



# **GEORGIA SOUTHERN UNIVERSITY**

2018 – 2019

## Code of Student Conduct

Statesboro

Armstrong

Liberty

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## CHAPTER ONE

### I. OFFICE OF STUDENT CONDUCT PRINCIPLES

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Georgia Southern University exists to provide an environment in which intellectual achievement, scholarship, and character development can flourish. The Georgia Southern 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 Georgia Southern campus life must remain aware they are representatives of Georgia Southern 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 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 do 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 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. Georgia Southern University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community.

Representatives from the Student Government Association will have an opportunity to provide input in the formation and evaluation of all policies, rules, and sanctions pertaining to Student Conduct.

The Office of Student Conduct utilizes Georgia Southern University email as its primary means of communication with Students. 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.

## CHAPTER TWO

### II. STUDENT CONDUCT AUTHORITY

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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 not consistent with the provisions of the Code of Student Conduct. The Chief Conduct Officer, in consultation with the Dean of Students Office and the Office of the Provost, will determine the composition of the University Student Conduct Board.

The Chief Conduct Officer shall seek to ensure the University Student Conduct Board and Hearing Officers are representative of the University's Students, Faculty, and Staff members who are willing and able to offer fair and thoughtful consideration of each case heard. Such action may include pursuing disciplinary action for violations of University rules and regulations, policies, violations of national, state, and local laws that occur on-campus, off-campus, or on the internet that adversely affects the educational interest of the University.

#### A. JURISDICTION

Any individual defined as a Student under this Code falls under the jurisdiction of this Code. For incidents that happen on campus or online, processes outlined in this Code will be followed. For incidents occurring off campus, the Vice President of Student Affairs or designee will determine if the interests of the University are affected and thus the incident falls under the scope of this Code. A Respondent may not withdraw from a class where an Academic Dishonesty violation has been alleged or from the University in order to avoid Student Conduct processes.

#### B. STANDARD OF PROOF

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 suspend or expel a Student must be supported by substantial evidence at the hearing.

## CHAPTER THREE

### III. DEFINITION OF TERMS

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- A. 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.
- B. The term "*Charge*" refers to a violation of the Code of Student Conduct.
- C. The term "*Chief Conduct Officer*" refers to the Associate Dean of Students/Director for Student Conduct, or designee, responsible for the oversight and administration of Student Conduct.
- D. The term "*Confidential Employee*" refers to University employees who have been designated by the University's Title IX Coordinator to talk with an alleged victim 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.
- E. The term "*Code*" means the Code of Student Conduct.
- F. The term "*Community*" refers to Students, Faculty, Staff, as well as contractors, vendors, visitors, and Guests.
- G. The term "*Complainant*" refers to any person who has filed a report with the Office of Student Conduct or the Equal Opportunity and Title IX Office of an alleged violation of this Code. The Complainant may not always be the alleged victim.
- H. 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.
- I. 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. 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.
- J. The term "*Day(s)*" refers to any day when the University is open for business and classes are in session.

- K. 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.
- L. The term "*Faculty Member or Faculty*" refers to any person employed by Georgia Southern University to provide instruction or classroom activities.
- M. 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 Hearing Officer or the University Student Conduct Board. As part of this resolution, the Student maintains their right to appeal.
- N. 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).
- O. The term "*Hearing Officer*" refers to any person designated by the Dean of Students or designee to investigate, adjudicate or otherwise resolve any cases of alleged student misconduct.
- P. The term "*Incapacitation*" refers to the physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep, 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.
- Q. The term "*Informal Resolution*" refers to when a Student is charged with a violation of the Code of Student Conduct and the case is resolved by accepting the outcome. By accepting the outcome, the Student waives their right to a formal hearing and waives their right to an appeal.
- R. The term "*Major Violation*" refers to any violation or accumulation of violations, which is likely to result in Status Two, Status Three, Status Four, or any removal from University Housing.
- S. The term "*Minor Violation*" refers to any violation that is not likely to result in de Status Two, Status Three, Status Four, or any removal from University Housing.
- T. 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 touching (or penetrating) of a person's intimate parts (such as genitalia, groin, breasts, or buttocks); touching (or penetrating) a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts.
- U. 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.



- V. 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, and Graduate/Undergraduate Catalogs, and all official publications of the University, whether in print or published on the Internet.
- W. The term "*Privileged Employees*" refer 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.
- X. The term "*Receipt*" refers to the date correspondence is sent to student Georgia Southern email from the Office of Student Conduct.
- Y. The term "*Residence Hall*" refers to any residential space or ground managed by University Housing.
- Z. The term "*Respondent*" refers to any student charged with an alleged violation of the Code of Student Conduct.
- AA. The term "*Responsible Employee*" 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, resident advisors, student managers, orientation leaders).
- BB. 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 was consensual;
  5. Intentional observation of non-consenting 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.
- CC. The term "*Sexual Harassment*" refers to unwelcome verbal, nonverbal, or physical conduct, based on sex or on gender stereotypes, that is implicitly or explicitly a term or condition of employment or status in a course, program, or activity; is a basis for employment or educational decisions; or 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.

- DD. The term "*Sexual Misconduct*" includes, but is not limited to, such unwanted behavior as Dating Violence, Domestic Violence, nonconsensual sexual contact, Sexual Exploitation, Sexual Harassment and Stalking.
- EE. 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 his or her 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. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.
- FF. 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 not limited to SOAR participants, Ogeechee Technical College, and East Georgia College students taking courses on the Georgia Southern University campus.
- GG. The term "*Student Conduct Record*" refers to the history of responsible findings a student has with the Office of Student Conduct. This includes Academic Dishonesty, Behavioral Conduct and Sexual Misconduct cases.
- HH. The term "*Student Group*" or "*Group*" refers to any number of persons who associate with each other for a common purpose but are not a Registered Student Organization.
- II. The term "*Registered Student Organization*" or "*Organization*" refers to any number of persons who have completed the requirements for being a Registered Student Organization. This definition includes any Greek Lettered student groups registered as a Student Organization at Georgia Southern University.
- JJ. The term "*Student Conduct Record*" refers to the student's disciplinary record kept on file within the Office of Student Conduct.
- KK. The term "*System Director*" refers to the University System of Georgia 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.
- LL. The term "*University*" means Georgia Southern University or Georgia Southern and includes the Statesboro Campus, Armstrong Campus, Liberty Campus, The Coastal Georgia Center and all online

Students.

- MM. The term "*University Event*" refers to any event (on-campus or off-campus) sponsored or facilitated by the University, a Student Group, or a Student Organization.
- NN. The term "*University Official*" refers to and includes any person employed by Georgia Southern University, performing assigned administrative or professional responsibilities.
- OO. 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.
- PP. 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.

## CHAPTER FOUR

### IV. STUDENT RIGHTS AND RESPONSIBILITIES

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#### A. STUDENT RIGHTS

Any Student, Student Group, or Student Organization 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 an Informal or Formal Resolution, the right to question in writing and through the chair of the University Student Conduct Board or Hearing Officer, any individual providing information to the University Student Conduct Board or Hearing Officer.
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 and up to two family members.
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. STUDENT RESPONSIBILITIES

Students Are Expected To:

1. Exercise integrity in all matters, both academic and behavioral in nature.
2. Be fair and courteous with others, treat them fairly and with respect, showing sensitivity to cultural, ethnic, and religious diversity and personal dignity.
3. Accept personal responsibility for appropriate behavior as defined by the Code.
4. Know the violations under this Code and potential sanctions for violating them.
5. Understand they are responsible for knowing and following any additional written or verbal requirements given by Faculty Members which relate to academic or behavioral conduct and which are inherent to the classroom or University functions.
6. Remember they are representatives of Georgia Southern University and they must always conduct themselves in a manner that brings credit upon themselves and the University.

### **C. VICTIM'S RIGHTS**

As a Student of Georgia Southern University, if you feel you are a Victim of a violation either of the law or of the Code of Student Conduct, you have the following rights:

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.
4. To have past unrelated behavior excluded from the hearing.

### **D. 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. Office of Student Conduct will determine whether to sustain or deny the challenge, and if sustained, the replacement to be appointed.

### **E. 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 his or her choosing, and at his or her 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 his or her advisee is present. The advisor may advise his or her 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 his or her 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 FIVE

### V. ACADEMIC DISHONESTY REGULATIONS, PROCEDURES, AND SANCTIONS

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#### 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 (including online services or social media to write papers).
  - 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 Student Conduct.
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 or paraphrased, as original material without identifying the source(s) in an academic paper.
  - 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 engaged in the selling of term papers or other academic materials.

## **B. ACADEMIC DISHONESTY PROCEDURES**

### **1. Reporting**

Reports should be submitted to the Office of Student Conduct or the Faculty Member of the class where the alleged violation occurred. Reports will be reviewed to determine if the alleged behavior is in violation of this Code. To report any violation of the Code of Student Conduct 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 Student Conduct will inform the requesting party that Georgia Southern University generally cannot guarantee confidentiality. The Office of Student Conduct 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 Georgia Southern University's ability to respond fully to the incident and may limit Georgia Southern University'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 Georgia Southern University's policy.

### **4. False Complaints**

Individuals who intentionally give false statements to a Georgia Southern official, or who submit false complaints or accusations, including during a hearing, shall be subject to disciplinary action pursuant to Georgia Southern University's policy.

## **C. Minor Violation – Informal Resolution**

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

- a. Between the Accusing Faculty Member and the Respondent
  - i. In order for the case to be resolved informally with the accusing Faculty member, both the Faculty Member and the Respondent must agree to both the findings and the sanctions of the Informal Resolution. Any Student accepting the Informal Resolution will also be sanctioned to disciplinary probation by the Office of Student Conduct. The Respondent has three (3) Days to decide whether or not to accept

the Informal Resolution. The Respondent is encouraged to contact the Office of Student Conduct to discuss his or her options.

