



GEORGIA SOUTHERN UNIVERSITY

2021 - 2022

Code of Student Conduct

Statesboro

Armstrong

Liberty

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CHAPTER ONE

I. OFFICE OF STUDENT CONDUCT PRINCIPLES

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 as vital to the overall ethical development of its Students.

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

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

The University may apply sanctions or take other appropriate action when the Conduct of a Student 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.

CHAPTER TWO

II. STUDENT CONDUCT AUTHORITY

The Chief Conduct Officer shall develop policies for the administration of the Student Conduct program and the procedural rules for the Conduct of hearings that are consistent with the provisions of the Code of Student Conduct. The Chief Conduct Officer will determine the composition of the University Student Conduct Board.

A. JURISDICTION

Any individual defined as a Student and anybody defined as a “Group” or “Organization” under this Code falls under the jurisdiction of this Code. The processes outlined in this Code will be followed for incidents that happen on University property (including international locations), at University Events, online through the University’s programs, networks, or equipment, or that otherwise violate this Code, regardless of where the conduct occurs. For incidents occurring off campus, the Vice President of Student Affairs or designee will determine if the interests of the University are affected such that the incident falls under the scope of this Code. The Code continues to apply to student conduct while a conduct matter is pending even if the Student withdraws from school.

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 place a Student on Disciplinary Suspension or Expulsion must be supported by substantial evidence at the hearing.

CHAPTER THREE

III. DEFINITION OF TERMS

- 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 Student Conduct & Community Standards, 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 Institution to talk with a Complainant or Respondent in confidence. Confidential Employees must only report that the incident occurred and provide date, time, location, and name of alleged Respondent (if known) without revealing any information that would personally identify the alleged Victim. This minimal reporting must be submitted in compliance with Title IX and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety.
- 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 Office of Equal Opportunity and Title IX 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. The existence of such relationship shall be determined based on the totality of the circumstances including, without limitation to: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

- 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 “*Formal Resolution*” refers to when a Student is charged with a violation of the Code of Student Conduct and the case is resolved by a Single Hearing Officer or the University Student Conduct Board. As part of this resolution, the Student maintains their right to appeal.
- M. 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).
- N. The term “*Hearing Officer*” refers to any person designated by the Chief Conduct Officer or designee to investigate, adjudicate or otherwise resolve any cases of alleged Student Misconduct.
- O. The term “*Incapacitation*” refers to the physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep or any state of unconsciousness, involuntary physical restraint, status as a minor under the age of 16, or from intentional or unintentional taking of alcohol and/or other drugs. Whether someone is incapacitated is to be judged from the perspective of an objectively reasonable person.
- P. The term “*Informal Resolution*” refers to when Students are charged with a violation of the Code of Student Conduct and the case is resolved by accepting the outcome offered by the Hearing Officer. By accepting the outcome, Students waive their right to a formal hearing and waive their right to an appeal.
- Q. The term “*Major Violation*” refers to any violation or accumulation of violations, which is likely to result in Disciplinary Suspension, Expulsion, or any removal from University Housing.
- R. The term “*Minor Violation*” refers to any violation that is not likely to result in Disciplinary Suspension, Expulsion, or any removal from University Housing.
- S. The term “*Nonconsensual Sexual Contact*” refers to any physical contact with another person of a sexual nature without the person’s consent. It includes but is not limited to the touching of a person’s intimate parts (for example, genitalia, groin, breasts, or buttocks); touching a person with one’s own intimate parts; or forcing a person to touch the person’s own or another person’s intimate parts. This provision also includes “Fondling” as defined by the Clery Act.
- T. The term “*Nonconsensual Sexual Penetration*” refers to any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and the genitals or anus of another person. This provision also includes “Rape, Incest, and Statutory Rape” as defined by the Clery Act.

- 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 online.
- 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 “*Reasonable Person*” refers to an individual who is objectively reasonable under similar circumstances and with similar identities to the person being evaluated by the institution.
- Y. The term “*Receipt*” refers to the date correspondence is sent to a Student’s Georgia Southern email.
- Z. The term “*Reporter*” is an individual who reports an allegation of conduct that may violate this Policy but who is not a party to the complaint.
- AA. The term “*Residence Hall*” refers to any residential space or ground managed by University Housing.
- BB. The term “*Respondent*” refers to an individual who is alleged to have engaged in conduct that violates this Policy.
- CC. The term “*Sexual Misconduct*” includes, but is not limited to, such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, nonconsensual sexual penetration, sexual exploitation, sexual harassment and stalking. For more information related to the University’s policy prohibiting Sexual Misconduct and related definitions and procedures, see Chapter Nine.
- DD. The term “*Stalking*” refers to engaging in a course of Conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress. Course of Conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with person’s property. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.
- EE. The term “*Student*” means an individual who has been accepted for admission to the University and maintains a continuing relationship with the University by being enrolled in classes or being eligible to

enroll in classes. Students also include but are not limited to online students, SOAR participants, and Savannah State University, Ogeechee Technical College, East Georgia College, or transient Students taking courses on any Georgia Southern University campus.

FF. The term “*Student Conduct Record*” refers to the Student’s disciplinary record kept on file within the Office of Student Conduct.

GG. The term “*Group*” or “*Organization*” means any association, corporation, order, club, society, fraternity, sorority, athletic team, or a group living together which has students or alumni as its principal members, including local affiliate organizations. This term includes, but is not limited to, Registered Student Organizations.

II. The term “*Responsible Employees*” refers to those employees who must promptly and fully report complaints of or information regarding sexual misconduct to the Title IX Coordinator. Responsible Employees include any administrator, supervisor, faculty member, or other person in a position of authority who is not a Confidential Employee or Privileged Employee. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this Policy (e.g., teaching assistants, residential assistants, student managers, orientation leaders).

JJ. The term “*Sexual Exploitation*” refers to taking non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. Examples of sexual exploitation may include, but are not limited to, the following: 1. Invasion of sexual privacy; 2. Prostituting another individual; 3. Non-consensual photos, video, or audio of sexual activity; 4. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity or capturing of the activity was consensual; 5. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts; 6. Knowingly transmitting an STD or HIV to another individual through sexual activity; 7. Intentionally and inappropriately exposing one’s breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or 8. Sexually-based bullying.

KK. The term “*Sexual Harassment*” (Student on Student) refers to unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes), determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity in violation of Title IX.

LL. The term “*Sexual Harassment*” (other than Student on Student) refers to unwelcome verbal, nonverbal, or physical conduct, based on sex (including gender stereotypes), that may be any of the following:

1. Implicitly or explicitly a term or condition of employment or status in a course, program, or activity;
2. A basis for employment or educational decisions; or
3. Is sufficiently severe, persistent, or pervasive to interfere with one’s work or educational performance creating an intimidating, hostile, or offensive work or learning environment, or interfering with or limiting one’s ability to participate in or to benefit from an institutional program or activity. The University System of Georgia (USG) and Georgia Southern University also prohibit unwelcome conduct determined by a Reasonable Person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a USG education program or activity in violation of Title IX.

- MM.** The term "*System Director*" refers to the University System of Georgia (USG) Staff member who will be notified for any violations of the Code of Student Conduct that may result in separation from the University. The System Director may provide guidance or assistance with the investigation and preparation for a Major Violation.
- NN.** The terms "*University*" and "*Institution*" refers to Georgia Southern University or Georgia Southern and includes the Statesboro Campus, Armstrong Campus, Liberty Campus, all online Students, and the Wexford, Ireland location.
- OO.** The term "*University Event*" refers to any event (on-campus or off-campus) sponsored or facilitated by the University, a Student Group, or an Organization.
- PP.** The term "*University Official*" refers to and includes any person employed by Georgia Southern University, performing assigned administrative or professional responsibilities.
- QQ.** 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.
- RR.** 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

A. STUDENT RIGHTS

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

- a. The right to request a copy of your individual Student Conduct Record.
- b. The right to not give testimony against oneself.
- c. In a Hearing, the right to question in writing through the chair of the University Student Conduct Board or Single Hearing Officer, any individual providing testimony to the University Student Conduct Board or Single Hearing Officer.
- d. To know the nature of the evidence against them and the names of witnesses scheduled to appear.
- e. To receive a written statement of the Charges.
- f. To receive a fair and impartial hearing.
- g. To present evidence and witnesses on their own behalf.
- h. To be accompanied at a hearing by an advisor of their choice.
- i. 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.
- j. To receive a decision based solely on the evidence presented.
- k. To receive a written notice of the decision and sanctions, including rationale for the decision from formal hearings.
- l. To appeal decisions resulting from a formal hearing.

B. 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:

- a. 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.
- b. To have an advisor accompany them throughout the Student Conduct process.
- c. To submit a Victim impact statement prior to a sanction being imposed.

C. RECUSAL/CHALLENGE FOR BIAS

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

D. ROLE OF THE ADVISOR

The Respondent and Complainant (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be an attorney) of the party's choosing, and at the party's own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which the advisor's advisee is present. The advisor may advise the advisor's advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions posed to the advisee, but shall not participate directly during the investigation or hearing process. The University shall not prohibit family members of a party from attending the hearing if the party requests such attendance but may limit each participant to having two family members present. The Respondent will be responsible for presenting the Respondent's case and may be assisted by an advisor. Advisors, including attorneys, are not permitted to represent a Respondent in any portion of Formal Resolution, but may only offer advice to the Respondent. Advisors, including attorneys, may not address the University Student Conduct Board or any member of the University Student Conduct Board, may not question or examine witnesses, and may not act as witnesses in any capacity.

