

**25-26**



OFFICE OF STUDENT SUPPORT  
AND STUDENT CONDUCT

# **CODE OF CONDUCT**

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## CHAPTER ONE

### Chapter I. Office of Student Conduct Principles

Albany State University exists to foster excellence in teaching, learning, and character development within an environment that promotes intellectual achievement, ethical responsibility, and personal growth. The University community—students, faculty, and staff—shares in the responsibility of sustaining a productive and inclusive atmosphere through adherence to the highest standards of personal and professional conduct. As members of the Golden Ram community, students must recognize that their actions reflect not only on themselves but also on Albany State University as an institution. Whether on campus or beyond, students are expected to demonstrate integrity, civility, and respect, avoiding behaviors that may bring discredit or dishonor to themselves or the University.

Recognizing that trust is the foundation of meaningful human relationships, students are called to build and sustain the trust of their peers, faculty, and staff by following both the letter and the spirit of the Student Code of Conduct. A student-centered university values a campus climate in which respect for diversity, equity, and inclusion is understood as vital to ethical and academic development.

The University is dedicated not only to the advancement of knowledge but also to preparing ethically sensitive, responsible, and engaged citizens. These goals are achieved through sound educational programs and conduct policies that promote accountability, independence, and maturity. The Code affirms Albany State University's guiding principles by encouraging excellence, embracing diversity, expanding access to opportunity, elevating underserved populations, and promoting community and economic well-being.

The student conduct process is not a court of law; therefore, it does not follow prescribed legal or evidentiary standards. It remains separate from any criminal or civil proceedings, and one process will not determine the outcome of the other. When necessary, the University will proceed with the student conduct process regardless of the status of external legal matters.

Albany State University reserves the right to take action when student or organizational conduct interferes with the University's ability to provide a safe learning environment, protect property and services, or sponsor educational, cultural, athletic, and social activities.

Ultimately, the Student Code of Conduct serves as a framework to ensure that all students have the opportunity to learn, grow, and succeed in an environment that upholds the values of Albany State University.

## **CHAPTER TWO**

### **Chapter II. Student Conduct Authority and Administration**

Albany State University administers all matters related to admission, discipline, promotion, graduation, and student regulations in accordance with the policies of the Board of Regents of the University System of Georgia (BOR). Students who fail to comply with BOR policies or institutional rules, regulations, or directives may be subject to disciplinary action under this Code. Oversight of the Student Conduct program rests with the Chief Conduct Officer, who is responsible for developing policies and procedures consistent with this Code and for determining the composition of the University Student Conduct Board.

#### **A. Jurisdiction**

- i. This Code applies to all individuals defined as Students, as well as any recognized Groups or Organizations at Albany State University. The processes outlined in this Code apply to incidents that occur on University property (including international locations), at University-sponsored events, through University programs, networks, or equipment, or in any setting where behavior violates this Code, regardless of location.

For incidents that occur off campus, the Vice President of Student Affairs or designee will determine whether the University's interests are sufficiently impacted for the matter to fall under the scope of this Code. The Code also continues to apply to conduct that occurred while an individual was enrolled as a Student, even if the Student has since withdrawn from the University.

#### **B. Standard of Proof**

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



## CHAPTER THREE

### Chapter III. Definitions of Terms

- A. The term “**Advisor**” refers to an individual chosen by a Respondent or Complainant (where applicable) to provide support and guidance throughout the conduct process. Advisors may attend meetings and hearings but may not actively participate unless permitted by law (e.g., Title IX cross-examination). Parties may select any advisor, including attorneys, but are responsible for any associated costs if the advisor is not provided by the institution.
- B. The term “**Alcohol Container**” refers to any original packaging designed and sold to contain alcoholic beverages. This includes, but is not limited to, bottles, cans, or boxes that once held alcohol - regardless of whether they are full, partially full, or empty.
- C. The term “**Alcohol Paraphernalia**” refers to any non-original item used to store, serve, conceal or consume alcohol - or to facilitate drinking. This includes, but is not limited to, beer pong tables, cups, funnels, shot dispensers, decorative shot glasses or flasks, and/or alcohol-branded items. Alcohol paraphernalia may also include a non-beverage container or item associated with the storage, transport, serving or consumption of alcohol. This includes, but is not limited to, drinking games materials, or packaging that once held alcohol (i.e. beer boxes or 12-pack cases).
- D. The term “**Allegation**” refers to the possible violations of the Student Code of Conduct. Allegations are to be investigated and may or may not result in a charge.
- E. The term “**Amnesty**” refers to protections that encourage Students, Student Organizations and/or Student Groups to seek assistance in good faith for potential medical emergencies that may involve violations of law or policy, including those related to alcohol or drugs, without fear of disciplinary or legal action for substance-related violations.
- F. The term “**Business Day(s)**” refers to any day when the University is open for business.
- G. The term “**Charge**” refers to a violation of the Student Code of Conduct.
- H. The term “**Chief Conduct Officer**” refers to the Associate Dean of Student Support and Conduct, or designee, responsible for the oversight and administration of Student Conduct.
- I. 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.
- J. The term “**Code**” refers to the Code of Student Conduct.