- ii. A Respondent is eligible for an Informal Resolution only if they have no previous findings of responsibility for the violations listed in this chapter.
- iii. The Faculty Member will provide the Respondent with written notice of a scheduled meeting at least three (3) Days prior to the meeting. The purpose of the meeting will be to review and discuss the Charges before a final decision is reached.
- iv. A third party observer may be present at the request of the Faculty Member or Respondent.
- v. Documentary evidence and written statements may be relied upon by the Faculty Member, as long as the Respondent is allowed to respond to them at the meeting. Respondents may also be allowed to bring relevant witnesses.
- vi. If the Respondent accepts responsibility for the violation, the Faculty Member and Respondent may then resolve the problem in a manner acceptable to both. If the Respondent denies the violation, or does not accept the sanction(s) determined by the Faculty Member, the case must then be referred to the Office of Student Conduct within ten (10) Days.
- vii. Should the Faculty Member conclude there was no violation of the Code of Student Conduct, the case will be closed. The Faculty Member will send all relevant documentation to the Office of Student Conduct.
- viii. 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 Student Conduct and will become part of the Respondent's permanent file. The Respondent will receive a letter from the Office of Student Conduct, outlining the agreed upon outcome of the case.
- ix. 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

- i. Any Respondent with prior findings of responsibility for Academic Dishonesty violations or who is currently on disciplinary probation or Status Two must be referred to the Office of Student Conduct for adjudication.
- ii. In cases where a first Academic Dishonesty violation is sent to be resolved to the Office of Student Conduct, the Student will have the option to resolve the case informally or request a formal hearing. Any Student who wishes to accept the Informal Resolution will receive any academic sanction(s) imposed, and also be sanctioned to disciplinary probation by the Office of Student Conduct. The Respondent has three (3) Days to decide whether or not to accept the Informal Resolution.



#### **D. Minor Violations – Formal Resolution**

1. In a Formal Resolution, the Respondent appears before the University Student Conduct Board for adjudication of their case.
2. The Respondent will be notified in writing of the date, time, and location of the hearing. This notice will also include any alleged violations of the Code of Student Conduct, and the names of the University Student Conduct Board members who will adjudicate the case. The Respondent will then have three (3) Days from the Receipt of this notice to challenge any individual scheduled to be a part of the University Student Conduct Board hearing the case. The composition of the University Student Conduct Board may be challenged only based on a conflict of interest or perceived bias. Challenges should be submitted in writing to the Office of Student Conduct who will render a decision.
3. During the University Student Conduct Board hearing, the Complainant and witness (if applicable) will have the opportunity to be present to answer any questions the University Student Conduct Board may have, as well as any questions the Respondent may have. The Complainant and witness (if applicable) will also have the opportunity to question the Respondent. All questions from the Complainant, witness, and Respondent must be directed in writing to the chair of the University Student Conduct Board. The chair of the University Student Conduct Board will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record.
4. As per Chapter Four, the Respondent is entitled to an Advisor who may advise them and assist in drafting questions. The University Student Conduct Board will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record.
5. The Chief Conduct Officer or designee reserves the right to allow a party to testify in a separate room or from a remote location. If this occurs, the Chief Conduct Officer or designee will ensure proper sequestration in a manner that ensures testimony has not been tainted and the sequestration will not disadvantage any party. If a party is unable to ask questions, the Chief Conduct Officer will work to provide reasonable accommodations to allow the party to ask questions of any person providing testimony.
6. The University Student Conduct Board will determine findings and recommend any authorized sanction or combination of sanctions it deems warranted by the circumstances of the case. Prior conduct history will not be considered until the sanctioning phase of the hearing.
7. A written copy of the University Student Conduct Board's recommendations will be submitted to the Director of Student Conduct or designee as a recommendation for administrative action. The Director of Student Conduct or designee will review the hearing and all associated materials and will either affirm the recommended findings and sanctions or reduce the recommended sanctions. The Director of Student Conduct or designee will submit a final written decision to the Respondent, Faculty Member, and the Office of Student Conduct.
8. If the Respondent refuses to cooperate with the Office of Student Conduct or fails to attend the hearing, the hearing will be held in their absence. If the Respondent is found in violation, sanctions will be recommended.

## **E. Major Violations – Formal Resolution**

1. Notice of Investigation
  - a. The Office of Student Conduct or designee will contact the Respondent at their Georgia Southern University email address to notify them of:
    - i. Preliminary Charges;
    - ii. Possible sanctions;
    - iii. Available support services;
    - iv. Request for recusal for bias procedure;
    - v. The investigator who will be involved;
    - vi. The link to provide a written response;
    - vii. The opportunity to schedule a preliminary meeting;
2. The Respondent will have three (3) Days from the Receipt of this notice to respond. In this response, the Respondent will have the right to admit or deny the allegations, to set forth a defense with facts, witnesses, and documents (written or electronic) to support that defense, and to challenge the assignment of the investigator assigned to the case. The assignment of the investigator may be challenged only on the basis of a conflict of interest or perceived bias. Challenges should be submitted in writing to the Office of Student Conduct who will render a decision concerning the challenge for recusal. A non-response from the Respondent will be considered a general denial of the allegations and no challenge of the investigator.
3. Based on this response, the investigator will interview the Respondent and any incident witnesses, collect and review documents or other physical or electronic information, and perform other steps as appropriate. The investigator will retain written notes and/or obtain written or recorded statements from each interview. The investigator will also keep a record of any proffered witnesses not interviewed, along with a brief, written explanation.
4. The investigator will summarize all information obtained as part of the investigation process in a preliminary investigative report. This preliminary investigative report will indicate resulting Charges (or no Charges), facts and evidence in support of those Charges, witness statements, and possible sanctions. The report will be submitted to the Respondent via the Student email account.
5. The Respondent will have the opportunity to respond in writing or schedule a meeting within three (3) Days of Receipt of this investigative report. The written response should indicate the Respondent's plea to all preliminary Charges and, where applicable, their defense and facts, witnesses, and documents (written or electronic) to support that defense. A non-response from the Respondent will be considered a denial of the Charge(s).
6. The investigator may conduct further investigation determined necessary and warranted by the Respondent's response to the investigative report.
7. The final investigative report will be provided to the University Student Conduct Board and to the Respondent if the case is resolved formally.
8. In a Major Violation Formal Resolution, the Respondent appears before the University Student Conduct Board for adjudication of their case.
9. Upon Receipt of the Formal Resolution notice, the Respondent will have three (3) Days from the Receipt of this notice to respond. In this response, the Respondent will have the right to challenge any individual scheduled to be a part of the University Student Conduct Board hearing the case. The composition of the University Student Conduct Board may be challenged only based on a conflict of interest or perceived bias. Challenges should be submitted in writing to the Office of Student Conduct who will render a decision. A non-

- response from the Respondent will be considered a general denial of the allegations and no challenge of the individuals assigned to the University Student Conduct Board.
10. During the University Student Conduct Board hearing, the Complainant and witness (if applicable) will have the opportunity to be present to answer any questions the University Student Conduct Board may have, as well as any questions the Respondent may have. The Complainant and witness (if applicable) will also have the opportunity to question the Respondent. All questions from the Complainant, witness, and Respondent must be directed in writing to the chair of the University Student Conduct Board. The chair of the University Student Conduct Board will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record. If the Respondent is unable to ask questions, the Chief Conduct Officer will work to provide reasonable accommodations to allow the Respondent to ask questions of any Witnesses or Complainants present.
  11. As per Chapter Four, the Respondent is entitled to an Advisor who may advise them and assist in drafting questions. The University Student Conduct Board will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record.
  12. The Chief Conduct Officer or designee reserves the right to allow a party to testify in a separate room or from a remote location. If this occurs, the Chief Conduct Officer or designee will ensure proper sequestration in a manner that ensures testimony has not been tainted and the sequestration will not disadvantage any party.
  13. The University Student Conduct Board will determine findings and recommend any authorized sanction or combination of sanctions it deems to be warranted by the circumstances of the case. Prior conduct history will not be considered until the sanctioning phase of the hearing.
  14. A written copy of the University Student Conduct Board's recommendations will be submitted to the Director of Student Conduct or designee as a recommendation for administrative action. The Director of Student Conduct or designee will review the hearing and all associated materials and will either affirm the recommended findings and sanctions or reduce the recommended sanctions. The Director of Student Conduct or designee will submit a final written decision to the Respondent, Faculty Member, and the Office of Student Conduct.
  15. If the Respondent refuses to cooperate with the Office of Student Conduct or fails to attend the hearing, the hearing will be held in their absence. If the Respondent is found in violation, sanctions will be recommended.

## **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, Student Group, or Student Organization, 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 hold and a late fee on their Student account. Student Groups or Student Organizations that fail to complete their sanctions by the determined deadline may have additional sanctions assigned including, but not limited to a late fee. The University is not responsible for any financial loss incurred by the Student, Student Group, or Student Organization for any sanction.

