

# THE UNIVERSITY OF GEORGIA CODE OF CONDUCT

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## I. INTRODUCTION

### **Purpose**

The University of Georgia’s primary mission is to develop intellectual community within an environment that fosters respect and integrity among its members. In order to facilitate the desired environment and educational goals of the University of Georgia and to protect the rights and privileges of its students, the University has adopted conduct regulations for individuals and organizations and has established a judicial process. When a student or student organization is suspected of violating a conduct regulation, the Office of Judicial Programs is responsible for investigating alleged conduct regulation violations and coordinating the judicial process.

This Code of Conduct has been developed by the Office of Judicial Programs to provide useful information to students and student organizations that have been charged with violating a University conduct regulation. All procedures for responding to possible violations of conduct regulations, including specifics of the judicial process, a listing of possible sanctions, and the appeals procedures are included in the Code of Conduct. These procedures have been established to ensure due process and fundamental fairness to all involved in the University’s judicial process.

### **Student Rights and Responsibilities**

Students are not only members of the academic community but are also members of the larger society. Students, therefore, retain the rights, guarantees and protections afforded to and the responsibilities held by all citizens. A student is not immune to prosecution by local, state, or federal law enforcement agencies irrespective of whether the University initiates judicial

proceedings in a given situation. As members of the University community, students have a responsibility to know and follow the University conduct regulations. Violations of these regulations will result in action by the Office of Judicial Programs.

As would be expected, standards for University of Georgia students are higher than those of communities not engaged solely in scholarly pursuits. Not every situation a student may encounter can be anticipated in a written document. Therefore, students are expected to act in a manner that demonstrates integrity and respect for others and the campus environment. In order to provide direction for that expectation, the University of Georgia has adopted The Pillars of the Arch as a means of articulating three guiding principles or values. By adhering to these principles, students can enjoy their own rights while also respecting others' rights. By doing so, students assist in furthering the University's aspirations to uphold The Pillars of the Arch.

### **The Pillars of the Arch**

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

#### **Wisdom, Justice and Moderation**

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

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

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

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

## **II. DEFINITIONS**

The term "University" means the University of Georgia and any or all affiliated campuses, such as Gwinnett University Center.

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

The term “student” includes all persons enrolled at the University and any or all affiliated campuses pursuing undergraduate, graduate, or professional studies. It further includes persons who are eligible to receive any of the rights and privileges afforded a person who is enrolled at the University including, but not limited to, those individuals admitted to the University and attending orientation programs. An individual who is not registered for the summer, but was registered for the previous spring and is or plans to be registered for the fall is considered a student during that summer and through the last day of registration. An individual who registers for a semester and then withdraws, or is withdrawn, is considered enrolled for that semester.

The term “faculty member” means any person hired by the University and any or all affiliated campuses to conduct classroom activities.

The term “University official” includes any person employed to perform assigned administrative, professional or staff responsibilities for the University and any or all affiliated campuses.

The term “member of the University community” includes any person who is a student, faculty member, University official or any other person employed by the University. A person’s status in a particular situation shall be determined by the Associate Dean of Students for Judicial Programs.

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

The terms “organization” and “student organization” mean any number of students who have complied with the formal requirements for University registration. Student Organizations that are referred to the judicial process will be represented by the President of that organization. The President may designate another active member to be the representative in his/her place.

The term “business day” means any day on which the offices of the University of Georgia (excluding University police, libraries, and housing) are open to the general public.

The term “judicial body” means any person or persons authorized by the Associate Dean of Students for Judicial Programs to determine whether a student has violated University Conduct Regulations and to impose sanctions.

The term “appellate officer” means any person authorized to consider an appeal submitted by a student or student organization in regards to a judicial body’s decision.

The “Associate Dean of Students for Judicial Programs” is that person designated by the University to be responsible for administration of the University’s judicial process.

The terms “shall” and “will” are used in the imperative sense.

The term “may” is used in the permissive sense.

The term “policy” is defined as any written rule or regulation of the University.

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

The term “main witness” refers to any individual who submits a written complaint to the Office of Judicial Programs.

The term “advisor” refers to the individual who assists a student or student organization with judicial hearing preparation. An advisor is any individual the student or student organization chooses. University Judiciary members are available to serve as advisors.

The term “University advocate” refers to the individual from the University Judiciary who represents the University in all matters pertaining to formal judicial hearings.

The term “joint hearing” means a hearing in which two or more students or organizations are charged with violating one or more conduct regulations pertaining to the same incident.

The term “prior record” means all information related to any conduct regulation violation(s) that occurred and were resolved prior to the incident in question.

### **III. UNIVERSITY AUTHORITY**

Generally, the University conduct regulations shall apply to conduct which occurs on University premises. Further, the conduct regulations shall apply to conduct which occurs while a student is attending or participating in any University related activity wherever that activity may take place, or any behavior, on or off University premises, which adversely affects the University community or the pursuit of its objectives.

