUCT

- a. For information related to appeals pursuant to the University’s policy prohibiting Sexual Misconduct, please see Chapter Ten.

CHAPTER TEN

CHAPTER X. SEXUAL MISCONDUCT POLICY

In accordance with federal and state law, including Title IX of the Education Amendments of 1972 (“Title IX”) and Title VII of the Civil Rights Act of 1964 (Title VII), the University System of Georgia (USG) and the institution prohibit discrimination on the basis of sex in any of their education programs or activities or in employment. The USG and the institution are committed to ensuring the highest ethical conduct of the members of their community by promoting a safe learning and working environment. To that end, this Policy prohibits Sexual Misconduct, a form of sex discrimination, as defined herein.

The university is committed to reducing incidents of Sexual Misconduct, providing prevention tools, conducting ongoing awareness and prevention programming, and training the campus community in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) and the Violence Against Women Act (“VAWA”). Prevention programming and training will promote positive and healthy behaviors and educate the campus community on consent, sexual assault, sexual harassment, alcohol and drug use, dating violence, domestic violence, stalking, bystander intervention, and reporting.

When Sexual Misconduct does occur, all members of the University community are strongly encouraged to report it promptly through the procedures outlined in this Policy. The purpose of this Policy is to ensure uniformity throughout the USG in reporting and addressing sexual misconduct. This Policy applies to all members of the USG and the university community. This Policy 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 the Fifth and Fourteenth Amendments.

To view this Policy on the University System of Georgia website, please see the Board of Regents Policy Manual, 6.7, Sexual Misconduct Policy, and 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings [here](#).

A. WHAT TO DO IF YOU EXPERIENCE SEXUAL MISCONDUCT

- a. In an immediate emergency call 911! Additional campus-specific contacts include: University Police on the Statesboro Campus at (912) 478-5234, on the Armstrong or Liberty Campuses at 912-344-3333, and on the East Georgia Swainsboro Campus at 478-455-0125.
- b. Seek medical assistance. If you experience an assault you are encouraged to seek immediate medical attention; this is important to check for and treat any injury and/or infection. A medical examination can be facilitated at any time following a sexual assault, although the sooner medical treatment is obtained, the safer the patient. A forensic examination can be facilitated up to 120 hours (5 days) after a sexual assault occurs. Forensic exams will also check for injury and/or infection in addition to collecting evidence in the event you decide to press charges or file a report. Seeking a forensic exam does not obligate a person to press charges or file a report.
- c. Preserve evidence. If you choose to seek medical assistance, a forensic exam can preserve evidence for you if you decide later to file a report. Evidence can be collected even if you chose not to make an immediate report to law enforcement. It is also helpful to not shower or bathe afterwards to avoid washing away evidence which a forensic exam could collect.
- d. Consider filing a report with law enforcement. It is your decision whether or not to seek assistance from law enforcement and/or campus authorities. If the incident or course of Conduct occurred on campus, you can report to the institution’s Department of Public Safety regardless of whether the incident or course of Conduct occurred on or off- campus. In the event it has occurred off campus, you can choose to report to the appropriate agency, such as Statesboro Police Department, Bulloch County Sheriff’s Office, Savannah Metro

Police Department, Chatham County Sheriff's Office, Hinesville Police Department, Liberty County Sheriff's Office, Swainsboro Police Department, or Emanuel County Sheriff's Office. The Department of Public Safety will also involve these outside law enforcement units as necessary depending on the facts of each individual case.

- e. Consider filing a report with the Office of Equal Opportunity & Title IX. Filing a report with this office allows you to pursue an administrative investigation under school policy which is separate from any law enforcement investigation. If an individual elects to report to this office, it will not be reported to law enforcement unless you ask for assistance in doing so.
- f. Consider reaching out for additional help. There are several resources on-campus and in the local communities who can assist individuals who have experienced Sexual Misconduct. These resources are available regardless of whether an individual chooses to report to law enforcement or campus authorities and include confidential reporting options. Some of these resources are listed below, by campus.

B. RESOURCES

Below is a list of on-campus and community resources for both the Victim and the Respondent. This is not a comprehensive list.

H.E.R.O. - The information in this folder provides tools for you to recognize individuals in distress and connect them with appropriate resources. The H.E.R.O. folder can be accessed [here](#).

