

III. General Conduct Policies and Procedures

A. Prohibited General Conduct - The following are types of behaviors which constitute violations of the Georgia State University Student Code of Conduct Policies and Procedures and which are prohibited on all real or personal property belonging to or in any way controlled by the University including, but not limited to, violations that occur on the University Campus or that are made/received via University owned/controlled communication or information systems. Any student who is found responsible for any of the following misconduct is subject to the disciplinary sanctions outlined in Section III.B.8.

1. Violation of published Administrative or University policies, rules or regulations including, but not limited to those contained in this Student Code of Conduct and:
 - a) University Harassment Policy and Procedures
 - b) University Housing Community Living Guide
 - c) Library Rules and Regulations
 - d) University Parking Regulations
2. Conduct which is disruptive, obscene, lewd or indecent.
3. Disruption or obstruction of teaching, instructional, research, disciplinary, public service, administration, or other University activities.
4. Engaging in harassing or repeated unwanted contact, including but not limited to, stalking.
5. Verbally threatening, physically abusing, or threatening physical abuse, intimidation, coercion and/or conduct which threatens or endangers the health or safety of self, other students, other members of the University community or campus visitors.
6. Attempted or actual theft of and/or damage to property belonging to the University, any member of the University community or any visitor to the University.
7. Possession of property the student knows or has reason to believe may be stolen or misappropriated.
8. Use, possession, display or storage of any weapon, dangerous instrument, explosive devise, fireworks, or dangerous chemical unless specifically authorized by University officials.
9. Public intoxication or use, possession, consumption, distribution or sale of alcoholic beverages except as expressly permitted by the University's Alcohol Policy (Section IV.C.).
10. Use, consumption and possession or distribution of any narcotic, dangerous drug or controlled substance or possession of drug paraphernalia that would violate the law.
11. Falsification, forgery, alteration, fabrication or misuse of University records, forms or other documents.
12. Making any false statement or misleading information, including by omission, to University officials or committees.
13. Providing or gaining unauthorized access to or use of University property, resources or facilities.
14. Operating a non-chartered or non-approved organization on any property belonging to the University.
15. Engaging in, supporting, promoting or sponsoring hazing.
16. Gambling as prohibited by law.
17. Engaging in any sexual misconduct, including but not limited to, sexual assault, sexual harassment, or public indecency.
18. Commission of any offense prohibited by federal, state or local law.
19. Engaging in discriminatory harassment or other discriminatory activities, whether unlawful or whether prohibited by University policy, on the basis of race, color, sex, religion, creed, age, sexual orientation, gender, disability, veteran status or national origin.
20. 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.
21. Knowingly filing a complaint comprised in whole or part of false accusations.
22. Failure to respond as directed by the Dean of Students on any matter including, but not limited to, a request to meet concerning an issue, or a notice alleging a violation by the Student Code of Conduct.
23. Failure to comply with the sanction(s) imposed for an earlier violation of the Student Code of Conduct.

B. Judicial Procedures for General Conduct Matters

1. Overview of Judicial Matters

- a) Students or groups of students referred for misconduct by members of the University Community are provided the following due process procedures designed to result in a fair, meaningful and just decision.
- b) The Student Code of Conduct applies equally to both students and student organizations, both while on campus and while off campus at activities sponsored, in whole or in part, by chartered organizations.

- c) If you have been referred for a general conduct violation of the Student Code of Conduct, you may seek guidance by calling the Office of the Dean of Students at 404-413-1515.

2. Reporting Violations

- a) Members of the University community who believe a student violation of the Student Code of Conduct Policies and Procedures has occurred should submit a written complaint to the Dean of Students Office.
- b) The complaint must state sufficient facts, including specific name(s), date(s), location(s) and description(s) of the alleged act(s) of misconduct to enable the Dean of Students to decide whether further fact-finding is necessary. The complaint form must be signed by the complainant.
- c) For matters involving complaints of discrimination, discriminatory harassment, sexual harassment or sexual misconduct committed by students or student organizations, the incident should be reported to the Office of the Dean of Students.
- d) For matters involving complaints of discrimination, discriminatory harassment, sexual harassment or sexual –misconduct committed by University faculty or staff, the incident should be reported to the Opportunity Development/Diversity Education Planning. Copies of the University harassment policy and procedures may be obtained at the Opportunity Development/Diversity Education Planning, the Office of the Ombudsperson or online at <http://www.gsu.edu/~wwwfhh/fhb.html>.