3. Institutional Sanctions:

- a. **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.
- b. **Status One** – 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.
- c. **Status Two** – A Student placed on Status Two will be allowed to remain enrolled in school pending the completion of certain assigned sanctions or conditions. If any one condition or sanction is not met within the time allotted, the Student will be consequently charged with Failure to Comply. If the conditions placed on the Student included a prohibition of additional disciplinary findings, a Student on Status Two may be suspended following the exhaustion of all appeals and/or appeal periods at the campus level for additional violations of the Code of Student Conduct. In order to be considered to return to Georgia Southern University after suspension, the Student must complete all sanctions and conditions originally assigned.
- d. **Status Three** – Suspension indicates that a Student, by their actions, has forfeited the privilege of attending Georgia Southern University for a specified period of time. Suspended Students are prohibited from entering 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 that the sanction of suspension is in effect. All Residence Hall fees and deposits may be forfeited. Students must apply for readmission following suspension according to the "Guidelines for Readmission Following Suspension" document from the Office of Student Conduct. Conditions for readmission may be specified. The Student may also be added to the University System of Georgia's Student Disciplinary Actions Reporting System.
- e. **Status Four** – Expulsion is the most serious sanction that can be imposed on a Georgia Southern University 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. **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).
- g. **Educational Sanction(s)** – An educational sanction may consist of the assignment of specific projects to be performed by a Student, Student Group, or Student Organization, 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. 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.

## CHAPTER SIX

### VI. BEHAVIORAL REGULATIONS, PROCEDURES, AND SANCTIONS

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#### 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. Operating a motor vehicle while under the influence of alcohol or while impaired by the consumption of alcohol.
- d. Possession or consumption of alcoholic beverages in public locations on campus, including Residence Hall common spaces; common spaces in Residence Halls 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.
- e. The sale, distribution, or furnishing of alcoholic beverages, or otherwise facilitating consumption of alcohol by persons under the age of 21.
- f. Participation in drinking games or what could be perceived as drinking games, contests, forced or ritualized consumption of alcohol (e.g. beer pong, water pong, flip cup, etc.).
- g. Possession or use of common source containers (e.g. kegs, pony kegs, beer bong)
- h. Providing alcoholic beverages to a person who is intoxicated.
- i. 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 animals.
- b. Bringing any unauthorized animal into any building owned, leased, or controlled by Georgia Southern University.
- c. Excessive noise, or destruction of property from service or assistance animals.
- d. Failure to properly clean up after the animal.

##### 3. Assault

- a. Any physical contact of an insulting or provoking nature.
- b. Any physical abuse, or physical harm of another person.

**4. Classroom Disruption**

- a. Any classroom behavior that interferes with the instructor's ability to conduct class, failure to conform to the faculty member's announced expectations for the classroom, or the ability of other Students to learn.
- b. Use of cell phones or other electronic devices for voice or text communication in class, unless permitted by the faculty member.

**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 of the campus.

**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 official.
- 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 Georgia Southern University 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.

**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 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, bongs, "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.

#### **10. Endangerment**

- a. Placing a Student or the University community 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 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. Failure to follow the instructions of staff and emergency personnel during fire alarms.
- e. The possession, use, manufacture, and/or sale of any incendiary device, i.e. fireworks.
- f. Setting, causing to be set, or participation in setting any unauthorized fire in or on University property.
- g. Use/possession/storing hover boards including self-balancing scooters, battery operated scooters, hands free segways on any property owned, leased, or controlled by Georgia Southern University.

#### **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 his or her 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.
- c. Any act of intimidation or bullying directed against any person or group of persons.

#### **16. Hazing**

- a. Any act, intentional or unintentional, which endangers the emotional, mental, financial, physical health or safety of a Student, with or without their expressed permission, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
- b. Any act, intentional or unintentional, which causes physical discomfort, embarrassment and/or ridicule of another person for the purposes mentioned above participation in Hazing, either by facilitating or encouraging the act, or allowing oneself to be subject to acts of Hazing.

#### **17. 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.



## 18. Sexual Misconduct and Interpersonal Violence

- a. Nonconsensual Sexual Contact: Any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to touching (or penetrating) of a person's intimate parts (such as genitalia, groin, breasts, or buttocks); touching (or penetrating) a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts.
- b. Sexual Exploitation: 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 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.
- c. Sexual Harassment: Unwelcome verbal, nonverbal, or physical conduct, based on sex or on gender stereotypes, that is implicitly or explicitly a term or condition of employment or status in a course, program, or activity; is a basis for employment or educational decisions; or 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.
- d. Dating Violence: Any violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. 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.
- e. Domestic Violence: Any 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.
- f. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her 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. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental

suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

**19. 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 "Campus Advertising, Sales and Solicitation Policy" (see the following link for full policy <http://bf.georgiasouthern.edu/advertising/>).

**20. Student Identification Card Violations**

- 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.

**21. Theft**

- a. Taking, possession, 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.

**22. Threats**

- a. A direct expression to inflict injury or damage.
- b. To cause another person to feel reasonable fear for their safety or well-being.

**23. Tobacco**

- a. The use of all forms of tobacco products on property owned, leased, rented or belonging to Georgia Southern University, 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.

**24. 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.

**25. 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.

## **26. 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 transfer of a file.
- c. Unauthorized use of another individual's identification and password.
- d. Use of computing facilities that interfere with the normal operation of the University computing system.
- e. Use of computing facilities that violate copyright laws.
- f. Use of any unregistered devices on the University network.
- g. Use of tools for port-scanning, "sniffing," or to monitor or read transmissions from other users on the network is prohibited.
- h. Any violation of the University's computer use policies.

## **27. 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

## **28. 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:
  - 1. Occurs on the campus of the University, including all property owned, leased, licensed, or otherwise controlled by the University.
  - 2. Occurs on the premises of any domicile of a recognized Greek letter Organizations.
  - 3. 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.
  - 4. Occurs at any intercollegiate athletic event in which one of the University's teams is participating, home or away.
  - 5. Involves more than one member of the University community; or otherwise adversely affects the University.

## **29. Weapons and Firearms**

- a. No Student shall keep, use, possess, display, or carry any rifle, shotgun, handgun, or other 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) on any property owned, controlled, or leased by the Georgia Southern University unless specifically authorized by the administration or as part of a University-sanctioned event or where allowed by law.
- b. No Student shall use, possess, display or carry any toy weapon which resembles a real weapon.
- c. No Student shall use, possess, display or carry any swords, any illegal knives, any explosives (including fireworks and sparklers), any martial arts weapons or any

devices which are used to threaten the safety and well-being of a person on any property owned, controlled, or leased by the Georgia Southern University unless specifically authorized by the administration or as part of a University- sanctioned event.

- d. Anything that can be used to injure, attempt to injure, or harass another person is considered a weapon.
- e. Illegal or unauthorized possession of weapons that include, but are not limited to: firearms, explosives, other weapons, or dangerous chemicals.
- f. Any violation of federal or state Law against carrying a weapon and/or firearm.
- g. In unclear cases of definition, the context in which a particular object was used or attempted to be used will determine whether it is a weapon.

## **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. To report any violation of the Code of Student Conduct please go to <http://students.georgiasouthern.edu/conduct/>. Any member of the Georgia Southern 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**

Where a Complainant requests that his or her identity be withheld or the allegation(s) not be investigated, the Office of Student Conduct will inform the requesting party that Georgia Southern University generally cannot guarantee confidentiality. The Office of Student Conduct 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 Georgia Southern University's ability to respond fully to the incident and may limit Georgia Southern University'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 Georgia Southern University's policy.

**4. False Complaints**

Individuals who intentionally give false statements to a Georgia Southern official, or who submit false complaints or accusations, including during a hearing, shall be subject to disciplinary action pursuant to Georgia Southern University's policy.

**5. Amnesty**

Individuals are encouraged to come forward and to report violations of policy, notwithstanding their 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 Twelve 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. During an Informal or Formal Hearing, the Respondent and Victim will be given the opportunity to present a personal impact statement to the board or hearing officer. Both the Respondent(s) and Victim(s) will receive dual notification of the outcome of any adjudication. More information about the Sexual Misconduct and Interpersonal Violence procedures can be found in Chapter Ten.

**C. MINOR VIOLATIONS**

**1. Notice of Charges**

- a. The Office of Student Conduct or designee will contact the Respondent via their Georgia Southern University email address to notify them of:
  - i. The Charge(s);
  - ii. Request for recusal for bias procedure;
  - iii. Possible sanctions;
  - iv. Date/Time of meeting.
- b. The Respondent will have three (3) Days from Receipt of this notice to challenge the assignment of the Hearing Officer assigned to the case. The assignment of the Hearing Officer may be challenged only based on a conflict of interest or perceived bias. Challenges should be submitted in writing to the Dean of Student Services or the Associate Dean of Students, who will render a decision. A non-response from the Respondent will be considered a general denial of the allegations and no challenge of the Hearing Officer assigned.

**2. Minor Violations – Informal Resolution**

- a. In an Informal Resolution, the Respondent will meet with the Office of Student Conduct or designee to resolve their case.
- b. The Hearing Officer will provide the Respondent with written notice to schedule a meeting at least three (3) Days after Receipt of the notice of charges letter. The purpose of the meeting will be to review and discuss the Charges before a final decision is reached.
- c. A third party observer may be present at the request of the Respondent.

- d. The Respondent will have the opportunity to review any and all information pertaining to the Charge(s).
- e. The Hearing Officer will find the Respondent responsible or not responsible for the Charge(s). If the Respondent accepts the Informal Resolution, they waive their right to a formal hearing and an appeal. The Respondent will be notified of the outcome of the Informal Resolution meeting no later than three (3) Days after the meeting occurred.
- f. If the Respondent does not accept the offered Informal Resolution, they can have their case resolved before the University Student Conduct Board or a Hearing Officer for a Formal Resolution.
- g. The Chief Conduct Officer or designee may refer any case to the University Student Conduct Board or Hearing Officer.
- h. If the Respondent fails to attend the Informal Resolution, a Formal Resolution will be scheduled in their absence. The Respondent will be notified within three (3) Days of the scheduled date.