CHAPTER FIVE

V. BEHAVIORAL REGULATIONS, PROCEDURES, AND SANCTIONS

A. BEHAVIORAL REGULATIONS

1. Alcohol Possession and Use

- a. Possession, use, and/or consumption of alcoholic beverages by persons under the age of 21.
- b. Possession of alcohol containers by persons under the age of 21.
- c. 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. Public locations include Residence Hall common spaces which refer to any public space that exists outside the bedroom of a specific residential unit. Examples include, but are not limited to kitchens, living rooms, bathrooms, group study/lounge spaces, laundry rooms, elevator lobbies, computer rooms etc. Common spaces also include the public spaces located on the outside grounds of a Residence Hall. If alcohol is found in the common area, all Students may be charged and/or found responsible.
- e. The sale, distribution, or furnishing of alcoholic beverages, or otherwise facilitating consumption of alcohol for/by persons under the age of 21.
- f. Participation in drinking games or what could be perceived as drinking games, contests, (e.g. beer pong, water pong, flip cup, etc.) by persons under the age of 21.
- g. Possession or use of common source containers (e.g. kegs, pony kegs, beer bong) by persons under the age of 21.
- 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.
- e. Failure to properly maintain control of the animal (i.e., the use of a leash).

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 Faculty'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.

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.
- b. Any damage or destruction of property that is caused by a Georgia Southern University Student (including property not owned or leased by Georgia Southern University).

6. Deception

- a. Any misuse of any University records, forms, or documents through forgery, unauthorized alteration, reproduction, or other means.
- b. Providing false information to law enforcement and/or Georgia Southern University officials.
- c. Possession of any fake, altered, or any other identification that belongs to another person.
- d. Lending, selling, or otherwise transferring an identification card.
- e. Any attempt to perpetrate a fraud against the University or a member of the University community.
- f. Any unauthorized claim to speak and/or act in the name of 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, consumption, or use of an illegal substance (substance controlled by Federal or Georgia law) or synthetic cannabinoid (i.e., Spice or K2).
- b. The manufacture, cultivation, distribution, purchase, or taking delivery of any illegal substance (substance controlled by Federal or Georgia law) or synthetic cannabinoid.
- c. Misuse or improper possession of prescription medication.
- d. The possession and/or use of any drug paraphernalia, i.e. bowls, hookah pipes, bong, "homemade" smoking devices, any other smoking device or smoking paraphernalia.
- e. Operating a motor vehicle under the influence or while impaired by the consumption of substances controlled by federal law, Georgia law, or synthetic marijuana.

- f. Any activity or conduct involving drugs that is in violation of local, state, or federal law.
- g. Groups and Organizations which, through their officers, agents, or responsible members, knowingly permit, authorize, or condone the manufacture, sale, distribution, possession, serving, consumption or use of marijuana, controlled substances, or other illegal or dangerous drugs at any affair, function, or activity of such Group or Organization, social or otherwise. Sanctions for this offense can be found in Chapter Ten.

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. Improper discharge of a fire extinguisher.
- e. Failure to follow the instructions of Staff and emergency personnel during fire alarms.
- f. The possession, use, manufacture, and/or sale of any incendiary device, i.e. fireworks.
- g. Setting, causing to be set, or participation in setting any unauthorized fire in or on University property.

14. Gambling

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

15. Harassment

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

16. Hazing

- a. Any act, intentional or unintentional, regardless of a Student's willingness to participate in such activity, which subjects a Student to an activity which, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership, office, or other status in a Group or Organization:
 - i. Endangers or is likely to endanger the emotional, mental, financial, or physical health or safety of a Student (including, but not limited to, acts that cause or are likely to cause physical discomfort, embarrassment and/or ridicule),
 - ii. Coerces a Student through the use of social or physical pressure to consume any food, liquid, alcohol, drug, or other substance which subjects the Student to a likely risk of vomiting, intoxication, or unconsciousness,
 - iii. Destroys or removes public or private property.
- b. Any other activity that meets the definition of "hazing" under applicable law, including but not limited to the "Max Gruver" Legislation Senate Bill 85 (see the following link for full policy: [Max Gruver Legislation](#)).

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

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

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 <https://digitalcommons.georgiasouthern.edu/cgi/viewcontent.cgi?article=1034&context=controller>).

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

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 or vaporizers.

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

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 orderly operation of 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 create, keep, use, possess, display, or carry any hoax device.
- c. No Student shall use, possess, display or carry any toy or fake weapon which resembles a real weapon.
- d. 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 unless specifically authorized by the administration or as part of a University-sanctioned event.
- e. Anything that can be used to injure, attempt to injure, or harass another person is considered a weapon.
- f. Illegal or unauthorized possession of weapons that include, but are not limited to: firearms, explosives, other weapons, or dangerous chemicals.
- 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.
- h. Any additional violation of applicable law, including the "Campus Carry" Legislation House Bill 280 (see the following link for full policy: [Campus Carry Legislation](#))

B. BEHAVIORAL CONDUCT PROCEDURES

1. Reporting

All suspected violations should be immediately reported to the Office of Student Conduct by any person who has knowledge of the commission of any such violation. 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 the Complainant's 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 protecting the safety and well-being of 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 the individual's choice to consume alcohol or to use drugs. Information reported in good faith by an individual during an investigation concerning use of drugs or alcohol will not be used against that individual in disciplinary proceedings and will not be voluntarily reported to law enforcement. However, individuals may be provided with resources on drug and alcohol counseling or education. Please see Chapter 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. Following any finding of responsibility at a Formal Hearing, both the Complainant and the Respondent may submit a personal impact statement prior to any sanction being imposed. Both the Respondent(s) and Victim(s) will receive dual notification of the outcome of any adjudication. More information about the Sexual Misconduct procedures can be found in Chapter Nine.

C. MINOR VIOLATIONS

1. Notice of Charges

- a. The Office of Student Conduct or designee will contact the Respondent via the Respondent's Georgia Southern University email address to notify them of:
 - i. The Charge(s);
 - ii. Request for recusal for bias procedure;
 - iii. Possible sanctions;
 - iv. Link to Schedule Informal Resolution Meeting

- b. The Respondent will have five (5) 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 must be submitted in writing to the Associate Vice President and Dean of Students or the Associate Dean of Student Conduct & Community Standards, who will render a decision. 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 a Hearing Officer in the Office of Student Conduct or designee to resolve the Respondent's case.
- b. The Hearing Officer will provide the Respondent with written notice to schedule a meeting at least five (5) Days from Receipt of the notice of Charge(s) letter. The purpose of the meeting will be to review and discuss the Charges before a final decision is reached.
- c. A third-party observer may be present at the request of the Respondent or the Hearing Officer.
- 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 five (5) 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 directly to the University Student Conduct Board or Hearing Officer for Formal Resolution in cases where, in their sole discretion, the Chief Conduct Officer determines that Informal Resolution is not appropriate.
- h. If the Respondent fails to schedule an Informal Resolution or fails to attend the Informal Resolution, a Formal Resolution will be scheduled in Respondent's absence. The Respondent will be notified with at least a five (5) Days advanced notice.

3. Minor Violations – Formal Resolution

- a. In a Formal Resolution, the Respondent appears before the University Student Conduct Board or 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 any alleged violations of the Code, and the names of the University Student Conduct Board members or Hearing Officer who will adjudicate the case. The Respondent will have five (5) Days from Receipt of this notice to challenge any individual scheduled to be a part of the University Student Conduct Board or Hearing Officer hearing the case. The composition of the University Student Conduct Board or Hearing Officer may be challenged only on the basis of a conflict of interest or perceived bias. Challenges must be submitted in writing to the Office of Student Conduct, which will render a final decision regarding composition.

- c. During the Formal Hearing, the Complainant and witnesses (if applicable) will have the opportunity to be present to answer any questions the University Student Conduct Board or Hearing Officer may have, as well as any questions the Respondent may have. The Complainant will also have the opportunity to question the Respondent and witnesses (if applicable). All questions from the Complainant and Respondent must be directed in writing to the chair of the University Student Conduct Board or Hearing Officer.
- d. The chair of the University Student Conduct Board or Hearing Officer will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge(s) 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.
- 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 or Hearing Officer 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 or Hearing Officer's recommendation will be submitted to the Associate Vice President and Dean of Students or designee as a recommendation for administrative action. The Associate Vice President and Dean of Students or designee will review the hearing and all its associated materials and will either affirm the recommended findings and sanctions, reduce the recommended sanctions or remand the case back to a formal hearing. The Associate Vice President and 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 Eight 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 the Respondent's 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 Allegations;
 - ii. Possible sanctions;
 - iii. Available support services;
 - iv. The investigator who will be involved;
 - v. Opportunity to request recusal for bias;

- 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 five (5) Days from date of Receipt 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 based only on a conflict of interest or perceived bias. Challenges must be submitted in writing to the Office of Student Conduct, which will render a final decision regarding the challenge. In the event the investigator is the Chief Conduct Officer, the challenge must be submitted in writing to the Associate Vice President and 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, and as applicable, the Investigator will interview the Respondent and any 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 (if applicable), and recommended sanctions. The report will be submitted to the Respondent via email.
 - e. The Respondent will have the opportunity to respond in writing within five (5) Days of Receipt to this investigative report. This response should indicate the Respondent's plea to all preliminary Charges and, where applicable, the Respondent's 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 or Hearing Officer 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 five (5) Days from the date 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 five (5) Days in advance of the date, time, and location of the hearing. This notice will also include:
 - i. A list of the alleged Charges;
 - ii. Formal Charges;
 - iii. Recommended sanctions;
 - iv. Available support services;
 - v. The names of the University Student Conduct Board members or Hearing Officer who will adjudicate the case.
- c. Upon Receipt of the written notice, the Respondent will have five (5) 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 or Hearing Officer 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 must be submitted in writing to the Office of Student Conduct, which will render a final decision regarding composition. 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 or Hearing Officer. 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 or Formal Single hearing.
- d. During the Formal Hearing, the Complainant and witnesses (if applicable) will have the opportunity to be present to answer any questions the University Student Conduct Board or Hearing Officer may have, as well as any questions the Respondent may have. The Complainant will also have the opportunity to question the Respondent and any witnesses. All questions from the Complainant and Respondent must be submitted in writing and through the chair of the University Student Conduct Board or Hearing Officer. The University Student Conduct Board or Hearing Officer 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.
- 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 or Hearing Officer 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 or Hearing Officer's decision will be submitted to the Associate Vice President and Dean of Students or designee as