3. Investigation

- a) The Dean of Students may conduct an initial investigation to determine whether there is sufficient basis to believe that a violation of the Student Code of Conduct may have occurred. The Dean of Students may decide to interview the complainant and/or other witnesses or to request additional information from the complainant. Based on the initial review, the Dean of Students may choose to initiate charges, not initiate charges or dismiss a case administratively if there is no support for the claim, in fact or in the Code. In cases of sexual misconduct and/or hazing, an investigation of each reported incidence shall occur.
- b) All complaints of discrimination or discriminatory harassment will be initially reviewed by a Pre-Hearing Panel to determine if sufficient information exists to indicate a violation of the Discrimination or Discriminatory Harassment Policies may have occurred. The Pre-Hearing Panel will consist of the Dean of Students, the Assistant Vice President of Opportunity Development/Diversity Education Planning or designee, one Student University Senator, one member of the Senate Cultural Diversity Committee, one member of the Student Judicial Board, and a representative from Legal Affairs. Absent extenuating circumstances, the Pre-Hearing Panel shall meet within three (3) business days of receipt of the written complaint.

4. Charges

If the Dean of Students (or Pre-Hearing Panel in cases of discrimination or discriminatory harassment) determines that there is a sufficient basis to believe that a violation of the Student Code of Conduct may have occurred, then the Dean of Students will promptly notify the student in writing of the alleged violation and will gather further information, if needed, by interviewing witnesses and reviewing documents.

5. Due Process

- a) A student who is charged in a Student Code of Conduct violation must meet with the Dean of Students for a due process meeting within five (5) business days from the signed receipt of the formal notification from the Dean of Students. Referred students must elect a hearing option for resolving the case within the same five (5) business day time frame.
- b) If a student does not contact the Dean of Students for the preliminary meeting, the Dean of Students may proceed with the case at his/her discretion.
- c) At the due process meeting the referred student will be provided with the following:
 - (1) an explanation of the charges;
 - (2) a copy of the Student Code of Conduct;
 - (3) a copy of the complaint, if requested;
 - (4) an explanation of the judicial process;
 - (5) review of the students' due process rights:
 - the right to a notice in writing of any charges;

- the right to admit responsibility for the alleged violation, which requires choosing to have the Dean of Students resolve the case administratively in lieu of a hearing;
 - the right to deny responsibility for the alleged violation and choose between having the Dean of Students resolve the case administratively or having a formal hearing;
 - the right to a fair hearing before a hearing panel, not including those who brought the charges;
 - the right to appear in person at a hearing or not to appear with assurance that the failure to appear shall not be construed as indicative of responsibility;
 - the right to select an advisor of his or her choice to accompany the referred student during the formal hearing;
 - the right to call witnesses to present information in his or her behalf;
 - the right upon request to a list of witnesses who will appear against him or her;
 - the right to confront and cross-examine witnesses and/or accusers;
 - the right to receive a copy of the record of a hearing;
 - and, the right to appeal as indicated in the Code.
- d) A referred student may choose (1) to waive a hearing and have the Dean of Students resolve the case; (2) to have a hearing before the Student Judicial Board; or (3) to have a hearing before the Senate Committee on Student Discipline. At the time a hearing route is decided, the referred student who chooses a hearing before the Student Judicial Board must sign a waiver authorizing the University to release case-related information from his/her educational record to the Student Judicial Board. Choosing not to sign such a release limits a student's hearing options to (1) or (3) above. In cases of alleged sexual misconduct the referred student may choose (1) to waive a hearing and have the Dean of Students resolve the case; or (2) to have a hearing before the Sexual Misconduct Board. The Student Judicial Board may not hear cases of academic honesty.