### 3. Minor Violations – Formal Resolution

- a. In a Formal Resolution, the Respondent appears before the University Student Conduct Board or Formal Hearing Officer for adjudication of their case.
- b. The Respondent will be notified in writing of the date, time, and location of the hearing. This notice will also include a statement of the alleged behavior, any alleged violations of the Conduct, and the names of the University Student Conduct Board members who will adjudicate the case. The Respondent will then have three (3) Days from the Receipt of this notice to challenge any individual scheduled to be a part of the University Student Conduct Board hearing the case. The composition of the University Student Conduct Board may be challenged only on the basis of a conflict of interest or perceived bias. Challenges should be submitted in writing to the Office of Student Conduct who will render a decision.
- c. During the University Student Conduct Board hearing, the Complainant and witness (if applicable) will have the opportunity to be present to answer any questions the University Student Conduct Board may have, as well as any questions the Respondent may have. The Complainant and witness (if applicable) will also have the opportunity to question the Respondent. All questions from the Complainant, witness, and Respondent must be directed in writing to the chair of the University Student Conduct Board.
- d. The chair of the University Student Conduct Board will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record.
- e. As per Chapter Four, the Respondent is entitled to an Advisor who may advise them and assist in drafting questions. The University Student Conduct Board will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record.
- f. The Chief Conduct Officer or designee reserves the right to allow a party to testify in a separate room or from a remote location. If this occurs, the Chief Conduct Officer or designee will ensure proper sequestration in a manner that ensures testimony has not been tainted and the sequestration will not disadvantage any party. If a party is unable

to ask questions, the Chief Conduct Officer will work to provide reasonable accommodations to allow the party to ask questions of any person providing testimony.

- g. The University Student Conduct Board will determine findings and recommend any authorized sanction or combination of sanctions it deems to be warranted by the circumstances of the case. Prior conduct history will not be considered until the sanctioning phase of the hearing.
- h. A written copy of the University Student Conduct Board's decision will be submitted to the Dean of Students or designee as a recommendation for administrative action. The Dean of Students or designee will review the hearing and all associated materials and will either affirm the findings and sanctions or reduce the recommended sanctions. The Dean of Students or designee will submit a final written decision to the Respondent and Office of Student Conduct. The Respondent retains their appeal rights as stated in Chapter Four of this Code.
- i. If a Respondent refuses to cooperate with the Office of Student Conduct or fails to attend the hearing, the hearing will be held in their absence. If the Respondent is found in violation, sanctions will be recommended.

#### **D. MAJOR VIOLATIONS**

##### **1. Notice of Allegation(s) and Investigation**

- a. The Office of Student Conduct will contact the Respondent at their Georgia Southern University email address to notify them of:
  - i. Preliminary Charges;
  - ii. Possible sanctions;
  - iii. Available support services;
  - iv. Recusal for bias;
  - v. The investigator who will be involved;
  - vi. The link to provide a written response;
  - vii. The opportunity to schedule a preliminary meeting.
- b. Upon Receipt of the written notice, the Respondent will have three (3) Days from the Receipt of this notice to respond. In this response, the Respondent will have the right to admit or deny the allegations, to set forth a defense with facts, witnesses, and documents (written or electronic) to support that defense, and to challenge the assignment of the Investigator assigned to the case. The assignment of the Investigator may be challenged only based on a conflict of interest or perceived bias. Challenges should be submitted in writing to the Office of Student Conduct who will render a decision. In the event the investigator is the Chief Conduct Officer the challenge should be submitted in writing to the Dean of Students. A non-response from the Respondent will be considered a general denial of the allegations and no challenge of the Investigator.
- c. Based on this response, the Investigator will interview the Respondent and any incident witnesses, collect and review documents or other physical or electronic information, and perform other steps as appropriate. The Investigator will retain written notes and/or obtain written or recorded statements from each interview. The Investigator will also keep a record of any proffered witnesses not interviewed, along with a brief, written explanation.
- d. The Investigator will summarize all information obtained as part of the investigation process in a preliminary investigative report. This preliminary investigative report will indicate resulting Charges (or no Charges), facts and evidence in support of those

Charges, witness statements, and possible sanctions. The report will be submitted to the Respondent in person or via email.

- e. The Respondent will have the opportunity to respond in writing within three (3) Days to this investigative report. This response should indicate the Respondent's plea to all preliminary Charges and, where applicable, their defense and facts, witnesses, and documents (written or electronic) to support that defense. A non-response from the Respondent will be considered a denial of the Charge(s).
- f. The Investigator may conduct further investigation determined necessary and warranted by the Respondent's response to the investigative report.
- g. The final investigative report will be provided to the Respondent and University Student Conduct Board if the case is resolved formally.

## 2. Major Violations – Informal Resolution

- a. In an Informal Resolution, the Respondent will meet with a Hearing Officer to resolve their case.
- b. The Respondent will have the opportunity to respond in writing and to review all case materials as stated above.
- c. The Hearing Officer will find the Respondent responsible or not responsible for the alleged violation(s). The Respondent will be notified of the outcome of the Informal Resolution meeting no later than three (3) Days after the meeting occurred. If the Respondent accepts the Informal Resolution, they waive their right to a formal hearing and an appeal.
- d. If the Respondent fails to attend the Informal Resolution, the case will be referred to the University Student Conduct Board for adjudication.

## 3. Major Violations – Formal Resolution

- a. In a Formal Resolution, the Respondent appears before the University Student Conduct Board or a Hearing Officer for adjudication of their case.
- b. The Respondent will be notified in writing at least three (3) Days in advance of the date, time, and location of the hearing. This notice will also include:
  - i. A statement of the alleged behavior;
  - ii. Formal Charges;
  - iii. Potential sanctions;
  - iv. Available support services;
  - v. The names of the University Student Conduct Board members who will adjudicate the case.
- c. Upon Receipt of the written notice, the Respondent will have three (3) Days from the Receipt of this notice to respond. In this response, the Respondent will have the right to admit or deny the allegations, to set forth a defense with facts, witnesses, and documents (written or electronic) to support that defense, and to challenge any individual scheduled to be a part of the University Student Conduct Board hearing the case. The composition of the University Student Conduct Board may be challenged only on the basis of a conflict of interest or perceived bias. Challenges should be submitted in writing to the Office of Student Conduct who will render a decision. A non-response from the Respondent will be considered a general denial of the allegations and no challenge of the individuals assigned to the University Student Conduct Board. The Respondent may also elect to waive their right to respond in writing and review



the case material and to proceed directly to a University Student Conduct Board hearing.

- d. During the University Student Conduct Board hearing, the Complainant will have the opportunity to be present to answer any questions the University Student Conduct Board may have, as well as any questions the Respondent may have. The Complainant will also have the opportunity to question the Respondent. All questions from the Complainant and Respondent must be submitted in writing to the chair of the University Student Conduct Board. The University Student Conduct Board will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record.
- e. As per Chapter Four, the Respondent is entitled to an Advisor who may advise them and assist in drafting questions. The University Student Conduct Board will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record.
- f. The Chief Conduct Officer reserves the right to allow a party to testify in a separate room or from a remote location. If this occurs, the Chief Conduct Officer will ensure proper sequestration in a manner that ensures testimony has not been tainted and the sequestration will not disadvantage any party.
- g. The University Student Conduct Board will determine findings and recommend any authorized sanction or combination of sanctions it deems to be warranted by the circumstances of the case. Prior conduct history will not be considered until the sanctioning phase of the hearing.
- h. A written copy of the University Student Conduct Board's decision will be submitted to the Dean of Students or designee as a recommendation for administrative action. The Dean of Students or designee will review the hearing and all its associated materials and will either affirm the recommended findings and sanctions or reduce the recommended sanctions. The Dean of Students or designee will submit a final written decision to the Respondent and Office of Student Conduct. This written decision will include the findings and sanctions of the case (if any), the rationale for the decision, and the appeal procedure. The Respondent retains their appeal rights as stated in Chapter Eleven of this Code.
- i. If a Respondent refuses to cooperate with the Office of Student Conduct or fails to attend the hearing, the hearing will be held in their absence.