a recommendation for administrative action. The Associate Vice President and Dean of Students or designee will review the hearing and all its associated materials and will either affirm the recommended findings and sanctions, reduce the recommended sanctions, or remand the case back to a formal hearing. The Associate Vice President and Dean of Students or designee will submit a 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 procedures. The Respondent retains their appeal rights as stated in Chapter Nine 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 the Respondent's 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 University Student Conduct Board and/or Single Hearing Officer will be made aware if the Respondent has any previous violations of the Code of Student Conduct. This may have an effect on the type and level of the sanction(s) to be imposed.
2. Factors to consider when sanctioning include but are not limited to:
 - a. *The nature of the violation;*
 - b. *The Student's involvement in the violation*
 - c. *The harm done to others or potential for harm to others*
 - d. *The impact of the behavior to the community;*
 - e. *The Student's understanding of the consequences associated with the behavior*
 - f. *The Student's prior conduct history*
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 the individual Student members of the Group or Organization. Please see Chapter Ten for more information on Student Groups and Student Organizations.
4. The following list of sanctions is intended to show the range of sanctions that may be imposed on a Student.
5. 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.
6. Respondents who fail to complete their sanctions by their determined deadline will be assessed an overdue sanction fine and a judicial hold. The University is not responsible for any financial loss incurred by the Student for any sanction, including but not limited to fines and judicial holds.
7. **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. **Disciplinary Probation** – A specific period of time for which the Student is not in

good disciplinary standing during which further violations of the Code of Student Conduct may result in Disciplinary Suspension or Expulsion. Violations of Disciplinary Probation generally may result in more serious disciplinary action against the Student, such as Disciplinary Suspension or Expulsion from the University, in addition to appropriate educational sanctions.

- c. **Interim Disciplinary Suspension** - In certain circumstances, the Associate Vice President and Dean of Students or designee, in consultation with the System Director for the University System of Georgia, may impose a University or Residence Hall Disciplinary Suspension prior to a hearing. An Interim Disciplinary Suspension should only occur where necessary to maintain safety and should be limited to those situations where the respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the University will consider the existence of a significant risk to the health or safety of the alleged Victim or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.

During an Interim Disciplinary Suspension, Students may not participate in classes or educational activities and may be denied access to the Residence Halls and/or to the campus. The Student will be responsible for working with Faculty Members to make up any missed work (if possible/applicable).

If an Interim Disciplinary Suspension is imposed, the notice and hearing should, absent extenuating circumstances, follow within ten (10) Days.

- d. **Disciplinary Suspension** – A Student placed on Disciplinary Suspension indicates that a Student, by their actions, has forfeited the privilege of attending Georgia Southern University for a specified period of time. Students who reside on campus will have a minimum of 48-hour notice to remove all their belongings out of the Residence Hall after notification that the sanction of Disciplinary Suspension is in effect. All Residence Hall fees and deposits may be forfeited. Students must apply for readmission following Disciplinary Suspension according to the "Guidelines for Readmission Following Disciplinary Suspension" document from the Office of Student Conduct. Conditions for readmission may be specified. Readmission documents may start to be submitted within the last three (3) weeks of the Disciplinary Suspension period. Once all documents have been received, they will be reviewed and a recommendation will be made. The Student may also be added to the University System of Georgia's Student Disciplinary Actions Reporting System.
- e. **Expulsion** – Expulsion is the most serious sanction that can be imposed on a Georgia Southern University Student. Expulsion is a permanent separation from the University. Students who reside on campus will have a minimum of 48-hour notice to remove all of their belongings out of the Residence Hall after notification the sanction of Expulsion is in effect. The Student may also be added to the University System of Georgia's Student Disciplinary Actions Reporting System.
- 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 may 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 financial 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 Temporary Removal** – A Temporary Removal of the Student from the Residence Halls for a specific period of time. Students who are removed from the Residence Hall may be banned from all Residence Hall buildings and property throughout the duration of the Hall Removal. Removal from Housing due to Conduct sanctions may result in loss of room or board attributable to that semester. All Residence Hall fees and deposits may be forfeited.
- k. **Residence Hall Permanent Removal** – Permanent removal of the Student from the Residence Halls. Students who are permanently removed from the Residence Hall may be banned from all Residence Hall buildings and property indefinitely. Removal from 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. Upon a finding of responsibility, whether in an Informal/Formal Resolution where a student has accepted responsibility for a violation of the alcohol and/or drug policies, Parental Notification will be made if a student is under the age of 21 when the violation occurred. This is allowable notice under the Family Educational Rights and Privacy Act. Georgia Southern will notify the parent or guardian of the violated policy, associated sanctions and completion dates.
- m. **Alcohol Possession and Use** - Students responsible for violating the Alcohol Possession and Use Policy may be subject to the following sanctions as well as possible additional sanctions. The following list is not exhaustive. In addition, a student does not have to progress in sequence from one level to the next. The incident levels are not a progression, as a student's violation may fall within any of these three levels depending on the incident details. Sanctions are determined on a case-by-case basis by the Conduct and/or Hearing Officers. ***Any violation of the Alcohol Possession and Use Policy while on Disciplinary Probation may result in Disciplinary Suspension.***
 - i. **Level One Violations** (potential violations include, but are not limited, to empty alcohol container, single container or small amount of alcoholic

beverages, student under the age of 21 in possession of alcohol but is not being consumed, alcohol consumption under the age of 21, etc.):

- **Minimum:** Disciplinary Warning, Parental Notification
- **Intermediate:** \$150 Alcohol Fine, Parental Notification, Disciplinary Probation for three (3) months. Additional sanctions such as educational, reflective or transformative may be imposed (i.e. AOD workshop).
- **Elevated:** Disciplinary Probation for six (6) months, Parental Notification, \$250 Alcohol Fine. Additional sanctions such as educational, reflective or transformative may be imposed (i.e. Prime for Life course)

ii. **Level Two Violations** (potential violations include, but are not limited, to disruptive or disorderly behavior caused by alcohol consumption, playing a drinking game where alcohol is being consumed and/or is visible, DUI/DWI, substantial amount of alcohol, hosting a party where alcohol is present, etc.):

- **Minimum:** \$150 Alcohol Fine, Disciplinary Probation for six (6) months, Parental Notification. Additional sanctions such as educational, reflective or transformative may be imposed (i.e. AOD workshop, 20-hour risk reduction class)
- **Intermediate:** \$250 Alcohol Fine, Disciplinary Probation for twelve (12) months or Disciplinary Suspension for three (3) months, parental notification, Additional sanctions such as educational, reflective or transformative may be imposed (i.e. AOD workshop, 20-hour risk reduction class, Prime for Life course.
- **Elevated:** \$350 Alcohol Fine, Disciplinary Suspension for twelve (12) months, Readmission Guidelines, and/or possible removal from the Residence Halls without refund.

iii. **Level Three Violations** (Georgia Southern University considers Level Three violations to be more severe in nature and can be evaluated as an elevated incident on the sanctioning matrix).

- Disciplinary Suspension for at least twelve (12) months up to Expulsion, Readmission Guidelines, and/or possible removal from the Residence Halls without refund.

n. **Drugs and/or Any Other Illegal Substance** – Students responsible for violating the Drugs and/or Any Other Illegal Substance Policy may be subject to the following sanctions as well as possible additional sanctions. The following list is not exhaustive. In addition, a student does not have to progress in sequence from one level to the

next. The incident levels are not a progression, as a student's violation may fall within any of these three levels depending on the incident details. When a student is in violation of one of these policies, the Conduct Officer and hearing panels will take into account the context of the violation and prior conduct history (as applicable) when considering appropriate sanctions. Sanctions are determined on a case-by-case basis by the Conduct and/or Hearing Officers. ***Any violation of the Drugs Policy while on Disciplinary Probation may result in Disciplinary Suspension. Any violation of the Drugs Policy that could be considered a felony may result in Disciplinary Suspension.***

- i. ***Level One Violations*** (potential violations include, but are not limited to possession of under 1oz of marijuana but not being utilized, drug paraphernalia with residue but not being used, etc.):
 - **Minimum**: Disciplinary Warning, Parental Notification
 - **Intermediate**: \$250 Drug Fine, AOD Workshop, Parental Notification, Disciplinary Probation for three (3) months. Additional sanctions such as educational, reflective or transformative may be imposed (i.e. Prime for Life course)
 - **Elevated**: Disciplinary Suspension for six (6) months, Parental Notification, \$350 Drug Fine. Additional sanctions such as educational, reflective or transformative may be imposed (i.e. Prime for Life course)

- ii. ***Level Two Violations*** (potential violations include, but are not limited to disruptive or disorderly behavior caused by drugs, possession and/or use of under 1oz of marijuana, drug paraphernalia is present and utilized, hosting a gathering or event where marijuana is present, etc.)
 - **Minimum**: \$175 Drug Fine, Disciplinary Probation for six (6) months, Parental Notification, AOD Workshop or 20-hour Risk Reduction class, reflective or transformative sanction.
 - **Intermediate**: \$250 Drug Fine, Disciplinary Probation for twelve (12) months to Disciplinary Suspension for three (3) - six (6) months, Parental Notification, Prime for Life course, reflective or transformative sanction.
 - **Elevated**: Disciplinary Suspension for six (6) months, Parental Notification, \$350 Drug Fine, Readmission Guidelines, and/or possible removal from the Residence Halls without refund.

- iii. **Level Three Violations** (Georgia Southern University considers Level Three violations to be more severe in nature and can be evaluated as an elevated incident on the sanctioning matrix).
 - Disciplinary Suspension for at least twelve (12) months up to Expulsion, Readmission Guidelines, and/or possible removal from the Residence Halls without refund.

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 fine. Additional sanctions will be assigned at the discretion of the University Student Conduct Board or University Hearing Officer.
- ii. **Second Violation** - Students will be placed on Disciplinary Probation for their next three (3) months. Students will also be subject to a \$50 fine. Additional sanctions will be assigned at the discretion of the University Student Conduct Board or University Hearing Officer.