Proceedings under this code may be instituted against students charged with a violation of a municipal, state or federal law, when the alleged conduct is also a violation of this code. Proceedings under this code may be carried out prior to, simultaneously with or following civil or criminal proceedings. Decisions about the timing of specific judicial actions will be made by the Associate Dean of Students for Judicial Programs based on the status of the evidence and other relevant case factors.

### **IV. JUDICIAL AUTHORITY**

The Associate Dean of Students for Judicial Programs shall develop policies for the administration of the judicial program and procedural rules for the conduct of hearings that are not inconsistent with provisions of the Code of Conduct.

### **V. UNIVERSITY CONDUCT REGULATIONS**

The following actions are prohibited and constitute a violation of the University of Georgia Student Code of Conduct. The Office of the Vice President for Instruction handles all cases involving alleged violations of Conduct Regulation I (Academic Dishonesty). The Office of

Judicial Programs handles all other allegations of conduct violations and any student or organization found to have committed a violation of these conduct regulations is subject to the sanctions outlined in this Code.

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

### **1. Academic Dishonesty**

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

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

A complete description of the regulations and procedures for handling matters of academic dishonesty appear in the policy manual, *A Culture of Honesty*, which is available in the Office of the Vice President for Instruction, 301 Franklin House (542-0432), in the Student Handbook under Academic Policies and Procedures, at The Office of Student Affairs for Gwinnett University Center (room A1160), and online at [www.uga.edu/ovpi](http://www.uga.edu/ovpi).

### **2. Other Acts of Dishonesty**

1. Furnishing false information to any University official or office.
2. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
3. Causing, condoning, or encouraging the completion of any University record, document, or form dishonestly.
4. Offering or causing to be offered any bribe or favor to a University official in order to influence a decision.
5. Tampering with the election of any University recognized student organization.
6. Casting or attempting to cast more than one ballot in any election or referendum on campus.

### **3. Disorderly Conduct**

1. Disruption or obstruction of teaching, research, administration or other University activities, including its public service functions on or off campus, or other authorized non-University activities taking place on University property.

2. Engaging in conduct that causes or provokes a disturbance that disrupts the academic pursuits, or infringes upon the rights, privacy, or privileges of another person.
3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct that threatens or endangers the health or safety of another person. In recognition and support of the First Amendment of the United States Constitution, freedom of expression and academic freedom shall be considered in investigating and reviewing these types of alleged conduct violations.
4. Violation of University policy and procedures regarding sexual harassment, other forms of harassment, and non-discrimination policies. For information regarding these policies and procedures see <http://www.uga.edu/legal/NDAH.htm>
5. Violation of published University policies, rules, or regulations.
6. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
7. Participation in a campus demonstration that disrupts the normal operations of the University and infringes on the rights of other members of the University community.
8. Intentional obstruction, which unreasonably interferes with freedom of movement (pedestrian or vehicular) on campus.
9. Entering an athletic contest, dance, social or other event without the proper credentials for admission (ticket, identification, invitation).
10. Circulating any advertising media without approval from proper University officials or in a manner that violates or is contrary to policies of the Department of Campus Life, the Gwinnett University Center, the University, and state or local law.

#### **4. Alcohol and Other Drug Related Misconduct**

Georgia law prohibits possession or consumption of alcoholic beverages by those under the legal drinking age and prohibits making alcoholic beverages available to persons under the legal drinking age. The University of Georgia supports a program of alcohol education and expects those who choose to use alcohol to do so responsibly.

All traditional freshmen, sophomores and other students under the age of 21 are prohibited from possession and consumption of alcohol. All students are prohibited from the use and possession of illegal drugs.

1. Use, possession, distribution, or sale of alcoholic beverages except as permitted by law and University policies (see <http://www.uga.edu/drugpol/>) Other University policies related to alcohol and other drugs include, but are not limited to, those addressed in the Code of Conduct, University Housing Community Guide, Study Abroad Guidelines, and Campus Life policies regarding social events.
2. Providing or facilitating the use, possession or distribution of alcoholic beverages except as permitted by law and University policies.

3. Disruptive or disorderly conduct caused by the influence of alcohol and/or other drugs.
4. Use, possession, or distribution of narcotic or other controlled substances except as permitted by law.
5. Providing or facilitating the use, possession, or distribution of narcotic or other controlled substances except as permitted by law.

## **5. Theft, Damage and Disregard for Property**

1. No student shall take, attempt to take, or keep in his/her possession items of University property; items or services rented, leased or placed on the campus at the request of the institution; items belonging to students, faculty, staff, guests of the University or student organizations; or items belonging to individuals or businesses off campus without proper authorization.
2. Malicious or unwarranted damage or destruction of items of University property; items rented, leased, or placed on the campus at the request of the institution; items belonging to students, faculty, staff, guests of the University or student organizations; or items belonging to individuals or businesses off campus is prohibited.
3. Selling or attempting to sell a textbook unless the seller is the owner of the textbook or has the permission of the owner to do so.
4. Taking, attempting to take, or keeping items belonging to the library or items placed in the library for display.