#### **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 Chief Conduct Officer or the 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.
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 Eleven 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.
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. Respondents who fail to complete their sanctions by their determined deadline will be assessed an overdue sanctions fine and a judicial hold. The University is not responsible for any financial loss incurred by the Student for any sanction.
6. Institutional Sanctions:
  - a. **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.
  - b. **Status One** – 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.
  - c. **Status Two** – A Student placed on Status Two will be allowed to remain enrolled in school pending the completion of certain assigned sanctions or conditions. If any one condition or sanction is not met within the time allotted, the Student will be consequently charged with Failure to Comply. If the conditions placed on the Student included a prohibition of additional disciplinary findings, a Student on Status Two may be suspended following the exhaustion of all appeals and/or appeal periods at the campus level for additional violations of the Code of Student Conduct. In order to be considered to return to Georgia Southern University after suspension, the Student must complete all sanctions and conditions originally assigned.
  - d. **Status Three** – Suspension indicates that a Student, by their actions, has forfeited the privilege of attending Georgia Southern University for a specified period of time. Suspended Students are prohibited from entering 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 that the sanction of suspension is in effect. All Residence Hall fees and deposits may be forfeited. Students must apply for readmission following suspension according to the "Guidelines for Readmission Following Suspension" document from the Office of Student Conduct. Conditions for readmission may be specified. The Student may also be added to the University System of Georgia's Student Disciplinary Actions Reporting System.
  - e. **Status Four** – Expulsion is the most serious sanction that can be imposed on a Georgia Southern University 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. **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 will be referred to mediation. The Office of Student Conduct will not take responsibility for the facilitation of these exchanges.
- g. **Fines and Fees** – There are fines for alcohol and/or drug Charges as well as fees for the alcohol and/or drug education programs. Once a fine or fee is added to a Student's account, a hold will automatically be added to the Student's account which will prevent the Student from registering from classes until the fine or fee is paid. There are also fees and fines for other regulations within this Code.
- h. **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.
- i. **Loss of Privileges** – Exclusion of specific privileges as may be consistent with the violation committed, for a designated period of time.
- j. **Residence Hall Suspension** – Separation of the Student from the Residence Halls for a specific period of time. Students who are suspended from the Residence Hall are banned from all Residence Hall buildings and property throughout the duration of the suspension. All Residence Hall fees and deposits may be forfeited.
- k. **Residence Hall Expulsion** – Permanent separation of the Student from the Residence Halls. Students who are expelled from the Residence Hall are banned from all Residence Hall buildings and property indefinitely. Removal from 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.
- l. **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.
- m. **Alcohol Possession and Use** - There is a three-strike policy for Alcohol Possession and Use. Specifics for each offense are outlined below.
  - i. **First Violation** - Students will be placed on Disciplinary Probation for their next three months of enrollment and be required to complete an alcohol education course. There is a fee to register for the course. Students will also be subject to a fine; along with parent notification if Student is under 21 years of age. Students who fail to attend the assigned course will be required to pay for an additional course. Additional sanctions will be assigned at the discretion of the University Student Conduct Board or University Hearing Officers.
  - ii. **Second Violation** - Students will be placed on Disciplinary Probation for their next six months of enrollment and be required to complete an alcohol education course. There is a fee to register for the course. Students will also be subject to a fine; along with parent notification if Student is under 21 years of age. Additional sanctions will be assigned at the discretion of the University Student Conduct Board or Hearing Officers.

- iii. **Third Violation** - Students found responsible for violating the University's alcohol policy for a third time (regardless of the time elapsed between violations) may be suspended for a minimum of one semester. All Residence Hall fees and deposits may be forfeited. Additional requirements pertaining to substance abuse may be a condition for readmission.
- n. **Drugs**
  - i. **First Violation of Less Than One Ounce of Marijuana** - Students will be placed on Disciplinary Probation for their next six months of enrollment and be required to enroll in a drug education course. There is a fee to register for the course. Students will also be subject to a fine; along with parent notification if Student is under 21 years of age. Additional sanctions (i.e. substance abuse evaluation) will be assigned at the discretion of the Student Conduct Board or Hearing Officers.
  - ii. **Second Violation of Less Than One Ounce of Marijuana** - Students found in violation of the University's policy related to misdemeanor drug possession for a second time (regardless of the time elapsed between violations) may be suspended from Georgia Southern University for a minimum of one semester. All Residence Hall fees and deposits may be forfeited. Additional requirements pertaining to substance abuse may be a condition for readmission.
  - iii. **Violation of More Than an Ounce of Marijuana and/or the Sale, Distribution, Manufacture of Marijuana and/or Any Other Drugs** - Students may be suspended from Georgia Southern University for a minimum of one academic year. Additional requirements pertaining to substance abuse may be a condition for readmission.
- o. **Tobacco**
  - i. **First Violation** - Students will receive a Disciplinary warning letter and a letter outlining the University Tobacco policy. Further violation of this policy will result in more severe conduct sanctions. Students will also be subject to a \$25.00 fine. Additional sanctions will be assigned at the discretion of the University Student Conduct Board or University Hearing Officers.
  - ii. **Second Violation** - Students will be placed on Disciplinary Probation for their next three months of enrollment. Students will also be subject to a \$50.00 fine. Additional sanctions will be assigned at the discretion of the University Student Conduct Board or University Hearing Officers.

## CHAPTER SEVEN

### VII. UNIVERSITY HOUSING REGULATIONS

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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** – Refer to Chapter Six of the University Code of Student Conduct under “Alcohol Possession and Use” 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.
  - b. Failure to properly label alcohol containers.
2. **Animals**
  - a. Feeding of stray animals in or around residential facilities (please refer to chapter Six 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. Tampering with/removing window screens or throwing/dropping any item from Residence Hall windows.
  - 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, 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.

**5. Furniture**

- a. Removing 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 without the prior approval of University Housing.

**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, or similar devices within a Residence Hall.
- d. Using skateboards 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 on the grounds of a residential facility other than in appropriate receptacles.
- b. Disposing of non-recyclable trash within a receptacle designated for recyclable materials.
- c. 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.
- 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, 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 or use of items that produces an open flame or any other prohibited 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. Storing or operating any motorized vehicle within a Residence Hall, apartment/suite unit or patio/patio closets.
- 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 six inches from the ceiling; 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, stripper poles, holiday 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.

- d. Affixing any item to a wall, ceiling, or floor in a manner that may create damage to the surface.
- e. Display of any item facing outward toward public spaces in windows of on-campus residential facilities.
- f. Curtains or window treatments that do not possess a fire retardant label from the manufacturer.
- g. 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.

#### **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 Georgia Southern University.
- b. Theft of, possession of, or use of residential facility property without permission;
- c. Destruction of a residential facility or University Housing property.

### **B. INSTITUTIONAL SANCTIONS FOR UNIVERSITY HOUSING REGULATIONS**

Many violations of University Housing Policies come with standard minimum sanctions.

1. **Animals** – Students responsible for violating the Animals Policy will be subject to at least the following sanctions. If an animal is found in the common area, all Students found responsible in the unit will be charged at least the following sanctions. Additional fees may apply for damage or cleaning needs:
  - a. First Offense: \$250.00 fine and a disciplinary warning.
  - b. Second Offense: \$500.00 fine and disciplinary probation.
  - c. Third Offense: Removal from the Residence Hall without refund for the entire term of the contract and further conduct action.
2. **Guests and Visitation** – Students responsible for violating items "d" and/or "e" of the Guests & Visitation Policy may be subject to at least the following sanctions:
  - a. First Offense: \$100.00 fine and disciplinary warning.
  - b. Second Offense: \$200.00 fine and disciplinary probation.
  - c. Third Offense: Referral to the Office of Student Conduct and further conduct action, including possible removal from the Residence Hall without refund.
3. **Littering and Trash Disposal** – Students responsible for violating the Littering/Trash Disposal Policy will be subject to at least the following sanctions:
  - a. First Offense: \$25.00 fine and disciplinary warning.
  - b. Second Offense: \$50.00 fine and disciplinary probation.



- c. Third Offense: Referral to the Office of Student Conduct and further conduct action, including possible removal from the Residence Hall without refund.
4. **Residential Fire Safety** – Students responsible for violating the Residential Fire Safety policy will be subject to at least the following sanctions as well as possible additional sanctions:
- a. **Level One Violations** (i.e. mini fridge, unburnt candle, microwave, holiday decorations, plug in air fresheners, flags/banners, storage of bicycles, and like items):
    - i. First Offense: Disciplinary warning.
    - ii. Second Offense: \$50.00 fine and disciplinary probation.
  - 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. First Offense: \$100.00 fine and possible removal from the Residence Hall without refund and/or suspension from Georgia Southern University.
    - ii. Second Offense: \$200.00 fine and possible removal from the Residence Hall without refund and/or suspension from Georgia Southern University.
  - 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. First Offense: \$500.00 fine, restitution, and possible removal from the Residence Hall without refund and/or suspension from Georgia Southern University.
    - ii. Second Offense: \$1000.00 fine, restitution, and possible removal from the Residence Hall without refund and/or suspension from Georgia Southern University.

## CHAPTER EIGHT

### VIII. UNIVERSITY STUDENT CONDUCT BOARD

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#### A. University Student Conduct Board

1. The University Student Conduct Board will be composed of Students, Faculty, and Staff selected by the Office of Student Conduct. Students not in good standing with the University may not serve. Appointments to the University Student Conduct Board will be made as needed to keep the University Student Conduct Board staffed to adjudicate cases in a prompt manner. These appointments may constitute permanent or temporary replacements as the Office of Student Conduct deems necessary.
2. There must be at least three (3) board members present to hear a case. A majority vote is required for findings and sanction recommendations.
3. 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 and Interpersonal Violence regulations and this Code.

#### B. Training

1. 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 Dean of Students Office.

## CHAPTER NINE

### IX. APPEALS

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#### A. ACADEMIC DISHONESTY

1. All levels of appeal will only be considered for the following reasons:
  - a. To determine whether the original hearing was conducted fairly and in conformity with prescribed procedures, including whether any hearing questions were improperly excluded or whether the decision was biased in nature.
  - b. To determine whether the finding of the case was consistent with the weight of the information.
  - c. To determine whether new information, not available to the Student at the time of the hearing, is relevant to or sufficient to alter the final decision.
2. A Student wishing to appeal may do so to the Associate Vice President/Dean of Students or designee, 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.
3. All appeal requests and responses in this process are transmitted by electronic mail (which accommodates distance learning Students).
4. A Student found responsible for violating this Code will have five (5) Days from the Receipt of the official outcome letter to 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.
5. 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 Associate Vice President/Dean of Students or designee. The Associate Vice President/Dean of Students 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.
6. The Associate Vice President/Dean of Students or designee will make a decision in a reasonable period of time. For cases including Status Two, Status Three and/or Status Four, the decision may be appealed to the Provost or designee as outlined below. For cases not including Status Two, Status Three, Status Four, the decision of the Associate Vice President/Dean of Students or designee is the final institutional action. There is no further right of institutional appeal.
7. When eligible, the decision of the Associate Vice President/Dean of Students or designee may be appealed in writing within five (5) Days to the Provost or designee. The appeal must be submitted to the Office of Student Conduct. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the Provost or designee. 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.
8. The Provost or designee will make a decision in a reasonable period of time. Should the Respondent wish to appeal the Provost or designee's decision, they may appeal to the President.
9. A Student appealing the decision of the Provost or designee will have five (5) Days from the Receipt of the Provost or designee's decision letter to 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.
10. 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 President. The President may:
  - a. Affirm the findings and sanctions.
  - b. Affirm the finding but issue a new sanction of greater or 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.
11. The President will make a decision in a reasonable period of time. Should the Respondent wish to appeal the President's decision, they may appeal to the University System of Georgia Board of Regents in accordance with the [Board of Regents Policy 8.6](#).