6. Interim Action

- a) If the University believes a student or student organization poses a significant threat to the health, welfare or property of self or others, then the student or student organization may be immediately removed from class or University owned/controlled property and sanctions, including suspension, may be immediately imposed by the Dean of Students pending the outcome of disciplinary proceedings.
- b) The decision to suspend a student or student organization for an interim period will be communicated in writing to the student, and will become effective immediately as of the date of the written decision.
- c) The interim suspension will remain in effect until a final decision has been made on the pending charges or until the Dean determines that the reasons for imposing the interim suspension no longer exist.
- d) A student who is suspended for an interim period will be provided an opportunity to respond to the allegations of misconduct no later than five (5) business days following the effective date of the interim suspension.
- e) The Dean of Students may impose other forms of interim action, such as immediate removal from university housing, other locations, or exclusion from one or more classes.
- f) A student who is charged with or indicted for a felony or crime involving moral turpitude, in any jurisdiction, may be suspended pending the disposition of the criminal charges against the student. Upon request, the student shall be accorded a hearing to establish that continued presence as a member of the student body 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. Upon resolution of the criminal proceedings, the student may be subject to University disciplinary action.
- g) Failure or refusal to respond to the Dean of Student's requests may result in the immediate placement of a hold on the involved student's records and further sanctions up to and including suspension or expulsion may be imposed in the student's absence. The equivalent sanction for a student organization would be a temporary restriction of some or all of the organization's activities (except in cases of alleged discriminatory harassment, in which case the student organization shall be subject to sanctions up to suspension of its University charter for one (1) year).

7. Resolution Options

- a) Mediation:

With the prior written consent of the Georgia State University Dean of Students any student or group of students involved in a general (nonacademic) conduct matter may elect to have the matter informally resolved through mediation in the Georgia State University Office of the Ombudsperson. If the matter is not resolved through mediation, then it will be referred to and resolved through the Georgia State University general (nonacademic) conduct matter judicial system.
- b) Administrative Hearing:
 - (1) A student may waive the right to a formal hearing and have the case heard administratively by the Dean of Students.
 - (2) The Dean of Students, in his or her sole discretion, may decide to personally hear the case or designate another to hear the matter.
 - (3) The Dean of Students will meet with the student and determine whether it is more likely than not that a violation of the Student Code of Conduct has occurred and, if so, the appropriate disciplinary sanction to apply.
 - (4) If necessary, witnesses may be interviewed and further information may be gathered to determine responsibility.
 - (5) In determining the sanction, the Dean will consider any mitigating or aggravating factors, including any prior violations of the Student Code of Conduct.
 - (6) The Dean of Students will inform the student of the decision in writing. The written decision will include a statement of the charges, the determination, and the sanction to be imposed, if any.
- c) Student Judicial Board or Senate Committee on Student Discipline or Sexual Misconduct Board:
 - (1) Composition of Hearing Panels
 - (a) Student Judicial Board hearings will be conducted by a Hearing Panel composed of three. One member, designated the chairperson, will serve as the presiding officer.
 - (b) Senate Committee on Student Discipline Committee hearings will be conducted by a Hearing Panel composed of the number of members set forth in Senate Committee on Student Discipline procedures.
 - (c) The Sexual Misconduct Board hearing, as set forth in the Sexual Misconduct Board procedures, will be conducted by a Hearing Panel comprised of two faculty, two students and one staff. The Dean of Students will identify the chair of the Hearing Panel.
 - (d) Each hearing panel will establish its own rules to govern the selection process for Hearing Panel members.
 - (e) In cases dealing with discrimination, sexual harassment or discriminatory harassment, the Assistant Vice President of Opportunity Development/Diversity Education Planning or designee will sit as an ex-officio member of the committee and will give guidance to the committee.
 - (f) The university will provide training for members of the Student Judicial Board and Sexual Misconduct Board.
 - (2) Pre-Hearing Procedures
 - (a) The Hearing Panel members will be notified in writing of their selection.
 - (b) The chairperson will convene the Hearing Panel as soon as possible following receipt of the student's selection of a hearing route.
 - (c) The chairperson, who may be assisted by the Dean of Students, will prepare and send a written notice to the student no less than five (5) business days prior to the date set for the hearing. The notice will be delivered personally or by mail directed to the address furnished by the student on his/her hearing request. The notice will include:
 - A statement of the date, time, location and nature of the hearing;
 - A written statement of the charges which specifies the allegations of misconduct in sufficient detail to enable the student to respond;
 - A list of the names of all Hearing Panel members, and the university address of the chairperson.
 - (d) If the student cannot attend the hearing on the date scheduled for the hearing due to extraordinary circumstances, he/she must notify the hearing panel chairperson in writing, no later than three (3) business days prior to the

hearing. The chairperson will determine whether to approve or deny the request to reschedule the hearing.