- K. The term “**Community**” refers to Students, Faculty, Staff, as well as contractors, vendors, visitors, and Guests.
- L. The term “**Complainant**” refers to any person who has filed a verbal and/or written report with an University representative of alleged conduct that would violate any applicable Board of Regents or University policy, including an alleged violation of this Code. The Complainant may not always be the alleged Victim.
- M. 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.
- N. The term “**Dating Violence**” refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship shall be determined based on the totality of the circumstances including, without limitation to: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.
- O. The term “**Day(s)**” refers to any calendar day on which regular classes are in session or final exams are held, as outlined in the official university academic calendar. “Days” do not include weekends, holidays, or any other days when the university is officially closed or classes/final exams are not scheduled.
- P. The term “**Delivery Date**” refers to the date and time of delivery of correspondence to a Student’s official institutional email.
- Q. 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.
- R. 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.
- S. The term “**Group**” or “**Organization**” means any association, corporation, order, club, society, fraternity, sorority, athletic team, group living together which has students or alumni as its principal members, including local affiliate organizations, or similar groups of Students which are affiliated with, recognized by, or which use the facilities under the jurisdiction of University. This term includes, but is not limited to, Registered Student Organizations.

- T. The term "**Hearing Officer**" refers to any person designated by the Chief Conduct Officer or designee to investigate, adjudicate or otherwise resolve any cases of alleged Student Misconduct.
- U. The term "**Hearing Panel / Board**" refers to a panel of trained faculty, staff, and/or students authorized to hear formal conduct cases and determine responsibility and sanctions.
- V. The term "**Hoax**" refers to the creation and/or use of any device that can reasonably be mistaken or interpreted as a lethal or dangerous device capable of launching a projectile by air, gas, explosion, or mechanical means (including BB guns, air-soft guns, stun guns, and paintball guns).
- W. The term "**Incapacitation**" refers to the physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep or any state of unconsciousness, involuntary physical restraint, status as a minor under the age of 16, or from intentional or unintentional taking of alcohol and/or other drugs. Whether someone is incapacitated is to be judged from the perspective of an objectively reasonable person.
- X. The term "**Informal Resolution**" refers to when a Student is charged with a violation of the Student Code of Conduct and the case is resolved by accepting the outcome. By accepting the outcome, the Student waives their right to a formal hearing and waives their right to an appeal.
- Y. The term "**Investigator**" refers to a trained individual assigned to conduct impartial investigations into alleged violations. Investigators may prepare reports summarizing evidence, applicable policies, and/or recommended sanctions.
- Z. The term "**Learning Environment**" includes, but is not limited to, the physical classroom environment, labs, and asynchronous learning. It may also include electronic correspondence and environments outside-of-campus locations, outdoor environments, and other locations and contexts in which students learn.
- AA. The term "**Major Violation**" refers to any violation or accumulation of violations, which is likely to result in Disciplinary Suspension, Expulsion, or any removal from University Housing.
- BB. The term "**Minor Violation**" refers to any violation that is not likely to result in Disciplinary Suspension, Expulsion, or any removal from University Housing.
- CC. The term "**Nonconsensual Sexual Contact**" refers to any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to the touching of a person's intimate parts (for example, genitalia, groin, breasts, or buttocks); touching a person with one's own intimate parts; or forcing a person to touch the person's own or another person's intimate parts. This provision also includes "Fondling" as defined by the Clery Act.
- DD. The term "**Nonconsensual Sexual Penetration**" refers to any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and the genitals or anus of another person. This provision also includes "Rape, Incest, and Statutory Rape" as defined by the Clery Act.