## **6. Fire Safety and Sanitation**

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

## **7. Weapons**

Possessing firearms, explosives, other weapons, or dangerous chemicals on University property. The weapons policy can be found at <http://www.police.uga.edu/weapons.html>

## **8. Unauthorized Entry/Use of University Property/Facilities/Keys**

1. Unauthorized entry or attempted entry into any building, office, or other University facility.
2. Making or attempting to make unauthorized use of University facilities.
3. Unauthorized possession, use, or duplication of University keys or other methods of controlled access (i.e. cards, codes).

## **9. Student Housing**

1. Unauthorized entry, attempted entry, or remaining in restricted areas, including roofs, of any University-owned student residence.
2. Failure to comply with policies established in various residence halls for the protection of the privacy, rights, privileges, health or safety of the community. (See *The Community Guide*, published by the Department of University Housing)

## **10. Misuse/Abuse/Theft of Computer Time/Services**

Failure to comply with University computer use policies. Computer use policies can be found online at [www.uga.edu/compsec/use.html](http://www.uga.edu/compsec/use.html)

## **11. Gambling**

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

## **12. Hazing**

The University of Georgia does not condone hazing in any form. Hazing is defined as any intentional, negligent or reckless action, activity or situation that causes another pain, embarrassment, ridicule or harassment, regardless of the individual's willingness to participate. Such actions and situations include, but are not limited to, the following:

- Forcing or requiring the drinking of alcohol or any other substance;
- Forcing or requiring the consumption of food or any other substance;
- Calisthenics (push-ups, sit-ups, jogging, runs, etc);
- "Treeings";
- Paddle swats;
- Line-ups;
- Theft of any property;
- Road trips;
- Scavenger hunts;
- Causing fewer than six (6) continuous hours of sleep per night;

- Conducting activities that do not allow adequate time for study;
- Forcing or requiring nudity at any time;
- Performing acts of personal servitude for members (driving them to class, cleaning their individual rooms, serving meals, washing cars, shopping, laundry, etc);
- Forcing or requiring the violation of University policies, federal, state or local law.

### **13. Interference with the Orderly Operation of the Judicial Process**

1. Unreasonably delaying the judicial process by failing to schedule or appear for a meeting as requested by a judicial officer.
2. Intentionally providing false, distorted, or misrepresented information to a judicial officer or judicial body or knowingly initiating a false complaint.
3. Disrupting the orderly operation of a judicial proceeding.
4. Attempting to discourage an individual's proper participation in, or use of, the judicial process.
5. Harassing and/or intimidating a member of a judicial body or any participant in a judicial proceeding prior to, during, or after that proceeding.
6. Failure to comply with the sanctions imposed under the Code of Conduct.

### **14. Shared Responsibility for Violations**

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

## **VI. JUDICIAL PROCEDURES**

### **Filing a Report**

Incidents of alleged violations of conduct regulations are reported to the Associate Dean of Students for Judicial Programs, Office of Judicial Programs (130 Memorial Hall) or his/her designee. Individuals or groups filing a report should do so in writing and the report should be submitted as soon as possible after the alleged violation. Reports not submitted in writing will be independently verified prior to beginning a judicial investigation. For individuals filing a report, a meeting can be arranged with a staff member in the Office of Judicial Programs to discuss the judicial process. For incidents to be reported in University Housing, individuals or groups filing a report may contact the Area Office where the incident took place.

After receiving a report, a staff member will be assigned to investigate the circumstances of the incident and determine what conduct regulations, if any, are alleged to have been violated.

Reports that indicate the alleged behavior falls outside of the University's jurisdiction and/or does not violate any conduct regulation(s) may result in no action being taken. Additionally, lack of sufficient information may result in no action being taken.

If the staff member, following his/her investigation, finds that the report alleges violations of the conduct regulations and that those alleged violations fall within the University's jurisdiction, he/she will initiate the judicial process.

When an organization is referred to the Office of Judicial Programs and an investigation of alleged violations occurs, the staff member handling the case will notify the President of the organization. The President will act as the representative of the organization throughout the judicial process. The President may designate this responsibility to another active member of the organization by notifying the Office of Judicial Programs in writing.

### **Initiating the Judicial Process**

When a report has been filed, and an investigation begins, the student or organization will receive written notification of the charges from the staff member assigned to the case. That notification will include the date of the report, the alleged Conduct Regulation violation(s), a request to make an appointment, and the contact information for the staff member. The student or organization will be able to provide information about the incident during the meeting.

The student or student organization is responsible for arranging this requested meeting within the parameters stated in the notification. The purpose of the meeting is to insure that the student or organization is sufficiently familiar with the Code of Conduct (including the conduct regulations and judicial process) in order to accurately prepare and present a response to the charges. At this meeting the student or student organization:

1. Will be advised of the right to decline to make any statements or answer questions and that in doing so, no inference to responsibility will be drawn.
2. Will be advised of the pending charges.
3. Will be advised of the report submitted.
4. Will be provided with a copy of the Code of Conduct and any other appropriate written material(s).
5. Will be advised of the procedures through which judicial charges are resolved including the options for and conditions of handling the matter either through informal or formal resolution.
6. Will be advised that an advisor may be present at the judicial hearing. The advisor may not address the judicial body or other persons at the hearing. The role of the advisor will be to consult with the student or organization at reasonable intervals during the hearing.
7. Will be advised to consult further with the Associate Dean of Students for Judicial Programs or his/her designee concerning any question or interpretation of procedure.
8. Will be advised that formal hearings are scheduled to provide the student or organization a minimum of five (5) business days from the date of hearing notification during which to prepare a response.