CHAPTER SIX

VI. UNIVERSITY HOUSING REGULATIONS

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

A. UNIVERSITY HOUSING REGULATIONS

1. **Alcohol Possession and Use in the Residence Halls for Persons 21 Years of Age or Older** – For students of all ages please refer to Chapter Five of this Code for more information, and to the Residential Community Guide for regulations specific to the storage of alcohol within University Housing.
 - a. Failure to abide by the regulations for appropriate handling of alcohol for those persons 21 years of age or older as outlined in the Residential Community Guide.
 - b. Failure to properly label alcohol containers.
 - c. 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.)
 - d. Possession or use of common source containers (e.g. kegs, pony kegs, beer bongs)

2. **Animals**
 - a. Feeding of stray animals in or around residential facilities
 - b. Please refer to Chapter Five, Section A: Behavioral Regulations, Regulation 2: Animals, of this Code for other University regulations concerning Animals.

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

4. **Facilities and Equipment**
 - a. Any act to defenestrate any item and/or tamper with/remove window screens from Residence Hall spaces.
 - b. Unauthorized use of cable, computer access, or telephone access (including the splicing of wires).
 - c. Painting or drawing on any surface in a Residence Hall room or common area, hallways, patios, 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, modifying, or tampering with furniture from a designated residential area, such as a Student unit or floor common areas, from inside apartment units to patios, or moving furniture in public spaces without permission.
- b. Placing furniture into elevators or stairwells.
- c. Suspending any furniture from the ceiling.
- d. Possession or use of a waterbed in a Residence Hall.
- e. Constructing a loft or any other structure within a Residence Hall.

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

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

7. Improper Behavior

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

8. Littering/Trash Disposal

- a. Discarding or temporarily placing trash of any kind within the building or on the grounds of a residential facility other than in appropriate receptacles.
- b. Disposing of 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, emergency lights or signage, fire extinguishers, fire hoses, and sprinkler systems) within any University Housing Facility.
- b. Propping apartment, suite, exit, or fire doors within Residence Halls.
- c. Failure to evacuate during a planned or unplanned fire alarm.
- d. Any object, action, or activity that blocks or limits egress.
- e. Possession or use of items that produce 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. Use, possession, storing or operating any motorized vehicle within a Residence Hall, apartment/suite unit or patio/patio closets, including but not limited to hover boards, motorized scooters, etc.
- j. Parking any motorcycle, moped, scooter, or other motorized device anywhere that is not a designated parking area.

12. Posting

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

13. Room Changes

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

14. Room Decorations

- a. Failure to keep posters or decorations at least twelve inches from the ceiling or floor; covering more than 50% of any given wall with postings or decorations.
- b. Suspending any item from the ceiling, including, but not limited to: fishnets, parachutes, poles, holiday lights, and flags.
- c. Possession or displaying of alcohol paraphernalia, including, but not limited to: funnels, beer bong, shot dispensers, or other methods of alcohol delivery. Affixing any item to a wall, ceiling, or floor in a manner that may create damage to the surface.
- d. Display of any item facing outward toward public spaces in windows or on porches/balconies of on-campus residential facilities (i.e. flags, posters, illuminated lights, etc.).
- e. Curtains or window treatments that do not possess a fire-retardant label from the manufacturer.
- f. 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.
- g. Affixing any item to a fire rated door (i.e. decorating or posting on your apartment/unit door, etc.).

15. Sanitation and Cleanliness

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

16. University Housing Signage or Property

- a. Theft of, possession of, or misuse of any signage, which is the property of University Housing or 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 recommended sanctions.

1. **Alcohol Possession and Use** - Students of legal drinking age who are found responsible for violating 6A1b - *Failure to Properly Label Alcohol Containers* under the University Housing Alcohol Policy will be subject to the following recommended sanctions:
 - a. **Minimum:** \$50.00 fine and a Disciplinary Warning
 - b. **Intermediate:** \$100.00 fine and Disciplinary Probation for their next three months
 - c. **Elevated:** Possible removal from the Residence Hall without refund for the entire term of the contract and further Conduct action.

2. **Animals** – Students found responsible for violating the Animals Policy will be subject to the following recommended sanctions. If an animal is found in the common area, all Students found responsible in the unit will be subject to these sanctions. Additional fees may apply for damage or cleaning needs:
 - a. **Minimum:** \$100 fine and a disciplinary warning.
 - b. **Intermediate:** \$150 fine and Disciplinary Probation for their next three months
 - c. **Elevated:** Possible removal from the Residence Hall without refund for the entire term of the contract and further Conduct action.

3. **Guests and Visitation** – Students found responsible for violating items “d” and/or “e” of the Guests & Visitation Policy will be subject to the following recommended sanctions:
 - a. **Minimum:** \$100 fine and Disciplinary Warning.
 - b. **Intermediate:** \$150 fine and Disciplinary Probation for their next three months
 - c. **Elevated:** Referral to the Office of Student Conduct and further Conduct action, including possible removal from the Residence Hall without refund.

4. **Littering and Trash Disposal** – Students found responsible for violating the Littering/Trash Disposal Policy will be subject to the following recommended sanctions:
 - a. **Minimum:** \$25 fine and Disciplinary Warning.
 - b. **Intermediate:** \$50 fine and Disciplinary Probation for their next three months
 - c. **Elevated:** Referral to the Office of Student Conduct and further Conduct action, including possible removal from the Residence Hall without refund.

5. **Residential Fire Safety or Room Decorations** – Students found responsible for violating the Residential Fire Safety policy will be subject to the following recommended sanctions as well as possible additional sanctions including, but not limited to, restitution for damages:
 - a. **Level One Violations** (i.e. mini fridge, unburnt candle, microwave, holiday decorations, plug in air fresheners, flags/banners, storage of bicycles or scooters, and like items):
 - i. **Minimum:** Disciplinary Warning.
 - ii. **Intermediate:** \$50 fine and Disciplinary Probation for their next three months

 - b. **Level Two Violations** (i.e. burnt candle, unsafe cooking practices, items containing an open flame or heating source, covering a smoke detector, failure to evacuate during a fire alarm, and like items):
 - i. **Minimum:** \$75 fine and possible removal from the Residence Hall without refund and/or Disciplinary Suspension from Georgia Southern University.
 - ii. **Intermediate:** \$125 fine and referral to the Office of Student Conduct for further Conduct action including possible removal from the Residence Hall without refund and/or Disciplinary 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. **Minimum:** \$100 fine, restitution, and possible removal from the Residence Hall without refund and/or Disciplinary Suspension from Georgia Southern University.

ii. **Intermediate**: \$150 fine, restitution, and referral to the Office of Student Conduct for further Conduct action including possible removal from the Residence Hall without refund and/or Disciplinary Suspension from Georgia Southern University.

CHAPTER SEVEN

VII. UNIVERSITY STUDENT CONDUCT BOARD

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. Only Students in good disciplinary standing with the University may serve. Appointments to the University Student Conduct Board will be made as needed to keep the University Student Conduct Board 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 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 in collaboration with the Office of Equal Opportunity & Title IX.

CHAPTER EIGHT

VIII. APPEALS

A. BEHAVIORAL CONDUCT

1. For offenses other than Sexual Misconduct, an appeal may be allowed in any case where sanctions are issued, even when such sanctions are deferred or held “in abeyance,” such as probation or expulsion. The Respondent shall have the right to appeal the outcome on any of the following grounds:
 - a. *To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing;*
 - b. *To allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, Investigator(s), decision maker(s); or*
 - c. *To allege that the finding was inconsistent with the weight of the information.*
2. A Student may appeal to the President or designee in writing, provided the basis for the appeal is limited to the criteria listed above. Students who have accepted an Informal Resolution are not eligible for an appeal. The President may designate one or more appellate officers to review appeals as the President deems appropriate, including, but not limited to, a single appellate officer to review all appeals or a single appellate officer to review a specific type of appeal. In no case shall there be provided more than one level of institutional appeal.
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 must be submitted by 5pm on the appeal deadline. The appeal packet will be limited to a review of the record of the University Student Conduct Board, supporting documents, and the Student’s written appeal. The Student must explicitly state why an appeal is warranted, i.e. the grounds for the appeal.
5. Any Student wishing to appeal must submit the appeal in writing to the Office of Student Conduct. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the President or designee. The President or designee may:
 - a. *Affirm the original finding and sanction;*
 - b. *Affirm the original finding but issue a new sanction of greater or lesser severity;*
 - c. *Remand the case back to any lower decision-maker to correct a procedural or factual defect;*
or,
 - d. *Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.*
6. The President or designee will issue a decision within a reasonable period of time. The President or designee’s decision will serve as the only level of appeal at the institutional level and shall be the final institutional decision.
7. Following the decision of the President or designee, a student may apply to the Board of Regents for further review of the decision pursuant to [Board of Regents Policy 6.26](#).
8. Appeals received after the designated deadlines above will not be considered unless the institution or Board of Regents has granted an extension prior to the deadline. If an appeal is not received by the deadline the last decision on the matter will become final.

B. SEXUAL MISCONDUCT

1. For information related to appeals pursuant to the University's policy prohibiting Sexual Misconduct, please see Chapter Nine.

CHAPTER NINE

IX. SEXUAL MISCONDUCT POLICY

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

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

When Sexual Misconduct does occur, all members of the University community are strongly encouraged to report it promptly through the procedures outlined in this Policy. The purpose of this Policy is to ensure uniformity throughout the USG in reporting and addressing sexual misconduct. This Policy applies to all members of the USG and Georgia Southern community. This Policy is not intended to infringe or restrict rights guaranteed by the United States Constitution including free speech under the First Amendment, or the due process clauses of the Fifth and Fourteenth Amendments.

To view this Policy on the University System of Georgia website, please see the Board of Regents Policy Manual, 6.7, Sexual Misconduct Policy, and 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings. In the event there exists any conflict between the policy and procedures here and the policy and procedures in the Board of Regents Policy Manual, the language of the Board of Regents Policy Manual controls.

A. Sexual Misconduct Policy Definitions and Prohibited Conduct

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 the touching of a person’s intimate parts (for example, genitalia, groin, breasts, or buttocks); touching a person with one’s own intimate parts; or forcing a person to touch the person’s own or another person’s intimate parts. This provision also includes “Fondling” as defined by the Clery Act.
2. **Nonconsensual Sexual Penetration**: Any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and the genitals or anus of another person. This provision also includes “Rape, Incest, and “Statutory Rape” as defined by the Clery Act.
3. **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 or capturing of the 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.