- EE. The term ***“Physical Abuse”*** refers to repeated or severe physical behavior that causes bodily pain, injury, or physical distress to another person, regardless of intent.
- FF. The term ***“Physical Harm”*** refers to a single act that causes bodily injury, pain, or physical damage to a person.
- GG. The term ***“Possession”*** includes, but is not limited to, holding, no matter the duration, any prohibited item in hand or having such items in one’s property, room, vehicle, or other area and where the person owning or controlling the property, room, vehicle, or other area knew or should have reasonably known the item was present. Possession may also include drinking, ingesting, or introducing any amount of prohibited substance into one’s body.
- HH. The term ***“Policy”*** refers to the written regulations of the University as found in, but not limited to, the Student Code of Conduct, University Housing Regulations, and Graduate/Undergraduate Catalogs, and all official publications of the University, whether in print or published online.
- II. The term ***“Privileged Employees”*** refers to individuals employed by the 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.
- JJ. The term ***“Preponderance of the Evidence”*** refers to the standard of proof by which a finding of responsibility is made if it is more likely than not that the alleged conduct occurred.
- KK. The term ***“Reasonable Person”*** refers to an individual who is objectively reasonable under similar circumstances and with similar identities to the person being evaluated by the institution.
- LL. The term ***“Reporter”*** refers to an individual who reports an allegation of conduct that may violate this Policy but who is not a party to the complaint.
- MM. The term ***“Residence Hall”*** refers to any residential space or ground managed by University Housing.
- NN. The term ***“Respondent”*** refers to any individual alleged to have engaged in behavior that violates this Code or any other applicable University or Board of Regents policy.
- OO. The term ***“Retaliation”*** refers to anyone who has made a report or complaint, provided information, assisted, participated or refused to participate in any investigation or resolution under applicable Board or institution policy shall not be subjected to retaliation. Anyone who believes they have been subjected to retaliation should immediately contact the appropriate department or individual(s) for that institution. Any person found to have engaged in retaliation shall be subject to disciplinary action, pursuant to the institution’s policy.

- PP. 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 Twelve.
- QQ. The term “**Sanction**” refers to the outcome imposed when a violation of this Code is found to have occurred. Sanctions are generally educational in nature, designed to promote personal accountability, encourage positive behavior change, and reinforce community standards. This definition does not include temporary emergency measures (such as an **Interim Suspension** or other interim actions) that may be implemented pending the final resolution of a case.
- RR. 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.
- SS. The term “**Student**” refers to any individual who has been admitted to Albany State University and maintains an ongoing relationship with the University by enrolling in courses or by being eligible to enroll. This definition includes, but is not limited to, individuals enrolled in online programs.
- TT. The term “**Student Conduct Record**” refers to the Student's disciplinary record kept on file within the Office of Student Conduct.
- UU. 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).
- VV. 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.
- WW. 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.

- XX. The term **"System Director"** refers to the University System of Georgia (USG) staff member who will be notified for any violations of the Student Code of Conduct that may result in separation from the University. The System Director may provide guidance or assistance with the investigation and preparation for a Major Violation.
- YY. The term **"University" and "Institution"** means Albany State University (East and West Campus) or the Cordele Campus and all online Students.
- ZZ. The term **"University Event"** refers to any event (on-campus or off-campus) sponsored or facilitated by the University, a Student Group, or an Organization. This definition is used for purposes of the Code of Student Conduct only and does not imply or establish any legal responsibility on the part of the University for any event.
- AAA. The term **"University Official"** refers to and includes any person employed by Albany State University, performing assigned administrative or professional responsibilities.
- BBB. The term **"University Disciplinary Committee"** refers to a body trained to hear and make recommendations concerning alleged violations of the Student Code of Conduct. This board may include Students, Faculty, and Staff.
- CCC. The term **"Victim"** refers to any person who has been directly impacted by behavior of a Respondent, which violates or allegedly violates the Code of Student Conduct.
- DDD. The term **"Witness"** refers to any individual who has knowledge of the events or circumstances related to the alleged incident and can provide relevant information or testimony. This may include someone who directly observed the incident, someone who has evidence or information that supports one side of the case, and/or a person who has knowledge (i.e. first hand, indirect) or information related to an incident.

## CHAPTER FOUR

### Chapter IV. Administrative Regulations

#### A. Amnesty Policy

Albany State University places the highest priority on the health and well-being of its students, particularly regarding issues related to alcohol and other drugs. The University is committed to fostering accountability by helping students make informed and responsible decisions when faced with social challenges, including whether to consume alcohol, how to do so responsibly, and how to comply with all applicable local, state, and federal laws. Students are expected to adhere to these laws as well as the policies established by the University.

##### **Amnesty Relating to Sexual Misconduct Reports (ONLY):**

Individuals are encouraged to come forward and to report sexual misconduct notwithstanding their choice to consume alcohol or to use drugs. Information reported by an individual during an investigation concerning use of drugs or alcohol will not be used against the particular individual in a disciplinary proceeding or voluntarily reported to law enforcement; however, individuals may be provided with resources on drug and alcohol counseling and/or education, as appropriate.

##### **Amnesty Relating to All Other Student Misconduct Violations:**

1. Albany State University encourages students to seek help for peers in need of medical or safety assistance related to alcohol or drug use. The University will generally grant amnesty to the reporting student for alcohol- or drug-related violations when assistance is requested for another student. At the discretion of the **Chief Conduct Officer** or designee, amnesty may also extend to the student receiving assistance. If amnesty is granted, no conduct charges will result; however, the student may be required to attend a meeting where educational and support resources will be provided.
2. The University will provide amnesty to victims of other policy violations who may be reluctant to report to University officials due to concerns about potential alcohol- or drug-related charges at the time of the incident. If amnesty is granted, no conduct charges will result; however, a meeting may be required to connect the student with educational and support resources.
3. Students who, in good faith, participate in the conduct process as a complainant or witness will not face disciplinary action for their own personal use of alcohol or drugs disclosed during the investigation. Such information will not be used against the individual in conduct proceedings and will not be voluntarily reported to law enforcement. A meeting may be required to provide educational and support resources.