9. Will be advised that any request for a delay of the hearing must be in writing and submitted to the Associate Dean of Students for Judicial Programs or his/her designee, who will determine whether a delay will be granted.
10. Will be advised that in the event that the University needs to delay the date of a hearing, the student or organization will be notified no less than one (1) business day prior to the originally scheduled hearing. The student or organization will receive a notification of the new hearing at least five (5) business days prior to the new hearing date.

### **Resolution of the Judicial Process**

During the meeting the staff member will determine which, if any, of the alleged charges are to be resolved through the judicial process and advise the student or organization about the options for resolving judicial charges. There are two available options from which the student or organization can choose: (1) informal resolution, or (2) formal resolution (hearing).

#### **Informal Resolution**

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

Some reports received by the Office of Judicial Programs involve possible violations of regulations, but clearly are the result of an unresolved, on-going dispute between students. Other reports do not involve violations of regulations and/or fall outside University jurisdiction, but they too reflect student disputes. In either of these situations, the students will be informed of the option to resolve the matter through mediation. Mediation is a voluntary process that utilizes an impartial, neutral third party who acts as a facilitator to help the parties reach a mutually acceptable outcome. The Office of Judicial Programs can provide information regarding the University's mediation process.

#### **Decisions for Informal Resolution**

If the student or organization decides to resolve the judicial charges informally, and all conditions for such resolution are met, the student or organization will receive a written copy of the decision. The decision will be completed by the staff member handling the case and, upon review, the student will sign a copy indicating agreement with the method of resolution.

## Formal Resolution

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

1. A written “Notification of Hearing” shall be delivered to the student or organization. The notice shall include (1) the specific University conduct regulation(s) which the student or organization is alleged to have violated; (2) the alleged factual circumstances supporting the charges; (3) the date, time and place of the hearing; and (4) a list of potential witnesses and any information that may be presented against the student or organization at the hearing.
2. The notice of hearing must be received by the student or organization at least five (5) business days prior to the hearing date. The student or organization, with the consent of the Associate Dean of Students for Judicial Programs or his/her designee, may waive the minimum notice requirements as long as the waiver is in writing.
3. The student is deemed to have received notice when he/she is personally given a copy of the notice or, in the case of an organization, when any officer of the organization is personally given a copy. If it is not possible to deliver the notice in person, the written notification shall be sent by certified mail, return receipt requested, to the student’s or organization’s most recent local address of record and shall be considered delivered on the date indicated on the signed return receipt. If the notice is returned as undeliverable, the notice will then be sent by certified mail, return receipt requested, to the permanent address of record and shall be considered delivered on the date indicated on the signed return receipt.
4. The student or organization has the right to be assisted by any advisor he/she/it chooses. The student or organization is responsible for presenting his/her/its own case. The advisor may be present, but is not permitted to speak or participate directly in any hearing before a judicial body.

The student or organization may choose to use an advisor from the University Judiciary. A student or organization wishing to use an advisor from the University Judiciary must notify the Office of Judicial Programs in writing within two (2) business days of receiving the “Notification of Hearing.”

5. Two or more students or organizations may be required to participate in a joint hearing if they are alleged to have taken part in the same incident, act, event, or series of related acts. The conduct regulation(s) alleged to have been violated and/or the alleged factual circumstances of the violation need not be identical for participation in a joint hearing.
6. Any student or organization required to participate in a joint hearing may file a request for a separate hearing, citing specific reasons that a joint hearing would unfairly prejudice

the case. A request for a separate hearing must be submitted in writing to the Associate Dean of Students for Judicial Programs or his/her designee within two (2) business days after receipt of the "Notice of Hearing." The Associate Dean of Students for Judicial Programs or his/her designee will make the decision regarding the request and notify the student or organization.