- (e) No later than three (3) business days prior to the hearing, the parties will exchange the following information in writing:
 - A list of the names of the witnesses who may be called to speak at the hearing;
 - A concise summary of the anticipated statements of each witness;
 - Copies of all documents or notarized statements to be presented at the hearing; and
 - The name and title of the person who will present the information on behalf of the university, and the name of the advisor, if any, who will be present to assist or represent the student.
- (f) A student may challenge the participation of any member of the Hearing Panel on the grounds of personal bias by submitting a written statement to the chairperson setting forth the basis for the challenge no later than three (3) business days prior to the hearing. The chairperson will determine whether to sustain or deny the challenge. If the challenge is sustained, a replacement member will be appointed to serve on the Hearing Panel. If a challenge is filed against the chairperson, the Dean of Students will rule on the challenge.
- (g) Members of the university community will be expected to comply with any request or directive issued by the chairperson in connection with a disciplinary proceeding, unless compliance would result in significant personal hardship or substantial interference with normal university functions.

(3) Hearing Procedures

- (a) Absent extenuating circumstances, the evidence stage of hearings regarding charges against student organizations will be open to the public. All hearings regarding charges against individual students will be closed in accordance with FERPA. The deliberation stage of all hearings shall be closed to all but hearing committee/judicial board members.
- (b) The chairperson will preside at the hearing and will rule upon all procedural matters. The formal rules of evidence will not apply, although objections to the introduction of specific statements or documents may be considered by the chairperson. Information regarding prior misconduct will not be considered for the purpose of determining responsibility, but may after a finding of responsibility has been made, be considered for purposes of determining appropriate sanctions. The chair may establish reasonable limits upon the time allotted to the referred and the complainant for oral presentation and examination of witnesses.
- (c) The complainant will present the information which supports the charges, and will have the burden of showing that a violation of the Student Code of Conduct was more likely than not to have been committed by the student.
- (d) The student who has selected a formal hearing will present statements or written information on his/her own behalf.
- (e) Information - All information, including hearsay, is admissible. Although, the Hearing Panel may exclude information during the Hearing if it is clearly immaterial or irrelevant. The Hearing Panel will determine, during deliberations, the weight or credibility of the information.
- (f) The student who is charged with the misconduct may be assisted throughout the proceeding by an advisor.
- (g) Each party is responsible for insuring the appearance of their witnesses at the Hearing or obtaining written, signed statements from their witnesses.
- (h) A record shall be made of the Hearing. A copy of the record is available to the student(s) at the cost of making the reproduction.
- (i) Witnesses will be excluded from the hearing except during their own statement.
- (j) Student cases may be combined and heard jointly for matters arising from the same set of circumstances or events.
- (k) Any falsification of information or false testimony by any party or witness may subject that party or witness to disciplinary action in accordance with the Student Code of Conduct.

- (l) If, during the course of a hearing, new information is introduced which indicates that additional violations of the code have occurred, the Hearing Panel has the discretion to find the referred responsible.
- (m) Deliberations – Upon the conclusion of the evidence stage of the hearing, the Hearing Panel will adjourn to review the information and make determination of responsibility and appropriate sanctions, if any.
- (n) After deliberating, either the Senate Committee on Student Discipline or the Student Judicial Board shall make a non-binding recommendation to the Dean of Students within five (5) business days of the hearing regarding the responsibility for the violation and appropriate sanction.
- (o) The Dean of Students shall then make a final decision concerning responsibility for the violation and the imposition of sanctions, if any, within five (5) business days of the receipt of the recommendation.
- (p) The Dean of Students will inform the referred of the decision in writing. The written decision will include a statement of the charges, the determination, and the sanction to be imposed, if any. In cases of sexual misconduct or crimes of violence, the complainant will also be notified.

8. Sanctions

- a) Students or student organizations who are found to be in violation of University rules, procedures or policies may be subject to one or more of the following sanctions, which may be imposed on a temporary or permanent basis.
- b) Sanctions take effect as soon as they are imposed by the Dean of Students following a determination of student responsibility for a Code violation and remain in effect unless and until overturned on appeal.
- c) Repeated violations of the Code may result in the imposition of progressively more severe sanctions, although any sanction may be imposed as appropriate under the circumstances.
- d) Students under disciplinary suspension or expulsion may not use University facilities during the term of their sanction.
- e) Sanctions for Individuals:
 - (1) Written Reprimand: A written statement that the student has violated regulations and notice that continuation or repetition of Code violations may result in more severe action.
 - (2) Educational Sanctions: Sanctions assigned by the Dean of Students such as community service, letters of apology, educational workshop, essays or research papers.
 - (3) Disciplinary Probation: Removal of the student from good disciplinary standing. Additional restrictions may also be imposed. Probation will last for a stated period of time and until specific conditions, if imposed, have been met. Any violation of these rules, the conditions of probation or other University rules committed during the probationary period will subject the student to further discipline, including suspension or expulsion.
 - (4) Restitution: Reimbursement for damage or loss caused to others.
 - (5) Suspension: Exclusion from classes and other student privileges for a defined period of time.
 - (6) Expulsion: Permanent termination of student status in the University community.
- f) Sanctions for Student Organizations:
 - (1) Written Reprimand: A written statement that the student organization has violated regulations and notice that continuation or repetition of Code violations may result in more severe action.
 - (2) Restrictions: Restriction of some or all of the organization's activities or privileges, including, but not limited to, use of university facilities, social or recruitment activities.
 - (3) Suspension of University Charter: 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.
 - (4) Recommendation for Charter Revocation: An official request to a national office that the local chapter's charter be revoked.
 - (5) Revocation of University Charter: Permanent severance of the organization's relationship with the University.