#### B. Treatment

If a student is in need of counseling and therapy for a substance abuse problem, the student will be referred to the Student Counseling Department. There the student will have access to licensed professional counselors prepared to assist. Please contact the Counseling and Student Accessibility Services at (229) 500-2013. The normal hours of operation are 8:00 a.m. – 5:00 p.m. on Monday – Friday for more information. All services are free and strictly confidential.

## **C. Interim Measures**

### **a. Temporary Remedial Measures**

- i. Temporary remedial measures may be implemented by the institution at any point after the institution becomes aware of the alleged student misconduct and should be designed to protect any student or other individual in the USG community. To the extent interim measures are imposed, they should minimize the burden on both the Complainant (where applicable) and the Respondent, where feasible.

### **b. Temporary remedial measures may include, but are not limited to:**

- i. Change of housing assignment;
  - ii. Issuance of a “no contact” directive”;
  - iii. Restrictions or bars to entering certain institutional Property;
  - iv. Changes to academic or employment arrangements, scheduled, or supervision; and,
- c. Other measures designed to promote the safety and well-being of the parties and the University’s community may be imposed.

### **d. Interim Disciplinary Suspension**

- i. In certain circumstances, the university in consultation with the System Director for the University System of Georgia, may impose a University or Residence Hall Disciplinary Suspension prior to a hearing. An Interim Disciplinary Suspension should only occur where necessary after determining that temporary remedial measures are not sufficient and/or when necessary to maintain safety and should be limited to those situations where the Respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the University will consider the existence of a significant risk to the health or safety of the alleged Victim or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.
- ii. When an Interim Disciplinary Suspension is imposed, the terms of the suspension take effect immediately. During an Interim Disciplinary Suspension of an individual, Students may not participate in classes or educational activities and may be denied access to the Residence Halls and/or to the campus. The Student will be responsible for working with Faculty Members to make up any missed work (if possible/applicable). The Respondent shall receive notice and the opportunity to respond within three (3) Days to determine whether the interim suspension should continue. The decision from this opportunity to be heard is final.
- iii. Student Organizations and/or Student Groups may be subject to Interim Disciplinary Suspension for similar reasons; however, the Interim Disciplinary Suspension will remain in place until it is lifted by the Associate Dean of Student Support and Conduct or designee and/or until the conclusion of the conduct investigation (as applicable).
- iv. A Student who is charged with, or indicted for, a felony or crime involving moral turpitude may be suspended pending the disposition of the criminal charges against them. Upon request, the Student shall be afforded a hearing, as provided in this Policy Manual and any related university policy, where they shall have the burden of establishing that their continued presence as a member of the University community will not be detrimental to the health, safety, welfare, or property of other students or members of the campus community or to the orderly operation of the institution.



**D. Student Conduct Policy on Communication**

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

**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 <https://www.asurams.edu/legal-affairs/index.php> for more information on how to request a copy of a Student Conduct Record.

**F. Freedom of Expression**

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

**G. Code of Conduct Revisions**

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

## CHAPTER FIVE

### Chapter V. Student Rights, Recusal/Challenge for BIAS, & Role of the Advisor

#### A. STUDENT RIGHTS

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

1. **Notice of Charges** – to be informed in written or electronic notification of the specific violation and inappropriate behavior in which the student or organization is suspected of involvement.
2. **Know the Procedures** – Will be provided a copy of the student conduct process when charged.
3. **Hearing** – To have an opportunity to be heard in person before a decision is made.
4. **Remain Silent** – To remain silent and have no interference of guilt drawn from such silence.
5. **Access to Advisor** – To be accompanied at a hearing by an advisor of their choice.
6. **Evidence** – The right to review available evidence in the case. To know the nature of the evidence and to be able to provide questions to be asked of witnesses.
7. **Witness** – To be able to offer a defense by having material and/or character witnesses speak on his/her behalf. The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
8. **Written Decision** – To receive a written notice of the decision and sanctions, including rationale for decision.
9. **Appeal** – To appeal a decision resulting from a formal hearing.
10. **Attend Classes** - Students also have the right to attend classes and required University functions until a hearing is held and decision is rendered except as stipulated below:

Exceptions to this would be made when the student's presence would create a clear and present danger to others, self, or material interference with the normal operation and processes or the requirements of appropriate discipline at the University. In such cases, the Associate Dean of Student Support and Conduct or designee may impose temporary protective measures, including suspension, pending a hearing, which may be reasonably necessary. It is understood that such temporary protective measure, if applicable, will be without avoidable prejudice to the student.