7. The student or organization shall be presumed not to have violated a University conduct regulation until such a violation is proven. The standard of proof shall be preponderance of the evidence.
8. The student/organization or University Advocate may request a delay in the hearing. Such a request must be in writing and submitted to the Associate Dean of Students for Judicial Programs. Reasons for a delay and the proposed length of the delay must be included in the request and a delay is not guaranteed. The Associate Dean of Students for Judicial Programs or his/her designee will consider the request and determine whether a delay will be granted. If the reason given for the request includes the need for more time to prepare for the hearing AND it is determined that adequate notice of hearing was given in accordance with the Code of Conduct, a delay will not be granted. If it is determined that the reasons for requesting the delay show it to be necessary and a delay is granted, the student/organization, University Advocate and the Hearing Panel will be notified no less than one (1) business day prior to the hearing. The student or organization will receive written notification of the new hearing date, time and location at least five (5) business days prior to the new hearing.
9. If the Office of Judicial Programs needs to delay the hearing, the student/organization, University Advocate, and Hearing Panel will be notified no less than one (1) business day prior to the hearing. The student or organization will receive written notification of the new hearing date, time and location at least five (5) business days prior to the new hearing.
10. If a student or an organization fails to attend a scheduled hearing, the Hearing Panel may hear the case at its discretion. Decisions will be made based on the evidence presented and statements made at the time of the hearing.
11. If the University advocate fails to attend a scheduled hearing, the Hearing Panel may hear the case at its discretion. Decisions will be made based on the evidence presented and statements made at the time of the hearing.
12. All hearings of the University Judicial System are open to the public pursuant to the ruling of the Georgia Supreme court in the case of Red & Black Publishing v. Board of Regents of the University System of Georgia except as determined by the Attorney General Office and/or the courts.
13. It is expected that all persons making statements or answering questions at the hearing do so truthfully.
14. The student or the University advocate may request witnesses not be present in the hearing room. These requests are submitted to and approved or denied by the Hearing

Panel. In cases of approved requests, witnesses shall not be allowed to be in the hearing room during the hearing. Each witness will be advised, by the Hearing Panel, to refrain from discussing with any other witness what transpired in the hearing room during his/her presentation. Failure to respect this request may result in being charged with a Code of Conduct violation. Witnesses will be expected to remain available in the event they are recalled or until they are excused by the Panel, but they will not be restricted to a particular room and will not be supervised.

15. Hearings of the University's judicial process are not hearings of precedent. Further, matters of local, state or federal law are not considered during these hearings.
16. The Panel may, at the beginning of the hearing, announce times when they shall recess for meals and announce the time the hearing shall conclude or be continued. Meals will be taken at about the normal time for meals (12:00 NOON and 6:00 PM). No hearing shall last beyond 10:00 p.m. or a reasonable time thereafter. The Panel shall set the date and time for the hearing to resume while all parties are present.
17. The student, student organization, University advocate, or any member of the hearing panel may request a recess. Recesses should be kept short and to a minimum. If they become excessive in number or in length, the person asking for a recess may be asked to provide a reason for his/her/its request. The hearing panel may approve or deny a request for a recess.
18. All hearings will be recorded. A copy of the record may be requested at the student's or organization's expense. The original will be considered the official record of the hearing.
19. The order of the hearing shall proceed as follows:
  - A. The presiding panel member begins the hearing.
  - B. The parties are introduced, and the charges (alleged violations) are read. The presiding panelist will confirm that the student was given notice and understands the charges (alleged violations).
  - C. The presiding panelist will explain the order of the hearing.
  - D. The presiding panelist goes over each side's witness and evidence list for changes to the list or the order in which witnesses will be called. The hearing panel will consider the addition of witnesses and/or evidence that were not previously submitted according to procedure as well as the reason for the late addition(s). The decision to allow the addition(s) is the discretion of the panel.
  - E. All witnesses are asked to testify truthfully.
  - F. The University advocate is asked to share information regarding the alleged violation and pending charges (make an opening statement summarizing alleged charges and introduce witness and evidence information to be presented at the hearing).
  - G. The University advocate presents his/her evidence and/or witnesses.
  - H. Evidence and/or witnesses should be presented in the order indicated on the witness and evidence list.
  - I. After each piece of evidence is presented by the advocate, the student or organization may comment on it or ask questions at the time it is presented.

- J. The panel members may ask questions regarding the advocate's evidence.
- K. The University advocate will call his/her witnesses to make a statement. The advocate may also ask questions of each witness.
- L. The student or student organization is given an opportunity to question each witness.
- M. The Hearing Panel may also ask questions of each witness. When the questioning is concluded, the presiding panelist will ask if anyone (University advocate/student/organization/hearing panel members) wants to recall the witness later in the hearing. If such is not the case, the witness is excused from the hearing.
- N. After the University advocate and all other witnesses sharing information regarding an alleged violation have made statements and/or answered questions, the student or organization is asked to make his/her/its opening statement (a summary of witnesses and evidence to be presented).
- O. The student or organization presents his/her/its evidence and/or witnesses.
- P. Evidence and/or witnesses should be presented in the order indicated on the witness and evidence list.
- Q. After each piece of evidence is presented by the student/organization, the advocate may comment on it or ask questions at the time it is presented.
- R. The panel members may ask questions regarding the student's/organization's evidence.
- S. The student will call his/her witnesses (including his/herself if listed). Each witness may make a statement and/or respond to questions from the student/organization.
- T. The University advocate will have the opportunity to question all witnesses presented by the student
- U. The Hearing Panel may also ask questions of each witness. When the questioning is concluded, the presiding panelist will ask if anyone (University advocate/student/organization/hearing panel members) wants to recall the witness later in the hearing. If such is not the case, the witness is excused from the hearing.
- V. Following the completion of the student's or organization's case, witnesses may be recalled by the University advocate, the student or organization, or the Hearing Panel.
- W. The presiding Panel member will call for a recess after all evidence and witnesses have been presented to allow the University advocate and the student/organization prepare for closing statements.
- X. The University Advocate makes his/her closing statement. No new evidence is allowed; this is an opportunity to summarize key points already made.
- Y. The student/organization makes his/her/its closing statement. No new evidence is allowed; this is an opportunity to summarize key points already made.