- (6) Educational Sanctions: Sanctions specified by the Dean of Students such as alcohol awareness programs, risk management programs, community service, letters of apology, education workshops, essays or research papers.

9. Appeals in General Conduct (Nonacademic) Matters

- a) To the Vice President for Student Affairs: Appeals of the decisions of the Dean of Students including the dismissal of complaints for lack of sufficient information, may be made in writing to the Vice President for Student Affairs within five business days after the decision is made. Grounds for appeals are limited to new information that was not presented at the hearing, procedural errors, or that the sanction is disproportionately severe. The Vice President has the authority to remand, reverse or change the decision; decrease, increase or add sanctions; and, make new charges. Absent extenuating circumstances, the Vice President will make a decision on the appeal within 15 calendar days.
- b) To the President: Appeals of the decision of the Vice President for Student Affairs may be made to the President of the University within five business days after the vice president's decision is made. The President has the authority to remand, reverse or change the decision; decrease, increase or add sanctions; and, make new charges. The President's decision shall be final at the University level. Absent extenuating circumstances, the President will make a decision on the appeal within 15 calendar days.
- c) To the Board of Regents Should the aggrieved person be dissatisfied with the decision of the University President, he or she may apply to the Board of Regents of the University System of Georgia, without prejudice to his or her position, for a review of the decision. The application for review must be submitted in writing to the executive secretary of the Board within a period of 20 calendar days following the decision of the President. This application for review shall state the decision complained of and the redress desired. A review by the Board is not a matter of right but is within the sound discretion of the Board. If the application for review is granted, the Board will, absent extenuating circumstances, investigate the matter thoroughly and render its decision thereon within 60 calendar days from the filing date of any hearing that may have been held. The Board has the authority to remand, reverse or change the decision; decrease, increase or add sanctions; and, make new charges. The decision of the Board shall be final and binding for all purposes.
- d) In the event any position in the appeal route is vacant, the appeal should be directed to the individual holding the next-listed filled position.

10. Parental/Guardian Notification of Alcohol and Other Drug Offenses

As permitted by the Family Educational Rights and Privacy Act (FERPA), the Office of the Dean of Students sends written notice to parents/guardians of minor students who are found responsible for alcohol or other drug violations of the Code.

11. Student Judicial Records

Student disciplinary records are educational records governed by the Family Educational Rights and Privacy Act (FERPA). As educational records, disciplinary records are generally not subject to release without written authorization by the student or a lawfully-issued subpoena. However, in cases of sexual misconduct and crimes of violence, FERPA permits Georgia State University to release the final results to the alleged victim without written authorization by the referred student, regardless if whether the student is found responsible. For cases of sexual misconduct and crimes of violence which result in the referred student being found responsible, the final results may be disclosed to anyone. Student organizational records are not education records and are subject to disclosure upon request under the Georgia Open Record Act. Disciplinary records are retained on file by the Office of the Dean of Students for five years past the referred student's graduation date or his/her date of last attendance.

Adopted by the Student Life and Development Committee, April 15, 1992.

Amended and approved by the SLDC, March 18, 2002

Amended and approved by the SLDC, April 15, 2003

Amended and approved by the SLDC, September 18, 2003

Amended and approved by the SLDC, January 15, 2004

Amended and approved by the SLDC, March 18, 2004

Amended and approved by the SLDC, April 15, 2004

Amended and approved by the University Senate, October 21, 2004

Amended and approved by the SLDC, August 26, 2006

Amended and approved by the SLDC, February 22, 2007

Amended and approved by the University Senate, April 5, 2007

Amended and approved by the University Senate, April 17, 2008