## **B. BEHAVIORAL CONDUCT**

1. All levels of appeal will only be considered for the following reasons:
  - a. To determine whether the original hearing was conducted fairly and in conformity with prescribed procedures, including whether any hearing questions were improperly excluded or whether the decision was biased in nature.
  - b. To determine whether the finding of the case was consistent with the weight of the information.
  - c. To determine whether new information, not available to the Student at the time of the hearing, is relevant to or sufficient to alter the final decision.
2. A Student may appeal to the Associate Vice President/Dean of Students or designee, 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.
3. All appeal request and responses in this process are transmitted by electronic mail (which accommodates distance learning Students).
4. A Student found responsible for violating this Code will have five (5) Days from the Receipt of the official outcome letter to 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.
5. 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 Associate Vice President/Dean of Students or designee. The Associate Vice President/Dean of Students 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.
6. The Associate Vice President/Dean of Students or designee will make a decision in a reasonable period of time. For cases including Status Two, Status Three, and/or Status Four, the decision may be appealed to the Vice President for Student Affairs or designee as outlined below. For cases not including Status Two, Status Three, and/or Status Four, the decision of the Dean of Students or designee is the final institutional action. There is no further right of institutional appeal.
7. When eligible, the decision of the Associate Vice President/Dean of Students or designee may be appealed in writing within five (5) Days to the Office of Student Conduct. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the Vice President for Student Affairs or designee. The Vice President for Student Affairs 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.
8. The Vice President for Student Affairs or designee will make a decision in a reasonable period of time. Should the Respondent wish to appeal the Vice President for Student Affairs or designee's decision, they may appeal to the President.
9. A Student appealing the decision of the Vice President for Student Affairs will have five (5) Days from the Receipt of the Vice President for Student Affairs' decision letter to 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.
10. 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 President. The President may:
  - a. Affirm the findings and sanctions.
  - b. Affirm the finding but issue a new sanction of greater or 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.
11. The President will make a decision in a reasonable period of time. Should the Respondent wish to appeal the President's decision, they may appeal to the University System of Georgia Board of Regents in accordance with the [Board of Regents Policy 8.6](#).

### C. SEXUAL MISCONDUCT

1. All levels of appeal will only be considered for the following reasons:
  - a. To determine whether the original hearing was conducted fairly and in conformity with prescribed procedures, including whether any hearing questions were improperly excluded or whether the decision was biased in nature.
  - b. To determine whether the finding of the case was consistent with the weight of the information.
  - c. To determine whether new information, not available to the Student at the time of the hearing, is relevant to or sufficient to alter the final decision.

2. The Respondent or Victim may appeal to the Vice President of Student Affairs or designee, provided the basis for the appeal is limited to the criteria listed above. The case is not eligible for appeal when the Respondent and Victim have accepted an Informal Resolution.
3. All appeal requests and responses in this process are transmitted by electronic mail (which accommodates distance learning Students).
4. When eligible, the Respondent or the Victim will have five (5) Days from the Receipt of the official outcome letter to appeal. The appeal packet will be limited to a review of the record of the case, supporting documents, and the written appeal. The appeal must explicitly state why it is believed an appeal is warranted.
5. The Respondent or Victim 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 Vice President of Student Affairs or designee. The Vice President of Student Affairs 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.
6. The Vice President for Student Affairs or designee will make a decision in a reasonable period of time. Should the Respondent wish to appeal the Vice President for Student Affairs or designee's decision, they may appeal to the President.
7. The Respondent or Victim wishing to appeal the decision of the Vice President for Student Affairs will have five (5) Days from the Receipt of the Vice President for Student Affairs' decision letter to appeal. The appeal packet will be limited to a review of the record of the case, supporting documents, and the written appeal. The appeal must explicitly state why it is believed an appeal is warranted.
8. The Respondent or Victim 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 President. The President may:
  - a. Affirm the findings and sanctions.
  - b. Affirm the finding but issue a new sanction of greater or 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.
9. The President will make a decision in a reasonable period of time. Should the Respondent wish to appeal the President's decision, they may appeal to the University System of Georgia Board of Regents in accordance with the [Board of Regents Policy 8.6](#).

## CHAPTER TEN

### X. SEXUAL MISCONDUCT AND INTERPERSONAL VIOLENCE

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Members of the University community, Guests, and visitors have the right to be free from all forms of sex-based discrimination, including but not limited to, sexual violence, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking. These offenses, whether committed by a stranger, friend or acquaintance are serious offenses. Students engaging in this activity may be subject to both criminal and civil prosecution in a court of law and subject to disciplinary action by Georgia Southern University. In addition to being potentially criminal actions, these offenses are also some of the most underreported crimes on American college campuses. Georgia Southern University encourages Victims of these offenses to report them and to seek assistance from appropriate campus and community resources.

#### A. Sexual Misconduct and Interpersonal Violence

1. Nonconsensual Sexual Contact: Any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to touching (or penetrating) of a person's intimate parts (such as genitalia, groin, breasts, or buttocks); touching (or penetrating) a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts.
2. Sexual Exploitation: 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:
  - a. Invasion of sexual privacy;
  - b. Prostituting another individual;
  - c. Non-consensual photos, video, or audio of sexual activity;
  - d. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity was consensual;
  - e. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
  - f. Knowingly transmitting an STD or HIV to another individual through sexual activity;
  - g. Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or
  - h. Sexually-based bullying.
3. Sexual Harassment: Unwelcome verbal, nonverbal, or physical conduct, based on sex or on gender stereotypes, that is implicitly or explicitly a term or condition of employment or status in a course, program, or activity; is a basis for employment or educational decisions; or 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.
4. Dating Violence: Any violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. 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.
5. Domestic Violence: Any 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.

6. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her 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. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

#### **A. REPORTING SEXUAL MISCONDUCT**

A Complainant or Victim of Sexual Misconduct may, but need not, file a criminal complaint with law enforcement officials; file a misconduct report with a Responsible Employee or the Title IX Coordinator; or file both. A report may be filed anonymously, although anonymous reports may make it difficult for the University to address the complaint. Any individual who believes they have been a Victim of Sexual Misconduct is encouraged to report allegations of Sexual Misconduct promptly.

All reports of Sexual Misconduct alleged to have been committed by a Student must be handled consistently with requirements aforementioned.

All reports of Sexual Misconduct alleged to have been committed by a non-Student member of the Georgia Southern community will be addressed and/or resolved through the University's and the Board of Regents' applicable policies for discipline of non-Students.

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. During an Informal or Formal Hearing, the Respondent and Victim will be given the opportunity to present a personal impact statement to the board or hearing officer. Both the Respondent(s) and Victim(s) will receive dual notification of the outcome of any adjudication.

#### **1. Institutional Reports**

- a. Complainants of Sexual Misconduct who wish to file a report with the University should notify a Responsible Employee or the Title IX Coordinator. Responsible Employees informed about Sexual Misconduct allegations involving any Student should not attempt to resolve the situation, but must notify and report all relevant information to the Title IX Coordinator as soon as practicable. Confidential Employees are not bound by this requirement but may be required to report limited information about incidents without revealing the identities of the individuals involved to the Title IX Coordinator, consistent with their ethical and legal obligations. All members of the University System of Georgia institutions' communities are encouraged to report incidents of Sexual Misconduct promptly.
- b. The Title IX Coordinator's identity and contact information shall be published on the Georgia Southern University website, as well as in any relevant publication. Georgia Southern University has Deputy Title IX Coordinators to whom reports may be made, as



well. Complainants are encouraged to report their complaints in writing, though oral complaints should also be accepted, taken seriously, and investigated, to the extent possible. While complaints should be made as quickly as possible following an alleged incident of Sexual Misconduct, all reports should be accepted regardless of when reported.

- c. The Title IX Coordinator shall refer to the System Director any allegation(s) of Sexual Misconduct that could, standing alone as reported, lead to the suspension or expulsion of the Respondent(s). The System Director will work with Georgia Southern University to determine whether any interim measure(s) are necessary and to assign an investigator who will work under the direction of the System Director or designee, if directed by System Director. If an allegation is not initially identified as one that would lead to the suspension or expulsion of the Respondent(s), but facts arise during the course of the investigation that would require transfer to the System Director, the Title IX Coordinator shall transfer oversight to the System Director or designee. The System Director shall have the discretion to retain oversight or transfer oversight to Georgia Southern University.
- d. **Anonymous Reports**  
Georgia Southern University provides a mechanism by which individuals can report incidents of alleged Sexual Misconduct anonymously. Complainants should understand, however, that it will be more challenging for Georgia Southern University to investigate and to take action upon anonymous reports.
- e. **Retaliation**  
Anyone who, in good faith, reports what they believe to be misconduct under this Policy, or who participates or cooperates in, or 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, cooperating in, or otherwise being associated with an investigation should immediately contact the Title IX Coordinator for Georgia Southern University. Any person found to have engaged in retaliation in violation of this Policy shall be subject to disciplinary action.
- f. **False Complaints**  
Individuals are prohibited from intentionally giving false statements to a system or Georgia Southern University official. Any person found to have intentionally submitted false complaints, accusations, or statements, including during a hearing, in violation of this Policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated under the Code of Student Conduct.
- g. **Amnesty**  
Individuals should be encouraged to come forward and to report Sexual Misconduct notwithstanding their choice to consume alcohol or to use drugs. Information reported by an individual during an investigation concerning use of drugs or alcohol will not be used against the particular individual in a disciplinary proceeding or voluntarily reported to law enforcement; however, individuals may be provided with resources on drug and alcohol counseling and/or education, as appropriate.