4. **Sexual Harassment (Student on Student):** Unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes) determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity in violation of Title IX.
5. **Sexual Harassment (Other than Student on Student):** Unwelcome verbal, nonverbal, or physical conduct, based on sex (including gender stereotypes), that may be any of the following:
 - a. Implicitly or explicitly a term or condition of employment or status in a course, program, or activity;
 - b. A basis for employment or educational decisions; or
 - c. 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 in violation of Title IX.

The USG and Georgia Southern University also prohibit unwelcome conduct determined by a Reasonable Person to be so severe, pervasive and objectively offensive that it effectively denied a person equal access to a USG or University education program or activity in violation of Title IX.

6. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such relationship shall be determined based on the totality of the circumstances including, without limitation to: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the person involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.
7. **Domestic Violence:** 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.

8. **Stalking**: Engaging in a course of Conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:
 - a. 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.
 - b. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.
9. **Community**: Students, faculty, and staff, as well as contractors, vendors, visitors and guests.
10. **Complainant**: An Individual who is alleged to have experienced conduct that violates this Policy.
11. **Respondent**: Individual who is alleged to have engaged in Conduct that violates this Policy.
12. **Confidential Employees**: Institution employees who have been designated by the Institution to talk with a Complainant or Respondent in confidence. Confidential Employees must only report that the incident occurred and provide date, time, location, and name of the 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 Clery Act. Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety.
13. **Privileged Employees**: Individuals employed by the institution 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.
14. **Responsible Employees**: Those employees who must promptly and fully report complaints of or information regarding Sexual Misconduct to the Title IX Coordinator. Responsible Employees include any administrator, supervisor, faculty member, or other person in a position of authority who is not a Confidential Employee or Privileged Employee. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this Policy (e.g., teaching assistants, residential assistants, student managers, orientation leaders).
15. **Consent**: 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 using clear words or actions.

16. **Incapacitation:** The physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep or any state of unconsciousness, involuntary physical restraint, status as a minor under the age of 16, or from intentional or unintentional taking of alcohol and/or other drugs. Whether someone is incapacitated is to be judged from the perspective of an objectively reasonable person.
17. **Sexual Misconduct:** Includes, but is not limited to, such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, nonconsensual sexual penetration, sexual exploitation, sexual harassment and stalking.
18. **Reasonable Person:** An individual who is objectively reasonable under similar circumstances and with similar identities to the person being evaluated by the institution.
19. **Reporter:** An individual who reports an allegation of conduct that may violate this Policy but who is not a party to the complaint.

A. REPORTING SEXUAL MISCONDUCT

USG and the Institution encourage the reporting of all Sexual Misconduct as soon as possible. While there is no statute of limitations on an institution's ability to respond to a report, the ability to respond diminishes with time as information and evidence may be more difficult to secure.

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.

1. Institutional Reports

- a. An institutional report occurs when the institution has notice of a complaint. That notice occurs in two instances:
 - i. When a Reasonable Employee receives a complaint; or
 - ii. When the Title IX Coordinator or designee receives a complaint.

Any individual may make a report, but the institution does not have notice of the report until information is known to a Responsible Employee or the Coordinator. The report may be made directly to the Coordinator in multiple formats to include: writing, email, phone, letter, fax, interview, or other method that provides the basis of the complaint of sexual misconduct. There is no specific information required to constitute a report; however, the report should contain as much information as can be provided. Reporting options should be included on the Title IX website.

- b. Complainants, or anyone with knowledge of Sexual Misconduct, may file a report with a Responsible Employee or the Title IX Coordinator. The Responsible Employees must provide a complete reporting of all information known to them to the Coordinator. Responsible Employees informed about Sexual Misconduct allegations should not attempt to resolve the situation, but must notify and report all relevant information to the Coordinator as soon as practicable
- c. Upon receipt of an institutional report, the Coordinator will contact the Complainant. That contact will discuss the availability of supportive measures, the invitation to discuss the Complainant's wishes with respect to implementation of supportive measures and explain the process of filing a complaint. An institutional report does not automatically prompt an investigation.
- d. The Title IX Coordinator's identity and contact information shall be published by Georgia Southern University prominently on the University website, as well as in any relevant publication. Georgia Southern University may choose to have Deputy Title IX Coordinators to whom reports may be made, as well. The Title IX Coordinator shall notify the University System Director of any allegation(s) of Sexual Misconduct that could, standing alone as reported, lead to the Disciplinary Suspension or expulsion of the Respondent(s). The System Director will work with Georgia Southern University to determine whether any support services or 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 the System Director. If an allegation is not initially identified as one that would lead to the Disciplinary Suspension or expulsion of the respondent(s), but facts arise during the course of the investigation that could lead to the Respondent's Disciplinary Suspension or expulsion, the Title IX Coordinator shall notify the System Director or designee. The System Director shall have the discretion to oversee the handling of the complaint.

2. Confidential Reports

- a. Confidential Employees or Privileged Employees may receive reports of Sexual-based Misconduct without the requirement to report that information to the Coordinator, except as dictated by law or professional standards. Upon request by the Complainant, Confidential Employees and Privileged Employees may make a report to the Coordinator within the degree of specificity dictated by the Complainant.
- b. Nothing in this provision shall prevent an institution staff member who is otherwise obligated by law (i.e. the Clery Act) to report information or statistical data as required.

3. Law Enforcement Reports

- a. Because Sexual Misconduct may constitute criminal activity, a Complainant also has the option, should the Complainant so choose, of filing a report with campus or local police, for the Complainant's own protection and that of the surrounding community. The University may assist the Complainant in reporting the situation to law enforcement officials. Filing a criminal report does not automatically constitute an institutional report.
- 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.

4. **Anonymous Reports**

- a. Georgia Southern University provides a mechanism by which individuals can report incidents of alleged Sexual Misconduct anonymously. Individuals should understand, however, that it will be more difficult for Georgia Southern University to respond and to take action upon anonymous reports.

5. **Complaint Consolidation**

- a. The institution may consolidate complaints as to allegations of Sexual Misconduct against more than one Respondent, by more than one Complainant against one or more Respondents, or cross-complaints between parties, where the allegations of sexual misconduct arise out of the same facts or circumstances.
- b. Parties shall have the opportunity to request or object to the consolidation; however, the institution shall have the authority to make the final determination. For the purpose of this Policy consolidation may occur during investigation and/or the adjudication phases of the sexual misconduct process.

6. **Complaint Dismissal**

- a. The institution is permitted, but not required, to dismiss complaints on the following grounds:
 - i. The alleged conduct, even if proved, would not constitute sexual misconduct;
 - ii. The Complainant notifies the Coordinator in writing that they would like to withdraw the complaint;
 - iii. The Respondent is no longer enrolled or employed by the institution; or
 - iv. There are circumstances that prevent the institution from gathering evidence sufficient to reach a determination regarding the complaint.
- b. The parties shall receive simultaneous written notice of the dismissal and the reason(s) for the dismissal. The parties shall have a right to appeal the institution's decision to dismiss the complaint. This appeal must be made in writing to the Office of Equal Opportunity and Title IX and must be submitted within five business days of the date of the notice of dismissal. The appeal should be made to the Vice President for Student Affairs or their designee.

7. **Retaliation**

- a. Anyone who has made a report or complaint, provided information, assisted, participated or refused to participate in any manner in the Sexual Misconduct Process, shall not be subjected to retaliation. Anyone who believes they have been subjected to retaliation should immediately contact the Title IX Coordinator for Georgia Southern University or designee. Any person found to have engaged in retaliation in violation of this Policy shall be subject to disciplinary action.

8. False Complaints

- a. Individuals are prohibited from knowingly making false statements or knowingly submitting false information to a system or institution official. Any person found to have knowingly 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 Disciplinary Suspension or expulsion) and adjudicated under the Code of Student Conduct or other appropriate institutional process.

9. Amnesty

- a. 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 a student during an investigation concerning the consumption of drugs or alcohol will not be used against the particular student in a disciplinary proceeding or voluntarily reported to law enforcement; however, students may be provided with resources on drug and alcohol counseling and/or education, as appropriate. Nevertheless, these students may be required to meet with staff members in regard to the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this amnesty procedure will not be considered a sanction.
- b. Nothing in this amnesty provision shall prevent an institution staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

B. RESPONDING TO REPORTS OF SEXUAL MISCONDUCT

1. Initial Evaluation of Sexual Misconduct Reports

Upon notice of the alleged Sexual Misconduct, the institution's Title IX Coordinator ("Coordinator") will assess whether a formal investigation, informal resolution, or dismissal would be appropriate. In making this determination, the Coordinator will assess whether the allegations(s), if true, would rise to the level of prohibited conduct, whether a Formal Complaint must be filed, whether an investigation is appropriate in light of the circumstances, whether the parties prefer an informal resolution, and whether any safety concerns exist for the campus community. The need to issue a broader warning to the community in compliance with the Clery Act shall be assessed in compliance with federal law.

2. Confidentiality

Where a Complainant requests that the Complainant's identity be withheld, or the allegation(s) not be investigated, the Coordinator should consider whether or not such request(s) can be honored in a manner consistent with the institution's obligations to promote a safe and nondiscriminatory environment. The institution should inform the Complainant that the institution cannot guarantee confidentiality. Honoring a Complainant's request for confidentiality shall not prevent the institution from reporting information or statistical data as required by law, including the Clery Act.

3. Support Services

Once the Title IX Coordinator has received information regarding an allegation of Sexual Misconduct, the parties will be provided written information about support services. Support services are non-disciplinary, non-punitive individualized services offered as appropriate, as

reasonably available, and without charge that are made available to the Complainant and Respondent before or after the filing of a complaint or where no complaint has been filed. Support services include counseling, advocacy, housing assistance, academic support, disability services, and health and mental services, and other services available at Georgia Southern University.

Available support services are also listed on the Georgia Southern University Office of Equal Opportunity and Title IX website.