For Statesboro Campus:

1. Counseling Services (Students can report confidentially): (912) 478-5541
2. Health Services (Students can report confidentially): (912) 478-5641
3. Office of Equal Opportunity and Title IX: (912) 478-5136 or president.georgiasouthern.edu/eeo-titleix
4. Dean of Students Office: (912) 478-3326 or deanofstudents@georgiasouthern.edu
5. Office of Student Conduct: (912) 478-0059 or studentconduct@georgiasouthern.edu
6. University Police/Campus Escort: (912) 478-5234
7. Statesboro Police Department: (912) 764-9911 or 911
8. Bulloch County Sheriff's Office: (912) 764-8888 or 911
9. Statesboro Regional Sexual Assault Center: (912) 489-6060 or 1-866-489-2225 (24 crisis line)
10. East Georgia Regional Medical Center: (912) 486-1000

For Armstrong and Liberty Campuses:

1. Counseling Services (Students can report confidentially): (912) 344-2529
2. Health Services (Students can report confidentially): (912) 961-5726
3. Dean of Students Office: (912) 344-2514 or armdeanofStudents@georgiasouthern.edu
4. Office of Student Conduct: (912) 344-3300 or studentconduct@georgiasouthern.edu
5. University Police/Campus Escort: (912) 344-3333
6. Office of Equal Opportunity and Title IX: (912) 478-5136 or <https://president.georgiasouthern.edu/eeo-titleix/>
7. Savannah Police Department: (912) 652-6500 or 911
8. Chatham County Police Department: (912) 652-6920 or 911
9. Chatham County Sheriff's Office: (912) 652-7609 or 911
10. Rape Crisis Center of the Coastal Empire: (912) 233-3000 or (912) 233-7273 (24-hour crisis line)
11. St. Joseph's Hospital: (912)-819-4100
12. Candler Hospital: (912) 819-6000
13. Hinesville Police Department: (912) 368-8211
14. Liberty County Sheriff's Office: (912) 876-2131

For East Georgia - Swainsboro Campus:

1. *Counseling Services (Students can report confidentially): (478) 289-2039*
2. *Health Services (Students can report confidentially): (478) 2182 or (912) 678-5507*
3. *Dean of Students Office: (478) 289-2165 or eshufro@ega.edu*
4. *Office of Student Conduct: (912) 478 - 0059 or studentconduct@georgiasouthern.edu*
5. *University Police/Campus Escort: (478) 455-0125 or (478) 289-2090*
6. *Office of Equal Opportunity and Title IX:(912) 478-5136 or <https://president.georgiasouthern.edu/eeo-titleix/>*
7. *Swainsboro Police Department: (478) 237-8967 or 911*
8. *Emanuel County Sheriff's Office: (478) 237-7526 or 911*
9. *Rape Crisis Center of the Coastal Empire:(912) 233-3000 or (912) 233-7273 (24-hour crisis line)*
10. *The Refuge, Vidalia, GA: (912) 538-9935*
11. *Emanuel Medical Center (Hospital): (478) 289-1100*

CHAPTER ELEVEN

CHAPTER XI. STUDENT GROUPS AND STUDENT ORGANIZATIONS

A. Groups and Organizations Rights

Any Group or Organization accused of a violation of the Code will have the following rights:

1. The right to request a copy of the Group or Organization's Student Conduct Records.
2. In a Hearing, the right to question any individual providing testimony to the University Student Conduct Board or Single Hearing Officer. Furthermore, in non-Title IX Hearings, the University reserves the right to provide alternative effective means of questioning a witness in cases where direct questioning is not possible or prevents the hearing from being conducted in a civil and orderly manner. In a Title IX Hearing, the cross examination will be conducted by the party's advisor.
3. To know the nature of the evidence against them and the names of witnesses scheduled to appear at a formal hearing.
4. To receive a written statement of the Charges.
5. To receive a fair and impartial hearing.
6. To present evidence and witnesses on their own behalf.
7. To be accompanied at a hearing by an advisor of their choice.
8. To be present at the hearing during the presentation of any evidence or material on which a recommendation will be made. If a Group or Organization fails to attend the hearing, it will be held in their absence.
9. To receive a decision based solely on the evidence presented.
10. To receive a written notice of the decision and sanctions, including rationale for the decision from formal hearings.
11. To appeal decisions resulting from a formal hearing.