#### B. Recusal and 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 Support and 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 Support and Student Conduct will determine whether to sustain or deny the challenge, and if sustained, the replacement to be appointed.

#### C. Role of the Advisor

The Respondent and Complainant (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be an attorney) of the party's choosing, and at the party's own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which the advisor's advisee (Respondent and/or Complainant) is present. The advisor may advise the advisor's advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions posed to the advisee, but shall not participate directly during the investigation or hearing process. The

University shall not prohibit family members of a party from attending the hearing if the party requests such attendance but may limit each participant to having two family members present. The Respondent will be responsible for presenting the Respondent's case and may be assisted by an advisor. Advisors, including attorneys, are not permitted to represent a Respondent in any portion of Formal Resolution, but may only offer advice to the Respondent. Advisors, including attorneys, may not address the University Student Conduct Board or any member of the University Student Conduct Board, may not question or examine witnesses, and may not act as witnesses in any capacity.

## CHAPTER SIX

### Chapter VI. Student Code of Conduct Values

- A. **VALUE I, Respect for Worth of Individual:** We value the intrinsic worth of every individual in the community. Our respect for other individuals includes an appreciation of cultural backgrounds different from our own, an understanding of different attitudes and opinions, and an awareness of the consequences of our actions on the broader community. Those values can be violated by behaviors such as harassment, hazing, sexual misconduct, assault, and disorderly conduct.
- B. **VALUE II, Respect for Self-Discipline:** We value personal responsibility and recognize the individual's needs for physical, spiritual, social and emotional wholeness. We value the full development of every student in terms of a confident and constructive self-image, of a commitment to self-discipline and of a responsible self-expression. Gambling, disorderly conduct, possessing, consuming or distributing alcohol, intoxication and using or distributing illegal drugs are just a few examples of behaviors which violate the value of self-discipline and will not be tolerated.
- C. **VALUE III, Respect for Academic Integrity:** We value a campus community that encourages personal growth and academic development in an atmosphere of positive influence. We affirm the necessity of academic standards of conduct that allow students, staff and faculty to study together. We value the fair and efficient administration of these standards of conduct. Academic dishonesty and fraud can violate these values.
- D. **VALUE IV, Respect for Property and the Environment:** We value the rights and privileges of owning and using property, both personal and University, and the benefits of preservation and maintenance of property and of our natural resources. In our stewardship of property, we recognize the accountability of our actions to the future of the Albany State University community. Stealing and being in the possession of stolen or lost property, vandalism, setting a fire and arson, tampering with fire and safety equipment, possessing firearm in unauthorized areas or weapons on campus in unauthorized areas on the campus, possessing or using fireworks on campus and unauthorized entry are examples of behaviors which violate this value.
- E. **VALUE V, Respect for Community Authority:** We value our privileges and responsibilities as members of the University student community and as citizens of the community beyond the campus. We value the community standards of conduct expressed in our system of laws and value the fair administration of those laws, including university, municipal, state or federal laws. These values are violated by aiding, abetting or conspiring to engage in value violations, violating residence hall guidelines, reckless behavior, obscene conduct, insubordination, unauthorized and/or unruly demonstrations, driving while impaired, habitually offending motor vehicle rules and regulations, creating a nuisance by talking, yelling, singing, and playing a musical instrument or other electronic device loudly enough to disturb members of the university community. All of the above may constitute a student violating a city, state or federal crime as well as University policies.
- F. **VALUE VI, Respect for Community, Diversity and Inclusiveness:** We value Community, Diversity and Inclusiveness by fostering an environment free from racism, sexism, ageism, heterosexism,

homophobia, ableism and xenophobia. The University has a number of policies and statements that reinforce the campus community's commitment to diversity, civility, and equity.

## **CHAPTER SEVEN**

### **Chapter VII. Behavioral Regulations, Procedures and Sanctions**

#### **A. Behavioral Regulations**

The following list identifies examples of behaviors that may result in disciplinary action under the Student Code of Conduct. This list is not exhaustive. In cases where ambiguity, inconsistency, or the need for clarification arises regarding whether conduct constitutes a violation, the Director of Student Conduct will make the final determination. Any student or student organization found responsible for misconduct will be subject to appropriate sanctions.

#### **Value I, Respect for Worth of the Individual**

##### **Value I, Section 1. Abduction and/or Kidnapping**

A person commits the offense of kidnapping when he abducts or steal away any person without lawful authority or warrant and holds such a person against his or her will. Enticing, persuading or forcible seizing and carrying of any student, faculty, staff or University official from one place to another without that person's consent.