4. Interim Measures

Interim measures may be implemented at any point after Georgia Southern University becomes aware of an allegation of Sexual Misconduct and should be designed to protect any student or other individual in the USG or institution community. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the campus community, or deter Sexual Misconduct and retaliation. Interim measures must be provided consistent with the provisions in applicable Board and institutional policies and procedures.

5. Emergency Removal

Emergency removal should only occur when necessary to maintain safety and should be limited to those situations where the Respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of a significant risk to the health or safety of the Complainant or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.

Before an emergency removal is issued, the institution must make reasonable efforts to give the Respondent the opportunity to be heard on whether the Respondent's presence on campus poses a danger. If an emergency removal is issued, the terms of the emergency removal take effect immediately. The Respondent shall receive notice of the emergency removal and the opportunity to respond to the emergency removal.

Within three business days of receiving a challenge the institution will determine whether the emergency removal should continue.

6. 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 otherwise violates the Georgia Southern University Code of Student Conduct, regardless as to where such conduct occurs.

7. Advisors

Both the Complainant and the 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. The advisor may accompany the party to all meetings and may provide advice and counsel to the advisor's respective party throughout the Sexual Misconduct process, including providing questions, suggestions and guidance to the party, but may not actively participate in the process except as outlined in BOR 6.7.4(D). All communication during the Sexual Misconduct process will be between the institution and the party and not the advisor. With the party's permission, the advisor may be copied on all communications.

8. Informal Resolutions

Allegations of Sexual Misconduct may be resolved informally. The Complainant, the Respondent, and the institution must agree in the informal resolution process and to the terms of the informal resolution. The alleged Complainant(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.

9. Timeframe

Efforts will be made to complete the investigation and resolution within 120 business days. Temporary delays and limited extensions may be granted by the institution for good cause throughout the investigation and resolution process. The parties will be informed in writing of any extension or delay and the applicable reason. The institution shall keep the parties informed of the status of the investigation.

c. RESPONDING TO REPORTS OF SEXUAL HARASSMENT PURSUANT TO TITLE IX

The implementing Title IX regulations require special handling of complaints of sexual harassment, as defined in the regulations and listed below. The following section outlines the required specialized handling of these matters that may differ from the institution's handling of Sexual Misconduct, as defined in this Policy. Unless expressly mentioned in this section, other provisions of this Policy shall apply to all alleged Sexual Misconduct.

1. Definition of Sexual Harassment

Under Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- i. An employee conditioning the provision of aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;
- ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or
- iii. "Sexual assault" as defined by the Clery Act and "dating violence," "domestic violence," and "stalking" as defined by the VAWA Amendments.

2. **Jurisdiction**

Alleged misconduct is addressed by Title IX when the misconduct occurs against a person in the United States on institution property, or at institution-sponsored or affiliated events where the institution exercises substantial control over both the Respondent and the context, or in buildings owned or controlled by a student organization that is officially recognized by the institution.

3. **Formal Complaints**

A Formal Complaint is a written document filed by the Complainant or signed by the Coordinator alleging sexual harassment, as defined by Title IX and its implementing regulations, against a Respondent and requesting that the institution open an investigation. In order to file a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the institution occurring within the United States at the time of the filing.

4. **Informal Resolution**

Formal Complaints may be resolved informally, except in the instance of an allegation by a student against an institution employee. The following must be met in order to proceed with the informal resolution process:

- i. The parties have received written notice of the allegations
- ii. The parties have received written explanation of the informal process to include, but not limited to:
 1. Written agreement of the parties to initiate the informal resolution process;
 2. Written notice that the parties may withdraw from the process at any time prior to the agreement of the terms of the resolution;
 3. Written notice that the final resolution precludes any further institutional actions on the allegations
- iii. The institution has agreed to engage in the informal resolution process.

5. **Advisors**

Both the Complainant and the 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. The advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the Sexual Misconduct process but may not actively participate in the process except to conduct cross-examination at the hearing. If a party chooses not to use an advisor during the investigation, the institution will provide an advisor for the purpose of conducting cross-examination on behalf of the relevant party.

All communication during the Sexual Misconduct process will be between the institution and the party and not the advisor. The institution will copy the party's advisor prior to the finalization of the investigation report when the institution provides the parties the right to inspect and review directly related information gathered during the investigation. With the party's permission, the advisor may be copied on all communications.

D. PROCESS FOR INVESTIGATING SEXUAL MISCONDUCT REPORTS

1. Throughout any investigation and resolution proceeding, a party shall receive written notice of the alleged Sexual Misconduct, shall be provided an opportunity to respond, and shall be allowed the right to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting. If a party chooses to remain silent or otherwise not participate in the investigation or resolution process, the investigation and resolution process may still proceed, and policy violations may result.
2. Until a final determination of responsibility, the Respondent is presumed to have not violated the Sexual Misconduct Policy. Prior to the finalization of the investigation report, timely and equal access to information directly related to the allegations that has been gathered during the investigation and may be used at the hearing will be provided to the Complainant, the respondent, and a party's advisor (where applicable)
3. Formal judicial rules of evidence do not apply to the investigation process. Additionally, the standard of review throughout the Sexual Misconduct process is a preponderance of the evidence.
 - i. The parties shall be provided with written notice of the: report/allegations with sufficient details, pending investigation, possible charges, possible sanctions, available support services and interim measures, and other rights under applicable institutional policies. For the purposes of this provision sufficient details include the identities of the parties involved if known, the conduct allegedly constituting Sexual Misconduct, and the date and location of the alleged incident, if known. This information will be supplemented as necessary with relevant evidence collected during the investigation. The notice should also include the identity of any investigator(s) involved. Notice should be provided via institution email to the party's institution email.
 - ii. Upon receipt of written notice, the parties shall have at least three business days to respond in writing. In that response, the Respondent shall have the right to admit or deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A Complainant shall have the right to respond to and supplement the notice. Throughout the Sexual Misconduct process the Complainant and the Respondent shall have the right to present witnesses and other inculpatory and exculpatory evidence.
 - iii. If the Respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
 - iv. An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any party's proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.
 - v. An investigator shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
 - vi. The initial investigation report shall be provided to the Complainant, the Respondent, and a party's advisor (if applicable). This report should fairly summarize the relevant

evidence gathered during the investigation and clearly indicate any resulting charges or alternatively, a determination of no charges. For purposes of this Policy, a charge is not a finding of responsibility.

- vii. The Complainant and the Respondent shall have at least 10 calendar days to review and respond in writing to the initial investigation report and directly related information gathered during the investigation. The investigator will review the Complainant's and the Respondent's written responses, if any, to determine whether further investigation or changes to the investigation report are necessary.
- viii. The final investigation report should be provided to the Complainant, the Respondent, and a party's advisor, if applicable, at least 10 calendar days prior to the Hearing. The final investigation report should also be provided to all Hearing Panel members for consideration during the adjudication process.

E. RESOLUTION AND HEARINGS OF SEXUAL MISCONDUCT REPORTS

1. The Respondent and the Complainant, as parties to the matter, may have the option of selecting informal resolution as a possible resolution in certain cases where the parties agree, and it is deemed appropriate by the institution. Where a matter is not resolved through informal resolution a hearing shall be set. All Sexual Misconduct cases shall be heard by a panel of faculty and/or staff. All institutional participants in the Sexual Misconduct resolution process shall receive appropriate annual training as directed by the System Director or Coordinator and required by the Clery Act and Title IX.
2. In no case shall a hearing to resolve a Sexual Misconduct allegation take place before the investigation report has been finalized. The investigator may testify as a witness regarding the investigation and findings but shall otherwise have no part in the hearing process and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing. All directly related evidence shall be available at the hearing for the parties and their advisors to reference during the hearing.
3. Relevant facts or evidence that were not known or knowable to the parties prior to the issuance of the final investigative report shall be admissible during the hearing. Where practicable, parties must submit any new facts or evidence to the Office of Student Conduct no less than 48 hours prior to the scheduled hearing. The Office of Student Conduct will consult with the Office of Equal Opportunity & Title IX as needed to determine the relevance of any newly submitted facts or evidence. The institution will determine how the facts or evidence will be introduced, which may include, but is not limited to, enclosing the new facts or evidence in communications or materials shared with the parties and the hearing panel prior to the hearing. The admissibility of any facts or evidence known or knowable by the parties prior to the issuance of the final investigative report, and which were not submitted during the investigation, shall be determined by the institution in compliance with the obligation to provide both parties an equal opportunity to present and respond to witnesses and other evidence.
4. Notice of the date, time, and location of the hearing as well as the selected hearing panel members shall be provided to the Complainant and the Respondent at least 10 calendar days prior to the hearing. Notice shall be provided via institution email to the parties' institution email. Parties may attend the hearing with their advisor.
5. Hearings shall be conducted in-person or via video conferencing technology. Where the

- institution determines that a party or witness is unable to be present in person due to extenuating circumstances, the institution may establish special procedures to permit that individual to provide testimony from a separate location. In doing so, the institution must determine whether there is a valid basis for the individuals' unavailability, require that the individual properly sequester in a manner that ensures testimony has not been tainted, and make a determination that such arrangement will not unfairly disadvantage any party. Should it be reasonably believed that the individual presented tainted testimony, the hearing panel will disregard or discount the testimony. Parties may also request to provide testimony in a separate room from the opposing party, so long as no party is unfairly disadvantaged, and they have the opportunity to view the testimony remotely and submit follow-up questions.
6. At all times participants in the hearing process, including parties, a party's advisor, and institution officials, are expected to act in a manner that promotes dignity and decorum throughout the hearing. Participants are expected to be respectful to others and follow procedural formalities outlined by this Policy and the institution. The institution reserves the right to remove any participant from the hearing environment if the participant refuses to adhere to the institution's established rules of decorum.
 7. The institution shall maintain documentation of the investigation and resolution process, which may include written findings of fact, transcripts, audio recordings, and/or video recordings. Any documentation shall be maintained for seven years.
 8. Additionally, the following standards will apply to Title IX and Non-Title IX Sexual Misconduct hearings respectively.
 9. Title IX Hearings
 - i. Where a party or a witness is unavailable, unable, or otherwise unwilling to participate in the hearing, including being subject to cross-examination, the hearing panel shall not draw an adverse inference against the party or witness based solely on the party's absence from the hearing or refusal to subject to cross-examination.
 - ii. The parties shall have the right to present witnesses and evidence at the hearing.
 - iii. The parties shall have the right to confront witnesses and evidence at the hearing, including the other party, by having their advisor ask relevant questions directly to the witness. The Hearing Officer/Chair of the Hearing shall limit questions raised by the advisor when they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any event, the hearing Officer shall err on the side of permitting all the raised questions and must document the reason for not permitting any particular questions to be raised.
 - iv. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior shall be deemed irrelevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or consent between the parties during the alleged incident.
 - v. The hearing panel shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
 - vi. Formal judicial rules of evidence do not apply to the resolution process and

the standard of evidence shall be a preponderance of the evidence.