B. Amnesty for Student Groups and/or Student Organizations

1. The institution believes that Student Groups and/or Student Organizations are capable of making good decisions and engaging in a culture of care for the health and safety of others. In partnership with organization members to promote health & safety, and responsibility for a culture of long-term well-being, organizations may be eligible for amnesty from conduct processes in certain situations.
 - a. Organizations will be eligible for amnesty when swift action has been taken by the organization to stop behaviors related to alcohol, drugs, and/or hazing, to provide an immediate remedy, and to fully comply with all conditions required by the Office of Student Conduct.
 - b. Amnesty does not offer an organization a 'pass.' This policy offers organizations an opportunity to engage in an educational process that will best meet the organization's and its members' needs in partnership with the University.
2. The expectation for organizations utilizing this policy is that they ensure immediate and appropriate care for a student in need (including involvement of medical professionals where advisable according to the specific facts of the situation), self-report this incident to the Office of Student Conduct, and provide complete and truthful information about the situation.
3. The following process identifies amnesty eligibility, what behaviors may be given amnesty, and the process for enacting organizational amnesty.
 - a. **Eligibility**
 - i. All registered student organizations, including university sponsored organizations are eligible.
 - ii. Prior behaviors of a similar nature in the past calendar year may be taken into consideration in determining whether amnesty will be granted to an organization. Specifically, an

organization may not be eligible for amnesty if it has utilized the amnesty policy within the current academic year, or if it has any active disciplinary status for a similar behavior.

- iii. While amnesty may be granted more than once a year, second or subsequent cases may be reviewed for qualification. Application of the amnesty policy will be granted at the discretion of the Associate Vice President & Dean of Students or designee.
- iv. For incidents that involve more than one organization, this amnesty policy will only be considered for organizations that have followed all procedural steps outlined in the following section. If organizations involved in a reported incident do not complete the requisite procedural steps, a formal conduct process for those organizations may move forward.

b. Requesting Amnesty

- i. A registered student organization or university sponsored organizations may request amnesty for incidents involving alcohol, drugs, and for some hazing behaviors, including but not limited to:
 - 1. Possession, consumption, or distribution of alcohol at an organization event, where medical attention is needed. The medical attention may be related or unrelated to alcohol use.
 - 2. Possession or consumption of drugs at an organization event, where medical attention is needed. The medical attention may be related or unrelated to drug use.
 - 3. Facilitation of hazing behaviors by the organization or its members in which the behavior was:
 - a. Immediately stopped, no medical attention was needed, and alcohol and/or drugs were not involved.
- ii. Prior behavior reported by organizational leadership in an effort to seek help from the university and to actively change or remedy the organization's culture may be considered for amnesty under this policy or other alternative resolution processes at the Associate Vice President & Dean of Students or designee's discretion.

c. Procedures

- i. To make a report and engage in the amnesty process, a Student Group, Student Organization and/or individual representing the organization must follow the steps outlined below:
 - 1. A member of the organization must call appropriate emergency responders (for example, "911" or direct police lines) if there is, or there is a threat of, serious or imminent harm to any member and/or other person present at the organization's event or on the organization's premises (i.e. guests). The caller must stay with any person(s) in need of assistance. Serious or imminent harm may include, but is not limited to, injuries requiring medical attention, health concerns, hospitalization, presence or knowledge of a weapon, and/or physical harm to others.
 - 2. A member of the organization's executive leadership must complete and submit the Online Amnesty Form within 24 hours of the incident having occurred. All information included in this submission must be complete and truthful, and any responsibility the organization may have in possible institutional policy violations must be disclosed. If multiple Student Groups or Student Organizations want to engage in the amnesty process for the same incident, a separate form must be submitted for each

organization. This promotes direct communication between executive leadership and the Office of Student Conduct and active engagement in the amnesty process.