## **2. Law Enforcement Reports**

- a. Because Sexual Misconduct may constitute criminal activity, a Complainant also has the option, should they so choose, of filing a report with campus or local police, for his or her own protection and that of the surrounding community. The University may assist the Complainant in reporting the situation to law enforcement officials.
- b. Complainants considering filing a report of Sexual Misconduct with law enforcement should preserve any evidence of Sexual Misconduct, including, but not limited to, the following:
  - i. Clothing worn during the incident including undergarments;
  - ii. Sheets, bedding, and condoms, if used;
  - iii. Lists of witnesses with contact information;
  - iv. Text messages, call history, social media posts;
  - v. Pictures of injuries; and/or
  - vi. Videos.

## **B. HANDLING REPORTS OF SEXUAL MISCONDUCT**

### **1. Support Services**

Once a Student or employee makes a complaint or receives notice that a complaint has been made against them, or the Title IX Coordinator otherwise learns of a complaint of Sexual Misconduct, the Complainant, Respondent and alleged Victim (where applicable) should receive written information about support services, such as counseling, advocacy, housing assistance, academic support, disability services, health and mental services, and legal assistance, available at Georgia Southern University. Information on support services will be provided regardless as to whether an individual elects to go forward with filing a formal complaint of Sexual Misconduct or with notifying law enforcement.

Information on support services will also be provided to Students and employees, regardless of where the alleged misconduct occurs. Available support services are listed on the Georgia Southern University Title IX website.

### **2. Interim Measures**

Interim measures may be undertaken at any point after Georgia Southern University becomes aware of an allegation of Sexual Misconduct and should be designed to protect the alleged Victim and the community. Before an interim suspension is issued Georgia Southern University must make all reasonable efforts to give the Respondent the opportunity to be heard, consistent with the provisions in the policy.

### **3. Jurisdiction**

Georgia Southern University shall take necessary and appropriate action to protect the safety and well-being of its community. Sexual Misconduct allegedly committed by a Student will be addressed by this policy when the misconduct occurs on Georgia Southern University property, or at Georgia Southern University sponsored or affiliated events, or off-campus, as defined by the Georgia Southern University's Code of Student Conduct.

### **4. Advisors**

Both the alleged Victim and Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing at the party's own expense for the express purpose of providing advice and counsel, pursuant to the provisions of this Code.

**5. Informal Resolutions**

Allegations of Sexual Misconduct may be resolved informally, without a determination of misconduct, if all of the following are met:

- a. When Complainant(s) and Respondent agree to an Informal Resolution;
- b. When the initial allegation could not result in expulsion;
- c. When the Complainant(s) and Respondent(s) agree to the terms of the Informal Resolution; and
- d. When the investigator concludes that Informal Resolution is in the best interest of the parties and the Georgia Southern University community.

The alleged Victim(s) and Respondent(s) have the option to end Informal Resolution discussions and request a formal process at any time before the terms of an Informal Resolution are reached. However, matters resolved informally shall not be appealable.

**6. Timeframe**

Efforts will be made to complete the investigation within a reasonable timeframe, which will be determined based upon the allegations, availability of witnesses and/or evidence, etc. in a particular case. When the timeframe will extend past the reasonable timeframe, the parties will be informed of the delay and the reason for the delay. The investigator shall keep the parties informed of the status of the investigation.

**7. Investigations**

All Sexual Misconduct investigations involving a Student Respondent, whether overseen by the University's Title IX Coordinator or the System Director, shall follow the investigation process set forth in Chapter Six of this Code.

**8. Hearings, Possible Sanctions and Appeals**

All Sexual Misconduct hearings, sanctions, and appeals involving a Student Respondent, whether overseen by the University's Title IX Coordinator or the System Director, shall follow the investigation process set forth in Chapter Six of this Code. All Sexual Misconduct adjudication involving an employee Respondent, shall be addressed utilizing the University's employment policies and procedures.

**C. INVESTIGATIVE PROCESS**

1. Georgia Southern University will conduct a thorough and confidential investigation of all complaints of Sexual Misconduct and interpersonal violence. Any act that may violate this policy will subject the offender to sanctions up to and including dismissal after compliance with due process requirements.

2. In order that the University can take measures to correct the behavior, persons who feel that they have been subjected to actions that violate this regulation, and persons who may have knowledge of these violations, should:
  - a. File a report with the Director, Equal Opportunities and Title IX Office or any member of the University's administrative staff OR if anyone is unwilling or unable to file a report during normal business hours, they may call Public Safety at (912) 478-5234 for Statesboro campus or (912) 344-3333 for Armstrong and Liberty campuses.
3. Retaliation against a person who participates in a good faith investigation of a Sexual Harassment complaint is a violation of state and federal laws for which the offender shall be subject to disciplinary action.
4. For more information about the procedures for reporting Sexual Misconduct contact the Equal Opportunities and Title IX Office at (912) 478-5136 or TDD (912) 478-0273 for the Statesboro campus. Inquiries concerning Title IX may be referred to the Title IX Coordinator in the University's Equal Opportunity, the Deputy Title IX Coordinator(s) in the Dean of Student Office, or to the United States Department of Education Office for Civil Rights.

#### **D. WHAT TO DO IF YOU BECOME A VICTIM**

1. If you have been sexually assaulted or physically abused, seek immediate medical attention, preferably within 72 hours of the assault or as soon as possible. Whether the incident or course of conduct occurred on or off-campus you may report the assault to the Department of Public Safety. If the incident or course of conduct has occurred off-campus, it may be reported to the appropriate agency, such as Statesboro Police Department, Bulloch County Sheriff's Office, Savannah Metro Police Department or Chatham 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. Code of Student Conduct violations may be reported to the Office of Student Conduct. In addition, these offenses may be reported to the Title IX Coordinator in the Equal Opportunity and Title IX Office. It is the Victim's option whether or not to seek assistance from law enforcement and campus authorities.
2. You may elect to file criminal charges in a court of law or file a report under the Georgia Southern University Code of Student Conduct, or both.
3. While it is always your option to contact law enforcement, it is important you strongly consider doing so, regardless of whether you intend to press criminal charges, file a report with the Office of Student Conduct, or seek a protective order. When it is established in a court of law a substantial amount of time has elapsed before reporting a sexual assault to law enforcement officials, it may tend to diminish your credibility. If you decide to press criminal charges, it is important a prompt report be on file with the appropriate law enforcement agency. It is important to understand reporting the incident to the police does not obligate you to press criminal charges or file a report with the Office of Student Conduct.
4. Georgia Southern University will investigate complaints of sexual misconduct and interpersonal violence, Domestic Violence, Dating Violence, and Stalking, promptly, fairly, and impartially. Confidentiality, including exclusion of the Victim's personal identifiable information, will be respected to the extent permitted by law if requested by the Victim. Investigations will be conducted by officials who receive annual training on issues related to these offenses, how to

conduct an investigation and hearing process which protects the safety of the Victims and promotes accountability.

5. Know the Victim has the right to have past unrelated behavior excluded from any hearing held pursuant to the Code of Student Conduct.

#### **E. POSSIBLE SANCTIONS FOR SEXUAL MISCONDUCT:**

1. Possible sanctions for a Student found in violation of sexual misconduct may include but are not limited to disciplinary probation, suspension, or expulsion from the University.
2. In any campus disciplinary proceedings related to this policy, the Complainant and the Respondent will be informed of the outcome of the case, along with any sanctions imposed. The Office of Student Conduct may also implement other interim measures, including but not limited to no contact agreements and bans from certain areas of campus. Violation of any, such no contact agreement or ban may result in a separate charge of Failure to Comply. The University may impose an interim suspension when it is determined it is appropriate against a Respondent under this policy (See Chapter Twelve for more information).

#### **F. RIGHTS FOR VICTIM AND RESPONDENT STUDENTS**

In cases of sexual misconduct, both the Victim and the Respondent have the following rights:

1. The Victim has the right to file a report against the Respondent with a violation of law. The Victim may also file a report alleging a violation of the Code of Student Conduct, resulting in an investigation and possible action under the Code of Student Conduct.
2. The Victim has the right to have their name withheld from "timely reports" issued under the Clery Act.
3. Both the Victim and the Respondent have the right not to give testimony.
4. Both the Victim and the Respondent have the right to have an advisor of their choice accompany them throughout the student conduct process.
5. Both the Victim and the Respondent may submit a personal impact statement prior to any sanction being imposed.
6. Both the Victim and the Respondent will be informed simultaneously, in writing, of the outcome of the disciplinary proceeding, and when the result becomes final.
7. Both the Victim and the Respondent may be at the hearing during the presentation of any evidence or material on which a recommendation will be made.
8. In appropriate cases, both the Victim and the Respondent may request reasonable accommodations including but not limited to adjustments in academic programs and campus living arrangements.
9. Both the Victim and the Respondent may appeal the decision (*See Chapter Nine of this Code for more information*).
10. The Victim has the right to have orders of protection, no contact agreements, restraining orders, or similar lawful orders issued by criminal, civil or tribunal courts, enforced on campus.