- vii. Following a hearing, the parties shall be simultaneously provided a written decision via institution email of the hearing outcome and any resulting sanctions or administrative actions. The decision must include the allegations, procedural steps taken through the investigation and resolution process, findings of facts supporting the determination(s), determination(s) regarding responsibility, and the evidence relied upon and rationale for any sanction or other administrative action. The institution shall also notify the parties of their right to appeal as outlined below.

10. Non-Title IX Sexual Misconduct Hearings

- i. The parties shall have the right to present witnesses and evidence at the hearing. Witness testimony, if provided, shall pertain to knowledge and facts directly associated with the case being heard.
- ii. The parties shall have the right to confront any witnesses, including the other party, by submitting written questions to the Hearing Officer for consideration. Advisors may actively assist in drafting questions. The Hearing Officer shall ask the questions as written and will limit questions only if they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any such event, the Hearing Officer shall err on the side of asking all submitted questions and must document the reason for now asking any particular questions.
- iii. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior shall be deemed irrelevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or consent between the parties during the alleged incident.
- iv. The hearing panel shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
- v. Formal judicial rules of evidence do not apply to the resolution process and the standard of evidence shall be a preponderance of the evidence.
- vi. Following a hearing, the parties shall be simultaneously provided a written decision via institution email of the hearing outcome and any resulting sanctions or administrative actions. The decision must include the allegations, procedural steps taken through the investigation and resolution process, findings of facts supporting the determination(s), determination(s) regarding responsibility, and the evidence relied upon and rationale for any sanction or other administrative action. The institution shall also notify the parties of their right to appeal, as outlined below.

F. POSSIBLE SANCTIONS FOR SEXUAL MISCONDUCT:

1. In determining the severity of sanctions or corrective actions the following should be considered: the frequency, severity, and/or nature of the offense; history of past conduct; an offender's willingness to accept responsibility; previous institutional response to similar conduct; strength of the evidence; and the wellbeing of the university community. The institution will determine sanctions and issue notice of the same, as outlined above.

2. The broad range of sanctions includes: Expulsion; Disciplinary Suspension for an identified time frame or until satisfaction of certain conditions or both; temporary or permanent separation of the parties (e.g., change in classes, reassignment of residence, no contact orders, limiting geography of where parties can go on campus) with additional sanctions for violating no-contact orders; required participation in sensitivity training/awareness education programs; required participation in alcohol and other drug awareness and abuse prevention programs; counseling or mentoring; volunteering/community service; loss of institutional privileges; delays in obtaining administrative services and benefits from the institution (e.g., holding transcripts, delaying registration, graduation, diplomas); additional academic requirements relating to scholarly work or research; financial restitution; or any other discretionary sanctions directly related to the violation or conduct.
3. For Disciplinary Suspension and Expulsion, the institution must articulate, in its written decision, the substantial evidence relied upon in determining that Disciplinary Suspension or Expulsion were appropriate. For purposes of this policy substantial evidence means evidence that a reasonable person might accept to support the conclusion.
4. See Chapter 5 for additional information regarding sanctions.

G. APPEALS

1. An appeal may be allowed in any case where sanctions are issued, even when such sanctions are deferred or held "in abeyance," such as probation or expulsion. The Respondent and the Complainant shall have the right to appeal the outcome on any of the following grounds:
 - a. *To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing;*
 - b. *To allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, Investigator(s), decision makers(s); or*
 - c. *To allege that the finding was inconsistent with the weight of the information.*
2. The Respondent or Complainant may appeal to the President or designee in writing, provided the basis for the appeal is limited to the criteria listed above. Students who have accepted an Informal Resolution are not eligible for appeal. The President may designate one or more appellate officers to review appeals as the President deems appropriate, including, but not limited to, a single appellate officer to review all appeals or a single appellate officer to review a specific type of appeal. In no case shall there be provided more than one level of institutional appeal.
3. All appeal requests and responses in this process are transmitted by electronic mail (which accommodates distance learning Students).
4. A Respondent or Complainant will have five (5) Days from receipt of the official outcome letter to appeal to the Office of Student Conduct. The appeal must be submitted in writing by 5pm on the appeal deadline and must explicitly state why an appeal is warranted, i.e. the grounds for the appeal. When an appeal is timely received and appropriately sets forth one or more of the grounds outlined above, the non-appealing party will receive a copy of the appeal and will have (5) Days from the date of the notice of appeal to submit a response to the Office of Student Conduct. The non-appealing party's response shall be limited to the matters properly raised on appeal.

5. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the President or designee. The appeal shall be a review of the record only, and no new meeting with the Respondent or Complainant is required. The President or designee may:
 - a. *Affirm the original finding and sanction;*
 - b. *Affirm the original 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; or*
 - d. *Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.*
6. The President or designee will issue a decision to the parties simultaneously in writing within a reasonable time period. The President or designee's decision will serve as the only level of appeal at the institutional level and shall be the final institutional decision.
7. Following the decision of the President or designee, a student may apply to the Board of Regents for further review of the decision pursuant to [Board of Regents Policy 6.26](#).
8. Appeals received after the designated deadlines above will not be considered unless the institution or Board of Regents has granted an extension prior to the deadline. If an appeal is not received by the deadline the last decision on the matter will become final.

H. RECUSAL FOR BIAS

1. Any party may challenge the participation of any institution official, employee or student panel member in the process on the grounds of personal bias by submitting a written statement to the institution's designee setting forth the basis for the challenge. The designee shall not be the same individual responsible for investigating or adjudicating the conduct allegation. The written challenge should be submitted within a reasonable time after the individual knows or reasonably should have known of the existence of the bias. The institution's designee will determine whether to sustain or deny the challenge and, if sustained, the replacement to be appointed.

I. RIGHTS FOR COMPLAINANT AND RESPONDENT STUDENTS

In cases of Sexual Misconduct, Complainant and Respondent rights include, but are not limited to, the following:

1. The Complainant has the right to file a report with law enforcement. The Complainant may also file a report alleging a violation of the Sexual Misconduct Policy, which may result in an investigation and possible action under the Code of Student Conduct.

2. The Complainant has the right to have the Complainant's name withheld from "timely reports" issued under the Clery Act.
3. Both the Complainant and the Respondent have the right to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting.
4. Both the Complainant and the Respondent have the right to have an advisor of their choice accompany them throughout the investigatory and/or resolution process.
5. Both the Complainant and the Respondent may submit a personal impact statement prior to any sanction being imposed.
6. Both the Complainant 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 Complainant 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 Complainant and the Respondent may request reasonable adjustments including but not limited to adjustments in academic programs and campus living arrangements.
9. Both the Complainant and the Respondent may appeal the decision (*See Chapter Nine of this Code for more information*).
10. Both the Complainant and the Respondent have 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.

J. WHAT TO DO IF YOU EXPERIENCE SEXUAL MISCONDUCT

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

Metro Police Department, Chatham County Sheriff's Office, Hinesville Police Department, or Liberty 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.

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

K. RESOURCES

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

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

For Statesboro Campus:

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

For Armstrong and Liberty Campuses:

1. Counseling Services (Students can report confidentially): (912) 344-2529
2. Health Services (Students can report confidentially): (912) 961-5726
3. Dean of Students Office: (912) 344-2514 or armdeanofStudents@georgiasouthern.edu
4. Office of Student Conduct: (912) 344-3300 or armStudentConduct@georgiasouthern.edu
5. University Police/Campus Escort: (912) 344-3333
6. Office of Equal Opportunity and Title IX:(912) 478-5136 or <https://president.georgiasouthern.edu/eo-titleix/>
7. Savannah Police Department: (912) 652-6500 or 911
8. Chatham County Police Department: (912) 652-6920 or 911

9. Chatham County Sheriff's Office: (912) 652-7609 or 911
10. Rape Crisis Center of the Coastal Empire:(912) 233-3000 or (912) 233-7273 (24-hour crisis line)
11. St. Joseph's Hospital: (912)-819-4100
12. Candler Hospital: (912) 819-6000
13. Hinesville Police Department: (912) 368-8211
14. Liberty County Sheriff's Office: (912) 876-2131

For a list of resources available to all campuses, see the H.E.R.O. Folder [here](#).

CHAPTER TEN

X. STUDENT GROUPS AND STUDENT ORGANIZATIONS

A. Groups and Organizations Rights

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

1. The right to request a copy of the Group or Organization's Student Conduct Records.
2. In a Hearing, the right to question in writing and through the chair of the University Student Conduct Board or Single Hearing Officer, any individual providing testimony to the University Student Conduct Board or Single 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.
8. To be present at the hearing during the presentation of any evidence or material on which a recommendation will be made. If a Group or Organization fails to attend the hearing, it will be held in their absence.
9. To receive a decision based solely on the evidence presented.
10. To receive a written notice of the decision and sanctions, including rationale for the decision from formal hearings.
11. To appeal decisions resulting from a formal hearing.

B. Group and Organization Sanctions

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

and judicial holds.

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

alcoholic beverages.

- h. **Organizational Disciplinary Suspension:** A status in which the University recognition of a Group or Organization is removed for a definite period of time. During a period of Organizational Disciplinary Suspension, the Group or Organization may 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.
- i. **Organizational Expulsion:** A status in which the University recognition of a Group or Organization is permanently revoked. The Group or Organization may no longer function or have a presence on University property or at University sponsored activities.