3. The Student Group or Student Organization's representative must email their organization's staff/faculty advisor within 24 hours of the incident having occurred.
4. Fraternities and Sororities must email the Office of Sorority and Fraternity Life (OSFL) staff or their Chapter Liaison within 24 hours of the incident having occurred.

d. After a report is received, the following will occur:

- i. The organization's leadership will be required to meet with the Office of Student conduct to provide full disclosure of the incident. This will occur within three (3) Days of the report being submitted.
- ii. Information learned may be shared with a Student Group or Student Organization's inter/national office and/or headquarters. Organizations may choose to send information to these offices on their own.
- iii. The Student Group or Student Organization will be responsible for drafting an educational action plan, which may include, but is not limited to, alcohol education, drug education, and creation of or updates to the organization's risk management plan and safety procedures.
- iv. Student Groups or Student Organizations will complete check-in meetings to discuss the educational action plan with the Office of Student Conduct and/or the Office of Fraternity & Sorority Life at a frequency agreed upon by the advisor, the organization, and the Office of Student Conduct.
- v. If a Student Group or Student Organization: (1) completes steps 1-5 as outlined above, participates fully and honestly in the process, and (2) is determined to be eligible for the amnesty process based on the facts of the report and the organization's prior conduct history, the organization matter will be resolved under the amnesty process.
- vi. If a Student Group or Student Organization fails to complete steps 1-5, as outlined above, the Student Group or Student Organization will be charged as appropriate and move through the conduct process.

C. Group and Organization Sanctions

1. When a Group or Organization is charged with a violation, the advisor(s), and (as applicable) regional, national, international offices, the Office of Fraternity and Sorority Life, and the Office of Student Activities will be notified. The official outcome will become part of the Group or Organization's file in the Office of Student Activities and the Office of Student Conduct.
2. A Group or Organization found responsible for violating the Code of Student Conduct may receive one or more of the sanctions listed below, as determined by the Chief Conduct Officer or designee after review of the findings of fact and recommendations of the University Student Conduct Board or Hearing Officer. Prior to issuing a sanction, the hearing advisor will inform the University Student Conduct Board or the Hearing Officer will review, if the Respondent has any previous violations of the Code of Student Conduct. This may influence the type and level of the sanction(s) to be imposed.
3. When a Group or Organization engages in an act of misconduct, the University reserves the right to take action not only against the Group or Organization but also against individual Student members of the Group or Organization.
4. This list is not to be regarded as all-inclusive, but rather as a sample of sanctions that may be imposed. Other University policies and regulations may impose specific penalties for specific violations, and nothing in this chapter is intended to limit the imposition of those specific sanctions.

5. The University is not responsible for any financial loss incurred by the Group or Organization or its members for any sanction, including fees.
6. Student Groups or Student Organizations who fail to complete all sanctions as imposed will be charged with Failure to Comply. In addition, Student Groups or Student Organizations may also be referred to the Office of Student Activities. For additional information please refer to the Student Organization Handbook.

D. Institutional Sanctions

1. **Organizational Disciplinary Warning:** Formal notice from the Office of Student Conduct indicating further violations may result in more severe sanctions.
2. **Restitution:** Requiring restitution allows for the compensation of loss, damage or destruction caused by a Group or Organization's misconduct. Compensation may take the form of appropriate service, and/or monetary or material replacement. Requests for property or money to be exchanged between parties in the Conduct process will be referred to mediation. The Office of Student Conduct will not take responsibility for the facilitation of these exchanges.
3. **Fees and Fines:** Monetary fines or fees may be imposed for violations of this Code.
4. **Organizational Disciplinary Probation:** A status in which a Group or Organization is considered to not be in good disciplinary standing with the University. The Group or Organization may seek and add members and host activities unless otherwise specified. Further violations may result in a temporary or permanent Organizational Disciplinary Suspension.
5. **Educational Sanction(s):** An educational sanction may consist of the assignment of specific projects to be performed by a Group or Organization, such as a presentation or workshop on a specific topic, performing community service hours, and/or attending an educational program. Educational sanctions might also include completing mandated alcohol, drug or other behavioral education programs and/or enrolling in web based online alcohol and drug education programs.
6. **Loss of Privileges:** Exclusion of specific privileges such as restriction/exclusion from activities consistent with the violation committed, for a designated period of time.
7. **Special Sanctions under the Student Organization Responsibility for Drug Abuse Act:** Any Group or Organization found responsible for a violation of paragraph (g) of the violation "Drugs," after being afforded the constitutional requirements of due process, shall have its recognition as a Group or Organization withdrawn and shall be expelled from the campus for a minimum of one (1) calendar year from the date of determination of guilt. Such Group or Organization shall also be prohibited from using any property or facilities of the institution for a period of at least one year. Any lease, rental agreement, or other document between the Board of Regents or the institution and the Group or Organization that relates to the use of the property leased, rented, or occupied shall be terminated for the Group or Organization knowingly having permitted or authorized the unlawful actions described above. All sanctions imposed by this policy shall be subject to review procedures authorized by the Board of Regents' Policy on Application for Discretionary Review. An appeal to the Board of Regents shall not defer the effective date of the adverse action against the Group or Organization pending the Board's review unless the Board so directs. Any such stay or suspension by the Board shall expire as of the date of the Board's final decision on the matter.
8. **Organizational Social Probation:** During the period of social probation, the Group or Organization must not host nor participate in any social events to include any event where alcoholic beverages are/will be served, formals, semi-formals, homecoming activities, tailgate events or any other event in which the purpose is purely socialization or entertainment. Groups or Organizations may host and participate in chapter meetings, council meetings, business meetings, philanthropy events, and any educational sessions offered through the Office of Fraternity and Sorority Life and/or your National Office, without the presence of any alcoholic beverages.
9. **Organizational Disciplinary Suspension:** A status in which the University recognition of a Group or Organization is removed for a definite period of time. During a period of Organizational Disciplinary Suspension, the Group or Organization may (on a case by case basis) continue to occupy or hold property, but may not hold or sponsor events, and/or sponsor or attend any events on or off campus.