##### **Value 1. Section 2. Assault/Violent Behavior**

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

##### **Value I. Section 3. Attempted Offenses**

An attempt to commit an act, on University property, or involving members of the University community (that is faculty, staff, student, or campus visitor) in an offense that would be in violation of any law, code of conduct, rule, regulation of local, state or federal criminal code.

##### **Value I. Section 4. Dangerous Threatening and/or Unsafe Behavior or Gang Activity**

- a. Any conduct or behavior that threatens or endangers the health or safety of any person in the University environment, including oneself.
- b. A direct expression to inflict injury or damage. This includes, but is not limited to verbal threats to injure or harm another, horse playing, practical jokes, abductions, kidnapping, and gang related activity.

##### **Value I. Section 5. Harassment (Verbal or Physical) and/or Bullying**

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:

- a. 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; threaten violence, tend to incite an immediate breach of the peace or provoke a violent response.

- b. 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.
- c. Following, placing under surveillance, or contacting (in person, by phone, electronically, or by any other means) another person without his or her permission for the purpose of harassing or intimidating that person. Harassing or intimidating means a knowing and willful course of conduct that serves no legitimate purpose and causes emotional distress by placing another person in reasonable fear for the safety of themselves or others.
- d. Any act of intimidation or bullying directed against any person or group of persons.

#### **Value I, Section 6. Hazing**

- a. Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that—
  - A. is committed in the course of an initiation into, an affiliation or connection with, the maintenance of membership in, or any other condition or precondition connected to a student organization or school organization; and
  - B. causes or creates a risk, above the reasonable risk encountered in the course of participation in institution or organization activities (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—
    - a. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
    - b. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
    - c. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
    - d. causing, coercing, or otherwise inducing another person to perform sexual acts;
    - e. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
    - f. any activity against another person that includes a criminal violation of local, state, tribal, or federal law; and
    - g. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, tribal, or federal law.
- b. Any other activity that meets the definition of "hazing" under applicable law, including but not limited to the Max Gruver Act (see the following for full policy: [Max Gruver Legislation](#)) and Stop the Hazing Campus Act (see the following for full policy: [Stop the Hazing Campus Act](#)).

#### **Value1, Section 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 that of they have subjected to retaliation should immediately contact the

Coordinator or their designee. Any person found to have engaged in retaliation in violation of this Policy shall be subject to disciplinary action.

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

### **Value I, Section 8. Representation without Consent**

Representing the University or any recognized student organization without the specific prior consent of the officials of that group. Representation without consent also includes joining a suspended organization (i.e. fraternity or sorority) or attempting to join an organization through improper membership procedures.

### **Value I, Section 9. False Complaints/Statements**

Individuals are prohibited from knowingly giving false statements to an institution official. Any person found to have knowingly submitted false complaints, accusations, or statements, including during a hearing, in violation of applicable Board or institution policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated pursuant to the institution's policy.

### **Value I, Section 10. 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 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.

### **Value I, Section 11. 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.

### **Value I, Section 12. 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 his or her own or another person's intimate parts. This provision also includes "Fondling" as defined by the Clery Act.



**Value I, Section 13. 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.

**Value I, Section 14. Sexual Exploitation**

Taking non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited.

Examples of sexual exploitation may include, but are not limited to, the following:

1. Invasion of sexual privacy;
2. Prostituting another individual;
3. Non-consensual photos, video, or audio of sexual activity;
4. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity was consensual;
5. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
6. Knowingly transmitting an STD or HIV to another individual through sexual activity;
7. Intentionally and inappropriately exposing one’s breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or,
8. Sexually-based bullying.

**Value I, Section 15. 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.

**Value I, Section 16. 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:

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 USG also prohibits 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.

**Value I, Section 17. Sexual Misconduct**

Includes, but is not limited to, such unwanted behavior as dating violence, domestic violence,

nonconsensual sexual contact, sexual exploitation, sexual harassment and stalking.

### **Value I, Section 18. Stalking**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. 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.
2. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