CHAPTER ELEVEN

XI. ADMINISTRATIVE REGULATIONS

AMNESTY PROTOCOL

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 Protocol.

- The Georgia Southern University Amnesty Protocol is not intended to shield or protect those Students, Groups, or Organizations that repeatedly violate the Code of Student Conduct. In cases where repeated violations of the Code of Student Conduct occur, the University reserves the right to take 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 protocol, please contact the Office of Student Conduct to receive further instructions. The decision to grant amnesty under this policy resides with the Chief Conduct Officer.

A. AMNESTY

1. For those Who Offer Assistance

To encourage Students to offer help and assistance to others, Georgia Southern University has an amnesty protocol 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 the 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. If any Student brings their own use, addiction, or dependency to the attention of University Officials prior to any Conduct violations being reported 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 Student Wellness and Health Promotions; 912-478-1283 or <https://students.georgiasouthern.edu/swhp/>

2. Statesboro Campus:

University Counseling Center; 912-478-5541 or
<http://Students.georgiasouthern.edu/counseling>
Office of Student Wellness and Health Promotions; 912-478-1283 or <https://students.georgiasouthern.edu/swhp/>

C. STUDENT CONDUCT POLICY ON COMMUNICATION

The Office 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.

D. STUDENT CONDUCT ACTIONS/RECREATIONAL FACILITIES STATUS

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

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 the University System of Georgia policy, all Student Conduct Records will be maintained for five years after the Student has graduated, the Student's last date of attendance, or the date of last official withdrawal from Georgia Southern University.

F. 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.

CHAPTER TWELVE

XII. ACADEMIC DISHONESTY

I. ACADEMIC DISHONESTY REGULATIONS, PROCEDURES, AND SANCTIONS

A. ACADEMIC DISHONESTY REGULATIONS

1. Cheating is (a) the use or attempted use of unauthorized materials, information, or study aids in any academic exercise; or (b) actions taken to gain unfair or undue advantage over others. Examples of cheating include (but are not limited to):

- a. Receiving, providing, and/or using unauthorized assistance or materials on any work required to be submitted for any course to include (but not limited to) online services or social media.
- b. Alteration or insertion of any grade so as to obtain unearned academic credit.
- c. Fabricating information, research, and/or results such as taking, or attempting to take, an examination for another Student, alteration of legitimate research data, alteration or distortion of laboratory experiments, or deliberate distortion of another's work or results.
- d. Collaborating with others on assignments without the faculty's consent.
- e. Impeding the ability of Students to have fair access to materials assigned or suggested by the Faculty Member (e.g., removal or destruction of library or other source materials).
- f. Demonstrating any other forms of dishonest behavior.

2. Classroom Copyright Infringement

- a. Any recording and transmission of classroom lectures and discussions by Students without prior written permission from the class instructor, and without all Students in the class as well as the guest speaker(s) being informed that audio/video recording may occur (it is not a violation if Student has educational accommodations through the Student Accessibility Resource Center).
- b. Uploading any recordings of lectures and/or class presentations to publicly accessible web environments.

3. Facilitation

- a. Cooperating with and/or helping another Student to cheat such as instigating, encouraging, or abetting plagiarism or cheating and/or failing to report a known violation to the Office of the Provost or the Faculty Member of the class.

4. Plagiarism is the offering of the words, ideas, computer data programs, or graphics of others as one's own in any academic exercise. Examples of plagiarism include (but are not limited to):

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

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

2. Confidentiality

Where a Complainant requests that his or her identity be withheld or the allegation(s) not be investigated, the Office of the Provost or Faculty Member will inform the requesting party that Georgia Southern University generally cannot guarantee confidentiality. The Office of the Provost or Faculty Member will consider whether or not such request(s) can be honored while still providing a safe and nondiscriminatory environment for the University. Honoring the request may limit 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 Faculty Member and the Respondent
 - i. In order for the case to be resolved informally with the Faculty member, both the Faculty Member and the Respondent must agree to the sanctions of the Informal Resolution.
 - ii. The Respondent has five (5) Days to decide whether or not to accept the Informal Resolution. The term "Day(s)" for purposes of this section refers to any day when the University is open for business and classes are in session.
 - iii. A Respondent is eligible for an Informal Resolution only if they have no previous findings of responsibility for the violations listed in this chapter.
 - iv. 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 review and respond to them at the meeting. Respondents may also be allowed to bring relevant witnesses.
- vi. If the Respondent accepts the sanction, the Faculty Member and Respondent may then resolve the problem in a manner acceptable to both. If the Respondent does not accept the sanction(s) determined by the Faculty Member, the case must then be referred to the Office of Student Conduct within ten (10) Days.
- vii. Should the Faculty Member conclude there was no violation of the Academic Dishonesty Policy, 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 the Provost and will become part of the Respondent's permanent file. The Respondent will receive a letter from the Office of the Provost, outlining the agreed upon outcome of the case.
- 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 due to a prior Academic Dishonesty violation must be referred to the Office of Student Conduct for adjudication.

D. Minor Violations – Formal Resolution

1. When a student has no prior findings of responsibility for Academic Dishonesty, but desires a formal resolution, the matter will be considered a Minor Violation. 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, along with any evidence that will be presented against them no later than twenty-four (24) hours prior to the hearing. This notice will also include any alleged violations of the Academic Dishonesty Policy, 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 Faculty Member and witness(es) (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 Faculty Member and witness(s) (if applicable) will also have the opportunity to question the Respondent.
4. The Respondent is entitled to an Advisor who may advise them and assist in drafting questions.
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 Associate Dean/Director of Student Conduct & Community Standards or designee as a recommendation for administrative action. The Associate Dean/Director of Student Conduct & Community Standards or designee will submit a final written decision to the Respondent, Faculty Member, and the Office of the Provost.
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. Whenever a student has prior findings of Academic Dishonesty and is facing a possible sanction of suspension or expulsion, they will be issued a Notice of Investigation. The Office of Student Conduct or designee will contact the Respondent at their Georgia Southern University email address to notify them of:

- i. Preliminary Allegations;
- ii. Possible sanctions;
- iii. Request for recusal for bias procedure;
- iv. The investigator who will be involved;
- v. The link to provide a written response;
- vi. The opportunity to schedule a preliminary meeting;

2. The Respondent will have five (5) 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 five (5) 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 Five (5) 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 Institutional Representative 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 Institutional Representative and witness (if applicable) will also have the opportunity to question the Respondent. All questions from the Institutional Representative, 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 Institutional Representatives present.
11. 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 Associate Dean/Director of Student Conduct & Community Standards or designee as a recommendation for administrative action. The Associate Dean/Director of Student Conduct & Community Standards or designee will submit a final written decision to the Respondent, Faculty Member, and the Office of the Provost.
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, 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 Judicial hold on their Student account.
3. Institutional Sanctions:
 - a. **Reduction of a Grade/Academic Sanction:** A reduction of a grade would apply to either the course assignment at issue or for the overall course grade (i.e., complete loss of credit for the course).
 - b. **Disciplinary Warning** – An official written reprimand stating that unacceptable behavior has

occurred and any further inappropriate behavior or other violations of the Code of Student Conduct may result in more serious actions by the University.

- c. **Disciplinary Probation** – Disciplinary Probation is a specific period of time for which the Student is not in good disciplinary standing during which further violations of the Code of Student Conduct may result in suspension or expulsion. Violations of Disciplinary Probation generally will result in more serious disciplinary action against the Student, such as suspension or expulsion from the University.
- d. **Disciplinary Suspension** – A Student placed on Disciplinary Suspension indicates that a Student, by their actions, has forfeited the privilege of attending Georgia Southern University for a specified period of time. Students who reside on campus will have a minimum of 48-hour notice to remove all their belongings out of the Residence Hall after notification that the sanction of Disciplinary Suspension is in effect. All Residence Hall fees and deposits may be forfeited. Students must apply for readmission following Disciplinary Suspension according to the "Guidelines for Readmission Following Disciplinary Suspension" document from the Office of Student Conduct. Conditions for readmission may be specified. Readmission documents may start to be submitted within the last three (3) weeks of the Disciplinary Suspension period. Once all documents have been received, they will be reviewed and a recommendation will be made. The Student may also be added to the University System of Georgia's Student Disciplinary Actions Reporting System.
- e. **Expulsion** – 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. **Educational Sanction(s)** – An educational sanction may consist of the assignment of specific projects to be performed by a Student, such as writing a research paper on a specific topic, performing community service hours, attending an educational program, and/or writing reaction papers on a specified topic.

G. APPEALS

1. All levels of appeal will only be considered for the following reasons:
 - a. To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing;
 - b. To allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, Investigator(s), decision maker(s); or
 - c. To allege that the finding was inconsistent with the weight of the information.
2. A Student found responsible for violating this Policy will have five (5) Days from the Receipt of the official outcome letter to appeal. The appeal must be submitted in writing to the Office of Student Conduct by 5pm on the final day for appeal. The appeal packet will be limited to a review of the record of the University Student Conduct Board, supporting documents, and the Student's written appeal. The Student must explicitly state why they believe an appeal is warranted based on the criteria outlined in paragraph 1.
3. All appeal requests and responses in this process are transmitted by electronic mail (which accommodates distance learning Students).
4. Any Student wishing to appeal should submit their appeal in writing to the Office of Student Conduct. The Office of Student Conduct will compile all pertinent information and deliver the appeal packet to the Office of the Provost. The Office of the Provost or designee may:
 - a. Affirm the findings and sanctions.

- b. Affirm the finding but issue a new sanction of lesser severity.
 - c. Remand the case back to the decision-maker to correct a procedural or factual defect.
 - d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
5. The Provost or designee will issue a decision within a reasonable period of time. The Provost or designee's decision will serve as the only level of appeal at the institutional level and shall be the final institutional decision.
6. Following the decision of the Provost or designee, a student may apply to the Board of Regents for further review of the decision pursuant to [Board of Regents Policy 6.26](#).
7. Appeals received after the designated deadlines above will not be considered unless the institution or Board of Regents has granted an extension prior to the deadline. If an appeal is not received by the deadline the last decision on the matter will become final.