10. **Organizational Expulsion:** A status in which the University recognition of a Group or Organization is permanently revoked. The Group or Organization may no longer function or have a presence on University property or at University sponsored activities.

CHAPTER TWELVE

CHAPTER XII. ACADEMIC DISHONESTY POLICY

I. ACADEMIC DISHONESTY REGULATIONS, PROCEDURES, AND SANCTIONS

A. ACADEMIC DISHONESTY REGULATIONS

1. **Cheating** is (a) the use or attempted use of unauthorized materials, information, or study aids in any academic exercise; or (b) actions taken to gain unfair or undue advantage over others. Examples of cheating include (but are not limited to):
 - a) Receiving, providing, and/or using unauthorized assistance or materials on any work required to be submitted for any course to include (but not limited to) online services, social media and/or the assistance or use of generative and agentive Artificial Intelligence to perform central requirements of an assignment (i.e. reading, synthesizing, interpreting, writing, coding, programming, etc.) without the explicit permission of the instructor. Complete attribution and citation of all assistance, including but not limited to, online services, social media, and A.I. assisted components are required unless otherwise detailed in the course syllabus.
 - b) Alteration or insertion of any grade so as to obtain unearned academic credit.
 - c) Fabricating information, research, and/or results such as taking, or attempting to take, an examination for another Student, alteration of legitimate research data, alteration or distortion of laboratory experiments, or deliberate distortion of another's work or results.
 - d) Collaborating with others on assignments without the faculty's consent.
 - e) Impeding the ability of Students to have fair access to materials assigned or suggested by the Faculty Member (e.g., removal or destruction of library or other source materials).
 - f) Demonstrating any other forms of dishonest behavior.
2. **Classroom Copyright Infringement**
 - a) Any recording and transmission of classroom lectures and discussions by Students without prior written permission from the class instructor, and without all Students in the class as well as the guest speaker(s) being informed that audio/video recording may occur (it is not a violation if Student has educational accommodations through the Student Accessibility Resource Center).
 - b) Uploading any recordings of lectures and/or class presentations to publicly accessible web environments.
3. **Facilitation**
 - a) Cooperating with and/or helping another Student to cheat such as instigating, encouraging, or abetting plagiarism or cheating and/or failing to report a known violation to the Office of the Provost or the Faculty Member of the class.
4. **Plagiarism** is the offering of the words, ideas, computer data programs, or graphics of others as one's own in any academic exercise. Examples of plagiarism include (but are not limited to):
 - a) The offering of another's work, whether verbatim, paraphrased and/or via the use of an artificial intelligence software without explicit permission by the Instructor, as original material without identifying the source(s) in an academic paper, discussion post, exam, assignment or any other academic work.
 - b) Directly quoting the words of others without using quotation marks or indented format to

identify them.