#### **G. RESOURCES**

Below you will find a list of resources for both the Victim and the Respondent. This is not a comprehensive list.

**For Statesboro campus:**

1. Counseling Services (Student can confidentially report cases of sexual misconduct or interpersonal violence here), (912) 478-5541
2. Health Services (Student can confidentially report cases of sexual misconduct or interpersonal violence here), (912) 478-4636
3. Equal Opportunity and Title IX Office (912) 478-5136
4. Dean of Students Office (912) 478-3326 or at [deanofstudents@georgiasouthern.edu](mailto:deanofstudents@georgiasouthern.edu)
5. Office of Student Conduct (912) 478-0059 or [studentconduct@georgiasouthern.edu](mailto:studentconduct@georgiasouthern.edu)
6. Public Safety-Statesboro Campus, (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
10. East Georgia Regional Medical Center, (912) 486-1000

**For Armstrong and Liberty campuses:**

1. Armstrong Counseling Center (Student can confidentially report cases of sexual misconduct or interpersonal violence here), (912) 344-2529
2. Armstrong Dean of Students (912) 344-2519 or at [armstrongdeanofstudents@georgiasouthern.edu](mailto:armstrongdeanofstudents@georgiasouthern.edu)
3. Armstrong Office of Student Conduct (912) 344-3300 or [armstrongstudentconduct@georgiasouthern.edu](mailto:armstrongstudentconduct@georgiasouthern.edu)
4. Public Safety-Armstrong Campus, (912) 344-3333
5. Georgia Southern Equal Opportunity and Title IX Office (912) 478-5136
6. Savannah-Chatham Metropolitan Police, (912) 351-3400 or 911
7. Chatham County Sheriff's Office, (912) 652-7609 or 911
8. Rape Crisis Center of the Coastal Empire, (912) 233-7273
9. St. Joseph's Hospital, (912)-819-4100
10. Candler Hospital, (912) 819-6000

## CHAPTER ELEVEN

### XI. STUDENT GROUPS AND STUDENT ORGANIZATIONS

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#### A. Student Groups and Student Organizations Rights

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

1. The right to request a copy of the Student Group or Organization's Student Conduct Records.
2. In an Informal or Formal Resolution, the right to question in writing and through the chair of the University Student Conduct Board or Hearing Officer, any individual providing information to the University Student Conduct Board or Hearing Officer.
3. To know the nature of the evidence against them and the names of witnesses scheduled to appear.
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 and up to two family members.
8. 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.
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. Student Groups and Student Organizations' Responsibilities

Student Groups and Student Organizations are expected to:

1. Exercise integrity in all matters, both academic and behavioral in nature.
2. Be fair and courteous with others, treat them fairly and with respect, showing sensitivity to cultural, ethnic, and religious diversity and personal dignity.
3. Accept responsibility on behalf of the organization for appropriate behavior as defined by this Code.
4. Know the violations under this Code and potential sanctions for violating them.
5. Understand they are responsible for knowing and following any additional written or verbal requirements given by faculty members which relate to academic or behavioral Conduct and which are inherent to the classroom or University functions.
6. Remember they are representatives of Georgia Southern University and they must always conduct themselves in a manner that brings credit upon themselves and the University.

#### C. Student Groups and/or Greek-Lettered Organization Sanctions

1. **Group or Organization Sanctions.** When a Student Organization is charged with a violation, the advisor(s), any applicable regional, national, international offices, and the Office of Student Activities will be notified. The official outcome will become part of the Organization's file in the Office of Student Activities and the Office of Student Conduct.

2. A Student Group and 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 have an effect on the type and level of the sanction(s) to be imposed.
3. 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 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. Respondents who fail to complete their sanctions by their determined deadline will be assessed a late fee and a judicial hold. The University is not responsible for any financial loss incurred by the Student Group or Organization for any sanction.
6. Institutional Sanctions:
  - a. **Organizational Disciplinary Warning:** Formal notice from the Office of Student Conduct indicating further violations may result in more severe sanctions.
  - b. **Restitution:** Requiring restitution allows for the compensation of loss, damage or destruction caused by a Student Group or Student 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.
  - c. **Organizational Disciplinary Probation:** A status in which a Student Group or Student Organization is considered to not be in good disciplinary standing with the University. The Student Group or Student Organization may seek and add members and host activities unless otherwise specified. Further violations may result in a temporary or permanent Organizational Suspension.
  - d. **Educational Sanction(s):** An educational sanction may consist of the assignment of specific projects to be performed by a Student Group or Student Organization, 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. 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.
  - e. **Loss of Privileges:** Exclusion of specific privileges such as restriction/exclusion from activities consistent with the violation committed, for a designated period of time.
  - f. **Organizational Social Probation:** During the period of social probation, the Student 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. Student Groups or Student Organizations may host and participate in chapter meetings, council meetings, business meetings,



philanthropy events, and any educational sessions offered through FSL and/or your national office.

- g. **Organizational Suspension:** A status in which the University recognition of a Student Group or Student Organization is removed for a definite period of time. During a period of Organizational Suspension, the Student Group or Student Organization may continue to occupy or hold property, but may not seek or add members, hold or sponsor events, or sponsor or attend any events that are social in nature.
- h. **Organization Expulsion:** A status in which the University recognition of a Student Group or Student Organization is permanently revoked. The Student Group or Student Organization may no longer function or have a presence on University property or at University sponsored activities.

## CHAPTER TWELVE

### XII. ADMINISTRATIVE REGULATIONS

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#### AMNESTY POLICY

Georgia Southern University 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, Georgia Southern University 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 Policy.

- The Georgia Southern University Amnesty Policy is not intended to shield or protect those Students 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 judicial action on a case by case basis regardless of the manner in which the incident was reported.
- If you believe you have a situation which qualifies for amnesty under this policy, 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.

#### A. AMNESTY

##### 1. For those Who Offer Assistance

To encourage Students to offer help and assistance to others, Georgia Southern University pursues a policy of amnesty for violations when Students offer help to others in need. Additionally, at the discretion of the Chief Conduct Officer, amnesty may be extended on a case-by-case basis to the person receiving assistance. No conduct proceedings or disciplinary Charges will result; however, an administrative meeting will be required where educational and support options will be explored.

##### 2. For those who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their violations. No conduct proceedings or disciplinary Charges will result; however, an administrative meeting will be required where educational and support options will be explored.

##### 3. For Victim

Georgia Southern University provides amnesty to Victims who may be hesitant to report to University Officials because they fear they may be accused of policy violations, such as underage drinking, at the time of the incident. No conduct proceedings or disciplinary Charges will result; however, an administrative meeting will be required where educational and support options will be explored.

##### 4. Safe Harbor

Georgia Southern University has a Safe Harbor rule for Students. The University believes Students who have a drug and/or addiction problem deserve help. If any Student brings their own use, addiction, or dependency to the attention of University Officials outside the possibility

of conduct sanctions and seeks assistance, a conduct complaint will not be pursued. No conduct proceedings or Charges will result; however, an administrative meeting will be required where educational and support options will be explored.

## **B. TREATMENT**

If a Student is identified by Georgia Southern University 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:

1. Armstrong and Liberty Campuses:  
*University Counseling Services*; 912-344-2529 or  
<http://students.georgiasouthern.edu/counseling>  
*Office of Alcohol and Other Drugs Programs*; 912-478-0108 or  
<http://Students.georgiasouthern.edu/aod/resources/>
2. Statesboro Campus:  
*University Counseling Center*; 912-478-5541 or  
<http://students.georgiasouthern.edu/counseling>  
*Office of Alcohol and Other Drugs Programs*; 912-478-0108 or  
<http://Students.georgiasouthern.edu/aod/resources/>

## **C. STUDENT CONDUCT POLICY ON PARENTAL/GUARDIAN NOTIFICATION**

Georgia Southern University is committed to the elimination of alcohol and drug abuse within the University community. The University is concerned with the safety and welfare of Students. The approach to violations of the alcohol and drug policy is designed to be proactive. While the primary approach in response to alcohol and drug violations is educational, it should be clear that violations of the alcohol and drug policy will also result in disciplinary sanctions imposed by the University.

The University may notify the parents of any violations of University alcohol or drugs policies for Students who are under the age of 21 on the date of the incident.

### **Exceptions**

1. The parents or legal guardians of Students under the age of 21 who are financially independent from their parents as defined by the Office of Financial Aid will not be notified.
2. The parents or legal guardians of Students under 21 years of age may not be notified under extraordinary circumstances. This will be determined on a case-by-case basis by the Office of Student Conduct in consultation with other offices within the Division of Student Affairs.

## **D. STUDENT CONDUCT ACTIONS/RECREATIONAL FACILITIES STATUS**

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

#### **E. 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 your Student Conduct Record. Students may request a copy of their own Student Conduct Record through the Office of Student Conduct. In accordance with 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 officially withdrawn from Georgia Southern University.

#### **F. INTERIM SUSPENSION**

In certain circumstances, the Associate Vice President/Dean of Students or designee, in consultation with the System Director for the University System of Georgia, may impose a University or Residence Hall suspension prior to a hearing. An interim suspension 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 should 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.

During an interim suspension, Students may be denied access to the Residence Halls and/or to the campus (including classes) and/or all other University activities or privileges for which the Student might otherwise be eligible, as the Student Conduct Officer may determine to be appropriate. The Student will be responsible for working with Faculty Members to make-up any missed work (if possible).

If an interim suspension is imposed, the notice and hearing should follow within ten (10) Days.

#### **G. CODE OF STUDENT CONDUCT REVISIONS**

Georgia Southern University 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 Internet versions.