## **Decisions for Formal Resolution**

At the conclusion of the hearing the presiding member will call for a recess so that the panel can deliberate. After deliberation and by majority vote the panel will determine whether or not a preponderance of the evidence presented at the hearing indicates that a violation occurred.

If no violation occurred, the panel will indicate that the student/student organization was found not in violation of the charge(s). This decision is recorded on a Formal Hearing Decision Form. The panel will then reconvene the hearing and inform the student or organization of the decision. The student or organization (president) will be asked to sign the Formal Hearing Decision Form to indicate receipt of the decision. The student/organization will receive a copy of the decision.

If the panel finds that a violation(s) did occur, deliberations will then move to a discussion concerning appropriate sanctions. If they panel has made the decision that a student or organization was in violation of the charge(s) they will then have access to prior record information. Prior record will be considered when determining sanction(s). The decision, including the sanctions, is recorded on a Formal Hearing Decision Form and the panel will reconvene the hearing and inform the student or organization of the decision.

All deliberation sessions are closed and are not recorded. Delivery of the decision is considered part of the hearing and is, therefore, recorded and subject to all policies governing the process.

After the decision is given, the hearing is officially concluded. The student or organization will receive a copy of the decision form at the conclusion of the hearing. The student or organization (president) will be asked to sign the Formal Hearing Decision Form to indicate receipt of (not agreement with) the decision. The student/organization will receive a copy of the decision.

If a student or organization does not attend the hearing or the delivery of decision, their absence will be noted on the Formal Hearing Decision Form and it will be sent to student or organization by certified or hand delivered mail.

## **Sanctions**

When it has been determined that a student or organization has violated a University conduct regulation, the hearing panel will assign one or more sanctions. The findings of fact, any particular circumstances, and prior record of the student or organization will be the factors considered by the Hearing Panel when determining any appropriate sanctions.

### **Sanctions for Individuals**

**(also see minimum sanctions for alcohol and other drug violations following this section)**

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

1. Expulsion: Permanent severance of the student's relationship with the University.
2. Suspension: Temporary severance of the student's relationship with the University for a specific period of time. The period of time and any requirements that must be satisfied prior to readmission are to be specified in the decision of the judicial body.
3. Probation: Notice that further finding of responsibility for the violation of any University conduct regulation(s) as specified in the decision of the hearing panel or informal resolution agreement will likely result in suspension or expulsion from the University. The period of probation shall be specified in the decision of the judicial body.
4. Reprimand: Stated disapproval or a warning issued to the student.
5. Restitution: Reimbursement for a loss caused by the student's actions.
6. Community Service: Assignment to work a specific number of hours at a community service site determined by the judicial body and/or the Office of Judicial Programs. Community Service locations exist on and off campus.
7. Restrictions: Terms of probation or reprimand restricting privileges. Such restrictions may include, but are not limited to, identification card privileges and/or parking privileges.
8. Housing Restrictions: Terms of a sanction indicating the loss or restriction of the student's privilege to live in University-owned residences. Such restrictions include, but are not limited to, expulsion (permanent separation) from University housing; suspension (time-specific separation) from University housing; University housing probation (notice that further finding of responsibility could result in housing suspension or expulsion), and/or University housing relocation.
9. Other Educational Sanctions: Projects or assignments designed to educate a student in connection with the effect of his/her behavior. Educational assignments include, but are not limited to, papers, letters of apology, and/or alcohol education (Prime for Life, DUI School, etc).

### **Minimum sanctions for alcohol and other drug violations**

All students found in violation, through the University's Judicial process, of Alcohol and Other Drug Related Misconduct (see Conduct Regulation IV) will receive:

1<sup>st</sup> offense – Alcohol awareness class and probation for the remainder of current semester and for the next 2 semesters (Fall and Spring semesters only) enrolled at the University. Probation extends through summer terms and/or any institutional breaks.

2<sup>nd</sup> offense while on probation – suspension from institution for current semester and 1 subsequent semester (Fall or Spring semesters only). Summer suspension may not be

substituted for a Fall or Spring semester and will be included if suspension is initiated during Spring semester.

These are minimum sanctions. The findings of fact, any particular circumstances, and prior record of the student will be factors considered when determining any appropriate sanctions.