- c) Self-plagiarism: re-submitting work previously submitted without appropriate or accurate citation or credit and/or without explicit approval from the instructor.
- d) Use of materials prepared by another person or agency to assist in the completion of coursework. This may include but is not limited to the selling or purchasing of term papers or other academic materials, as well as the using of online platforms or websites to post/receive answers to coursework/exams.
- e) Demonstrating any other forms of dishonest behavior.

B. ACADEMIC DISHONESTY PROCEDURES

1. Reporting

Reports must be submitted to the Office of the Provost or the Faculty Member of the class where the alleged violation occurred within two (2) weeks of return to the student of the grade for the assignment in question. Exceptions to this time limitation will be made only in cases where new information arises which was not known or reasonably could have been known within the two (2) week period described. Reports will be reviewed to determine if there is sufficient basis to support alleged behavior that is in violation of this policy. To report any violation of the Academic Dishonesty Policy, please go to <http://students.georgiasouthern.edu/conduct/>. A report of an alleged violation of the Academic Dishonesty Policy should include:

- a) The type of alleged misconduct;
- b) Name of the Respondent;
- c) Date, time, and place of misconduct;
- d) Name and contact information for any witnesses;
- e) Any evidence available.

2. Confidentiality

Where a Complainant requests that his or her identity be withheld or the allegation(s) not be investigated, the Office of the Provost or Faculty Member will inform the requesting party that the institution generally cannot guarantee confidentiality. The Office of the Provost or Faculty Member will consider whether or not such request(s) can be honored while still providing a safe and nondiscriminatory environment for the University. Honoring the request may limit the institution's ability to respond fully to the incident and may limit the institution's ability to discipline the Respondent.

3. Retaliation

Anyone who, in good faith, reports what they believe to be Student misconduct, who participates or cooperates in, or who is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes they have 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 Conduct. Any person found to have engaged in retaliation in violation of the Code of Student Conduct shall be subject to disciplinary action, pursuant to institutional policy.

4. False Complaints

Individuals who intentionally give false statements to a university official, or who submit false complaints or accusations, including during a hearing, shall be subject to disciplinary action pursuant to institutional policy.

C. Minor Violations – Informal Resolution

1. An Informal Resolution for Academic Dishonesty can occur one of two ways:

a) **Between the Faculty Member and the Respondent**

- (1) In order for the case to be resolved informally with the Faculty member, both the Faculty Member and the Respondent must agree to charges and the sanctions of the Informal Resolution.
- (2) The Respondent has five (5) Days to decide whether or not to accept the Informal Resolution. The term “Day(s)” for purposes of this section refers to any day when the University is open for business and classes are in session.
- (3) A Respondent is eligible for an Informal Resolution only if they have no previous findings of responsibility for the violations listed in this chapter.
- (4) The Faculty Member will provide the Respondent with written notice of a scheduled meeting at least three (3) Days prior to the meeting. The meeting can be via Zoom, e-mail or in-person. The purpose of the meeting will be to review and discuss the Charges before a final decision is reached.
- (5) A third party observer may be present at the request of the Faculty Member or respondent.
- (6) Documentary evidence and written statements may be relied upon by the Faculty Member, as long as the Respondent is allowed to review and respond to them at the meeting. Respondents may also be allowed to bring relevant witnesses.
- (7) If the Respondent accepts the sanction, the Faculty Member and Respondent may then resolve the case in a manner acceptable to both. If the Respondent does not accept the sanction(s) determined by the Faculty Member, the case must then be referred to the Office of the Provost within five (5) Days.
- (8) Should the Faculty Member conclude there was no violation of the Academic Dishonesty Policy, the Faculty Member will find the Student *Not Responsible* on the Academic Dishonesty Informal Resolution Form. Both the Faculty Member and the Student will sign and date the form outlining the Student was found *Not Responsible*. All parties may retain a copy for their records. The original form, along with all relevant documentation will be submitted to the Office of the Provost within five (5) Days and will become part of the Student’s permanent file. The Student will receive a letter from the Office of the Provost outlining the agreed upon outcome of the case.
- (9) Upon conclusion of the process, the Faculty Member and Respondent should both sign and date the Informal Resolution Form, detailing the specific offense(s) and the sanction(s) assigned. Each party will retain a copy. The original form, along with all relevant documentation, will be submitted to the Office of the Provost and will become part of the Respondent’s permanent file. The Respondent will receive a letter from the Office of the Provost, outlining the agreed upon outcome of the case.
- (10) Any Respondent has the option to accept an Informal Resolution. By accepting the Informal Resolution, the Respondent waives their right to a formal hearing and an appeal.