### **Value II, Respect for Self-Discipline**

#### **Value II, Section 1. Alcohol Possession or Use**

- a. Possession, use, and/or consumption of alcoholic beverages by persons under the age of 21.
- b. Possession of alcohol containers by persons under the age of 21.
- c. Operating a motor vehicle while under the influence of alcohol or while impaired by the consumption of alcohol.
- d. Possession or consumption of alcoholic beverages in public locations on campus, including Residence Hall common spaces; common spaces in Residence Halls refer to any public space that exists outside the bedroom of a specific residential unit. Examples include, but are not limited to kitchens, living rooms, bathrooms, group study/lounge spaces, laundry rooms, elevator lobbies, computer rooms etc. Common spaces also include the public spaces located on the outside grounds of a Residence Hall. If alcohol is found in the common area, all Students may be charged and/or found responsible.
- e. The sale, distribution, or furnishing of alcoholic beverages, or otherwise facilitating consumption of alcohol by persons under the age of 21.
- f. Participation in drinking games or what could be perceived as drinking games, contests, forced or ritualized consumption of alcohol (e.g. beer pong, water pong, flip cup, etc.).
- g. Possession or use of common source containers (e.g. kegs, pony kegs, beer bongs)
- h. Providing alcoholic beverages to a person who is intoxicated.
- i. The use, consumption, possession, sale, and/or distribution of alcoholic beverages on University property, in cars or other vehicles, or at any of the University activities (whether on or off campus) are prohibited.
- j. Being in public on or off University premises while intoxicated or under the influence of alcohol or illicit drugs is strictly prohibited. This includes any disorderly conduct regardless of whether such conduct results in injury to person or property, as a result of intoxication shall be considered a violation.
- k. Possession of empty alcohol containers displayed for decorative purposes within the residential facilities and/or in a manner which promotes the use of alcohol including, but not limited to bottles displayed over kitchen cabinets, funnels, beer bongs, shot dispensers, etc.

- l. Organization of or participation in activities that encourage rapid consumption of alcohol (“drinking games”). The presence of alcohol where the game is being played is sufficient to classify the incident as a drinking game, even when the game itself is played without alcohol. This provision prohibits beer pong, water pong, flip cup, contests, all forced or ritualized consumption (including new member rituals), and any other activity that is objectively and reasonably perceived to be a drinking game.
- m. Any activity or conduct involving the use of alcohol that is in violation of law.

## **Value II, Section 2. Disorderly Conduct and/or Disruptive Behavior**

A person commits the offense of disorderly conduct when such a person or their guest on campus commits any of the following:

- A. Any lewd, obscene, indecent behavior, or other forms of disorderly conduct.
- B. Any abuse or unauthorized use of sound amplification equipment.
- C. Any disruptive behavior such as but not limited to fighting, threatening behavior, public disturbance, or drunk and disorderly conduct.
- D. Acts in a violent or tumultuous manner toward another person which can cause fear or damage to a person’s life, limb or health.
- E. Acts of violence that may cause damage to person’s property.
- F. Behavior that substantially disrupts the normal operations of the University.
- G. Failure to properly dispose of trash or food trays, shouting, loud stereo or radio sets; horseplay, practical jokes, and general annoyances; throwing any dangerous objects in a University facility or from the window of a University facility or onto the premise of the University.
- H. Breaking lines, such as in the cafeteria, during registration, at campus events and activities.
- I. Withholding information vital to any investigation carried out by an authorized agent of the University.
- J. Creating excessive noise which can be heard in other areas of the campus and which interferes with the normal operations of the University;
- K. Creating excessive noise which interferes with another’s campus demonstration which disrupts the normal operations of the University community; leading or inciting others to disrupt scheduled and/or ordinary activities within the University premises. It includes excessive noise, noise after quiet hours, misuse of musical instruments, noise producing devices, talking excessively loud.

## **Value II, Section 3. Drugs (illegal) and/or Drug Paraphernalia**

- 1. The possession or use of an illegal substance (substance controlled by Federal or Georgia law) or synthetic cannabinoid (i.e. Spice or K2).
- 2. The consumption, sale, distribution, manufacturing, purchase, passing of, or being in the presence of or the vicinity of illegal drugs, narcotics, the accessory to, or aiding and abetting or any controlled substances, are strictly prohibited from all locations of the University, and beyond the premises according to all local state and federal laws.
- 3. Drug paraphernalia is strictly prohibited from the University. Paraphernalia is defined as all equipment, products, and material of any kind used to facilitate planting, propagating, cultivating, growing, manufacturing, converting, processing, preparing, packaging, storing, concealing, injecting, ingesting, inhaling, or otherwise introducing a controlled substance

into the body.

4. The illegal possession of and/or use of drugs, or drug paraphernalia, includes, but is not limited to roach clips, bongs, masks, scales, balances, sandwich bags or plastic bags and their corners, sifters, syringes, spoons, chamber pipes, homemade pipes, film canisters, diluents, spray cans, carburetor pipes, paint, pipes, hookahs, using screens, water pipes, hollowed cigars, rolling papers and any other equipment, products and materials that can be directly linked to the usage of controlled substances.
5. Improper behavior or conduct on the campus which is a result of the use of illegal drugs which means that one who, having consumed or used drugs, experiences a restriction or a loss of the normal use of his/her mental and/or physical faculties.
6. Misuse or improper possession of prescription medication.
7. Operating a motor vehicle under the influence or while impaired by the consumption of substances controlled by state and/or federal law.
8. Any activity or conduct involving drugs that is in violation of local, state, or federal law.
9. 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.