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

- Tuition, Residence Hall costs and fees (suspension does not forgive financial obligations)
- Student Financial Aid including HOPE Scholarship
- Athletic participation and eligibility
- Health insurance (contact your personal health care provider)
- University Housing
- Meal Plan
- Use of University resources and access to University facilities
- Immigration status for international students
- Veterans and dependents of veterans
- Internships, assistantships, and study abroad

*This is not an exhaustive list.*

### **Sanctions for Student Organizations**

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

1. Recommendation for Charter Revocation: An official request to a national office that the local chapter's charter be revoked.
2. Revocation of University Registration: Permanent severance of the organization's relationship with the University.
3. Suspension of University Registration: Temporary severance of the organization's relationship with the University for a specific period of time. The period of time and any requirements, which must be satisfied prior to re-registration, must be specified in the decision of the hearing panel.
4. Probation: Notice that further finding of responsibility for the violation of any University conduct regulation(s) as specified in the decision of the hearing panel or informal resolution agreement will likely result in suspension or revocation of University Registration. The period of probation shall be specified in the decision of the Hearing Panel or the informal resolution agreement.
5. Reprimand: Stated disapproval or warning issued to the student organization.

6. Restitution: Reimbursement for a loss caused by the organization's actions.
7. Community Service: Assignment to work a specific number of hours at a community service site determined by the judicial body and/or the Office of Judicial Programs. Community Service locations exist on and off campus.
8. Restrictions: Restriction of some or all of the organization's activities or privileges, including, but not limited to, social privileges and recruitment privileges.
9. Other Educational Sanctions: Projects or assignments designed to educate an organization in connection with the effect of its member's actions. Educational assignments include, but are not limited to, alcohol awareness programs, and/or risk management programs.

### **Interim Suspension**

In certain circumstances, the Associate Dean of Students for Judicial Programs, or a designee, may impose an interim suspension from the University prior to a hearing before a Judicial Body. Interim suspension may be imposed upon individual students or student organizations only:

1. to ensure the safety and well-being of members of the University community or preservation of University property; or
2. if the student or student organization poses a definite threat of disruption of or interference with the normal operations of the University.

During an interim suspension, the student shall be denied access to the campus (including classes and residential buildings) and/or all other University activities or privileges for which the student might otherwise be eligible. During the interim suspension, the student will be permitted on campus for scheduled meetings with the Associate Dean of Students for Judicial Programs and/or other meetings approved by the Associate Dean of Students for Judicial Programs.

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

### **Notification of Interim Suspension**

Upon receiving a report indicating any of the conditions that warrant interim suspension exist and upon an evaluation of the reliability of that report, the Associate Dean of Students for Judicial Programs shall immediately notify the student, in writing, of the interim suspension. The written notification will be hand delivered or sent by certified mail, return receipt requested. The following information will be contained in that notification:

- a. the University conduct regulation(s) that are alleged to have been violated
- b. a description of the circumstances of the incident as reported to the Associate Dean of Students for Judicial Programs

- c. an explanation of the judicial process
- d. an explanation of the restrictions placed on the student or student organization while on interim suspension
- e. notification that a request for a review of the interim suspension may be made to the Vice President for Student Affairs and Dean of Students or his/her designee within 2 University business days
- f. contact information for the Associate Dean of Students for Judicial Programs and the Vice President for Student Affairs and Dean of Students
- g. clarification that if no request for a review of the interim suspension is made by the student, the interim suspension and judicial charges would be resolved through the judicial process, either informally or formally, as established in the Code of Conduct.

The student or student organization president will have two (2) University business days from the date of receipt of the notification to request a review of the interim suspension. In order for the review to occur, the student or student organization president must schedule, within that two (2) business day period, a date certain for the meeting with the Vice President for Student Affairs and Dean of Students, or his/her designee. The interim suspension will remain in effect until the meeting with the Vice President for Student Affairs and Dean of Students or his/her designee AND a decision regarding the interim suspension has been made. During that meeting, the student may present information that challenges or disputes the interim suspension. Vice President for Student Affairs and Dean of Students may:

1. Overturn the interim suspension. The student/student organization would be immediately reinstated and judicial charges would be handled through the normal judicial process as described in section VI (Judicial Procedures) of the Code of Conduct. The student/student organization would schedule a meeting with the Associate Dean of Students for Judicial Programs to begin that process.
2. Uphold the interim suspension and the judicial process will proceed. The restrictions placed on the student/student organization during the interim suspension would remain in place pending the outcome of the judicial process. The student/student organization would schedule a meeting with the Associate Dean of Students for Judicial Programs to begin that process.

If a review of the interim suspension is not requested or the interim suspension is upheld, the interim suspension and the judicial charges would be resolved through the judicial process, either informally or formally, as described in section VI (Judicial Procedures) of the Code of Conduct. If the criteria for informal resolution are met, the judicial action will be resolved upon the completion Informal Process Agreement form.

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

## **Appeals**

The student or organization may appeal the decision from a formal judicial hearing. Appeal information will be included with the decision issued to a student or organization. Appeal forms are available in the Office of Judicial Programs. All appeals must be in writing and submitted to the Office of Judicial Programs within five (5) University business days of receipt of the decision. The purpose of appeal procedures is to provide the student with the opportunity to bring forward questions regarding substantive or procedural errors that occurred during the process. The appeal process is not intended to grant a new hearing at a higher level. Dissatisfaction with a decision is not grounds for an appeal.

All levels of appeal described in these procedures involve written appeals only. Students or student organizations neither meet with nor make oral presentations to the appellant officer. There may be times, however, when the appellant officer requests a meeting in order to gather further information relative to the matters associated with the appeal.