b) Between the Office of Student Conduct and the Respondent

- (1) Any Respondent who does not accept the Faculty Member's recommendation for a Minor Violation will be referred to the Office of Student Conduct for adjudication.

D. Minor Violations – Formal Resolution

1. If a student has no prior findings of Academic Dishonesty but requests a formal hearing, the case will be treated as a Minor Violation.
2. The student (Respondent) will appear before the Student Conduct Hearing Panel for adjudication.
3. Written notice will be provided in advance, including:
 - a) Date, time, and location of the hearing,
 - b) Alleged violations,
 - c) Names of panel members.
4. The Respondent has three (3) business days from the notice date to challenge any panel member based on conflict of interest or bias. Challenges must be submitted in writing to the Office of Student Conduct.
5. During the hearing:
 - a) The Faculty Member and any witnesses may be present to answer questions from the panel and the Respondent.
 - b) The Faculty Member and witnesses may also question the Respondent.
 - c) The Respondent may have an Advisor present to assist.
6. The Chief Conduct Officer may allow remote or separate testimony to ensure fairness. Reasonable accommodations will be made to allow questioning of all parties.
7. The panel will determine responsibility and recommend sanctions. Prior conduct history will only be considered during sanctioning.
8. The panel's recommendation will be submitted to the Associate Dean/Director of Student Conduct & Community Standards or designee for final review.
9. A written decision will be sent to the Respondent, Faculty Member, and Office of the Provost.
10. If the Respondent fails to attend the hearing, it will proceed in their absence. Sanctions may still be recommended if a violation is found.

E. Major Violations - Resolution Process

1. Students with prior findings of Academic Dishonesty facing possible suspension or expulsion will receive a Notice of Investigation via their institutional email. This notice includes:
 - a) Preliminary allegations,
 - b) Possible sanctions,
 - c) Investigator assignment,
 - d) Instructions for submitting a written response,
 - e) Option to schedule a preliminary meeting,
2. Procedure for requesting investigator recusal due to bias.
3. The Respondent has five (5) Days to respond. In their response, they may:
 - a) Admit or deny allegations,
 - b) Present a defense with supporting facts, witnesses, and documents,
 - c) Challenge the assigned investigator based on conflict of interest or bias.
4. The investigator will:
 - a) Interview (as applicable) the Respondent and witnesses,

- b) Collect and review evidence,
 - c) Document all findings and witness statements,
 - d) Prepare a preliminary investigative report outlining charges, evidence, and possible sanctions.
- 5. The Respondent may respond to the preliminary report in writing or request a meeting within five (5) Days. A non-response is considered a general denial.
- 6. The investigator may conduct further investigation if warranted and will prepare a final report for the Student Conduct Hearing Panel.
- 7. If the Respondent accepts the sanction(s), the case is finalized. If the Respondent does not accept the sanction(s), the case is referred to a Formal Hearing.
 - a) The Respondent will receive a Formal Resolution notice and has five (5) Days to challenge any panel member based on conflict of interest or bias. Challenges must be submitted in writing.
 - b) During the hearing:
 - (1) The Institutional Representative and witnesses may answer questions from the panel and Respondent.
 - (2) All questions must be submitted in writing to the panel chair, who will read them aloud unless deemed irrelevant. Reasons for excluded questions will be recorded.
 - (3) Reasonable accommodations will be made for parties unable to ask questions directly.
 - (4) The Respondent may have an Advisor present to assist.
 - c) The Chief Conduct Officer may allow remote or separate testimony to ensure fairness.
 - d) The panel will determine responsibility and recommend sanctions. Prior conduct history is considered only during sanctioning.
 - e) The panel's recommendation will be submitted to the Associate Dean/Director of Student Conduct & Community Standards or designee, who will issue a final written decision to the Respondent, Faculty Member, and Office of the Provost.
 - f) If the Respondent fails to attend the hearing, it will proceed in their absence. Sanctions may still be recommended if a violation is found.

F. ACADEMIC DISHONESTY SANCTIONS

1. The following list of sanctions is intended to show the range of sanctions that may be imposed on a Student, either individually or in combination. This list is not to be regarded as all-inclusive but rather as a sample of sanctions that may be imposed. Other University policies and regulations may impose specific penalties for specific violations, and nothing in this section is intended to limit the imposition of those specific sanctions.
2. Students who fail to complete their sanctions by their determined deadline will receive a disciplinary hold on their Student account.
3. Institutional Sanctions:
 - a) **Reduction of a Grade/Academic Sanction:** A reduction of a grade would apply to either the course assignment at issue or for the overall course grade (i.e., complete loss of credit for the course).
 - b) **Disciplinary Warning** – An official written reprimand stating that unacceptable behavior has occurred and any further inappropriate behavior or other violations of the Code of Student Conduct may result in more serious actions by the University.

- c) **Disciplinary Probation** – Disciplinary Probation is a specific period of time for which the Student is not in good disciplinary standing during which further violations of the Code of Student Conduct may result in suspension or expulsion. Violations of Disciplinary Probation generally will result in more serious disciplinary action against the Student, such as suspension or expulsion from the University.
- d) **Disciplinary Suspension** – A Student placed on Disciplinary Suspension indicates that a Student, by their actions, has forfeited the privilege of attending the institution for a specified period of time. Students who reside on campus will have a minimum of 48-hour notice to remove all their belongings out of the Residence Hall after notification that the sanction of Disciplinary Suspension is in effect. All Residence Hall fees and deposits may be forfeited. Students must apply for readmission following Disciplinary Suspension according to the "Guidelines for Readmission Following Disciplinary Suspension" document from the Office of Student Conduct. Conditions for readmission may be specified. Readmission documents may start to be submitted within the last three (3) weeks of the Disciplinary Suspension period. Once all documents have been received, they will be reviewed and a recommendation will be made. The Student may also be added to the University System of Georgia's Student Disciplinary Actions Reporting System.
- e) **Disciplinary Expulsion** – Expulsion is the most serious sanction that can be imposed on a Student. Expulsion is a permanent separation from the University. An expelled Student may not enter any part of the campus without specific authorization from the Office of Student Conduct. Students who reside on campus will have a minimum of 48-hour notice to remove all of their belongings out of the Residence Hall after notification the sanction of expulsion is in effect.
- f) **Educational Sanction(s)** – An educational sanction may consist of the assignment of specific projects to be performed by a Student, such as writing a research paper on a specific topic, performing community service hours, attending an educational program, and/or writing reaction papers on a specified topic.

G. APPEALS

1. All levels of appeal will only be considered 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, because such information was not known or knowable to the person appealing during the time of the hearing;
 - b) 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 a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, Investigator(s), decision maker(s); or
 - c) To allege that the finding was inconsistent with the weight of the information.
2. A Student found responsible for violating this Policy will have five (5) Days from the Delivery Date of the official outcome letter to appeal. The appeal must be submitted in writing to the Office of Student Conduct by 5pm on the final day for appeal. The appeal packet will be limited to a review of the record of the University Student Conduct Board, supporting documents, and the Student's written appeal. The Student must explicitly state why they believe an appeal is warranted based on the criteria outlined in paragraph 1.

3. All appeal requests and responses in this process are transmitted by electronic mail (which accommodates distance learning Students).
4. Any Student wishing to appeal should submit their appeal in writing to the Office of Student Conduct. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the Office of the Provost. The Office of the Provost or designee may:
 - a) Affirm the findings and sanctions.
 - b) Affirm the finding but issue a new sanction of lesser severity.
 - c) Remand the case back to the decision-maker to correct a procedural or factual defect. d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
5. The Provost or designee will issue a decision within a reasonable period of time. The Provost or designee's decision will serve as the only level of appeal at the institutional level and shall be the final institutional decision.
6. Following the decision of the Provost or designee, a student may apply to the Board of Regents for further review of the decision pursuant to [Board of Regents Policy 6.26](#).
7. Appeals received after the designated deadlines above will not be considered unless the institution 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.