### **Grounds for Appeal**

Appeals must be based on substantive or procedural errors that are allegedly or believed to be prejudicial and were committed during the process or if new evidence not presented at the hearing is discovered. These errors should be addressed in the written appeal and are described as follows:

1. Procedural errors - when the published procedures of the judicial process were not followed and the error(s) egregiously violated the student's or student organization's rights.
2. Substantive errors - when the evidence presented at the hearing was not sufficient to justify the decision reached or if the sanction(s) imposed is (are) unreasonably harsh based upon the circumstances of the case and the prior record of the student.
3. New evidence - when information, existing at the time of the hearing, was not available or known to exist at the time of the hearing.

When an appeal is received in the Office of Judicial Programs, it will be forwarded to the Vice President for Student Affairs and Dean of Students or his/her designee for review. In addition to the written appeal, the Vice President for Student Affairs and Dean of Students or his/her designee will receive the following information:

1. The record of the hearing
2. All documents and evidence presented at the hearing
3. The written notice of the hearing
4. The hearing panel's decision
5. Any other documents that pertain to the case

The Vice President for Student Affairs and Dean of Students or his/her designee shall determine the method of reviewing these materials and make one of the following determinations:

1. Find no error and uphold the original decision.
2. Find that errors did occur and reverse the decision.
3. Uphold the original finding, but modify the sanction(s).
4. Find that errors did occur and send the case back to the Office of Judicial Programs for a new hearing. In this event the matter will be referred to the Associate Dean of Students for Judicial Programs and will follow published judicial procedures for formal hearings.

The Vice President for Student Affairs and Dean of Students or his/her designee will notify the student, in writing, of the decision. The case materials, including a copy of the decision, will be returned to the Office of Judicial Programs. The decision of the Interim Vice President and Dean of Students or his/her designee is considered final and, if applicable, all imposed sanctions take effect.

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

Students and or Student Organizations may apply for further review by the President of the University only if one of the following sanction(s) was issued by the original hearing body AND upheld by the Vice President for Student Affairs and Dean of Students or his/her designee:

1. Suspension from the University (individual student)
2. Expulsion from the University (individual student)
3. Charter Suspension/Revocation (organization)
4. Revocation of University Registration (organization)

If these conditions exist, the student or organization may submit a written request for further review and submit it to the Office of Judicial Programs within five (5) business days of receiving the decision of the Vice President for Student Affairs and Dean of Students or his/her designee. Any request for Presidential review must be based on procedural or substantive error(s) made by either the original hearing body or the Vice President for Student Affairs and Dean of Students or his/her designee and must involve the sanctions listed above. A review by the President is not considered a matter of right, but is within the sound discretion of the President. If the application for review is granted, the President will appoint a committee comprised of three faculty members or utilize the services of an existing committee to review the case and make a recommendation to the President. Following his/her review of the committee's recommendation, the President will issue his/her decision.

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

## **Application for Review by the Board of Regents**

Only cases that have met the requirements for appeal to the President AND where the sanction was upheld by the President may be permitted to apply for review by the Board of Regents. The application for review shall be submitted in writing to the Executive Secretary of the Board within twenty (20) days of the date of the President's decision. A review of the Board is not considered a matter of right, but is within the sound discretion of the Board. If the application for review is granted, the Board, a committee of the Board, or a hearing officer appointed by the Board, shall investigate the matter and report its/his/her decision within sixty (60) days from the filing date of the application or from the date of any hearing held after the filing date. The decision of the Board shall be final and binding for all purposes.

## **VII. Parental Notification**

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

The Office of Judicial Programs will notify parents or guardians the first time and every subsequent time a student is found to have violated Code of Conduct policies on the use or possession of alcohol or other drugs when he/she is under the age of 21.

## **VIII. Records**

### **Confidentiality of Records**

A student may authorize the release of his/her disciplinary record to any party by making a written request. Any other party seeking access to a record of a University judicial hearing must file a written request pursuant to the Georgia Open Records Act (O.C.G.A. §§ 50-18-70, et seq.) with the Office of Public Affairs. Certain information, such as medical information and social security numbers, may be removed from a student's record before it is released to a third party.

### **Destruction of Records**

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

## **IX. Adoption and Amendments**

Procedures to be followed in conjunction with University judicial hearings and appeals are developed through the efforts of the Office of Judicial Programs in conjunction with the Office of the Vice President of Student Affairs and the University Judiciary. These procedures, and any amendments to the procedures, are formally adopted when recommended by the Associate Dean of Students for Judicial Programs and approved by the Vice President for Student Affairs and Dean of Students. Those wishing to propose new procedures or amendments to existing procedures should contact the Associate Dean of Students for Judicial Program.

University Conduct Regulations are formally adopted by approval of the University Council. For more information regarding this process, contact the Associate Dean of Students for Judicial Programs.

Approved:

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Dr. Rodney D. Bennett  
Vice President for Student Affairs and Dean of Students

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Dr. Alan Campbell  
Senior Associate Dean for Student Support