#### **Value II, Section 4. Gambling**

A person commits the offense of gambling when he or she makes a bet upon partial or final result of any game or contest or upon the performance of any participant in such game, contest, etc. Gambling and games of chance, including but not limited to betting card games, video games, or betting of any kind, are prohibited. If a faculty/staff/security officer encounters what appears to be a game of chance, they will confiscate any materials associated with the event (cards, poker chips, money, etc.).

#### **Value II, Section 5. 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 card holder.
- c. Using a Student identification card in any unauthorized manner.

#### **Value II, Section 6. Misuse of Electronic or Social Media**

1. Engaging in inappropriate or irresponsible conduct using any ASU affiliated webpage, email, and/or social media resource is strictly prohibited.
2. The use of social media sites (Facebook, MySpace, Instagram, Vine, Twitter, LinkedIn, YouTube, Flickr, Snap Chat, etc.) to harass, cause mental harm or used to violate the law is also prohibited.
3. Students who are alleged to be in violation of misuse of electronic or social media sites may be subject to criminal or civil penalties, as well as university disciplinary actions.
4. Some examples include, but are not limited to the following:
  - Derogatory language or demeaning statements about or threats to any third party;
  - Inappropriate or incriminating images depicting hazing, sexual harassment or sexual misconduct, vandalism, fighting, stalking, underage drinking, illegal drug use, pornography or any other inappropriate behavior; or inappropriate language;

- Content that violates state or federal law;
- Class Elections or SGA Elections or Royal Court Elections under the Student Handbook, Student Code of Conduct and officer election guidelines (SGA Constitution);
- Online gambling;
- Information or images that could be considered obscene or untrue;
- Content that harasses third parties;

#### **Value II, Section 7. Violation of Confidentiality**

- a. Disclosing confidential Student Conduct information as a member of the University Disciplinary Committee.
- b. Disclosing confidential work-related information obtained while serving as a hearing panel member, student employee, work-study student, intern, or volunteer.

#### **Value II, Section 8. Classroom Disruption**

- a. Any classroom behavior that interferes with the instructor's ability to conduct class, failure to conform to the faculty member's announced expectations for the classroom, or the ability of other Students to learn.
- b. Any other behavior that interferes with the Faculty's ability to conduct class, or the ability of other Students to learn, or failure to conform to the Faculty member's announced expectations for the learning environment.

#### **Value II, Section 9. Deception**

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

#### **Value II, Section 10. Public Urination/Defecation**

- a. To urinate or defecate in any location not specifically designated as a "restroom."

#### **Value II, Section 11. Graduation Ceremony Disruption**

- a. Dancing, stepping and/or performing across the stage during commencement is prohibited.

#### **Value II, Section 12. Revocation of Admission and/or Degree**

Admission to or a degree awarded from the University may be revoked for but not limited to the following:

- i. Fraud;
- ii. Misrepresentation;
- iii. Violation of University standards in obtaining the degree;

- iv. Serious violation committed by an applicant or student prior to course enrollment, matriculation, or graduation; or other significant infractions endangering the safety and/or well-being of the university community.

### **Value III, Respect for Academic Integrity**

#### **Value III, Section 1. Academic Dishonesty**

1. **Academic Dishonesty:** The intentional misrepresentation of one's work to deceive for personal gain, when in fact said work is not that person's or assisting another to do the same. When the instructor has sufficient evidence of cheating or plagiarism, he or she may impose disciplinary actions such as assigning a failing grade to the student's assignment, quiz, paper, or test. If the plagiarism or cheating involves major course work such as plagiarizing a research paper or cheating on a final exam, the instructor may fail the student in the course. Academic Dishonesty includes, but is not limited to cheating, plagiarism, and fabrication.
  - **Definition of Cheating:** Cheating can be, but is not limited to, a student using electronic technology, notes, or other written materials not permitted by the instructor; looking at other students' papers without the instructor's permission; requesting answers from other students, alteration of grades or marks by the student in an effort to change the earned grade or credit; or working with other students when independent work is required. Use of Artificial Intelligence, to produce assignments (in part or in whole), essays (in part or in whole), or answers without explicit permission from the instructor, constitutes cheating. Situations where cheating may occur are during tests, exams, quizzes, or other similar methods of evaluation.
  - **Definition of Plagiarism:** Plagiarism is the appropriation of language, thoughts, or ideas of another author and claiming that as one's own. Plagiarism is work not produced by the student, or work that does not credit borrowings from the original source(s). Plagiarism can also be viewed as submitting substantially the same work to satisfy requirements for one course or academic requirement that has been submitted in satisfaction of requirements for another course or academic requirement, without permission of the instructor of the course for which the work is being submitted or supervising authority for the academic requirement. Use of Artificial Intelligence to generate content that is submitted as one's own original work, without proper citation or explicit permission from the instructor, is considered plagiarism.
  - **Definition of fabrication:** Fabrication is the falsification of data, information, or citations in any formal academic exercise. This includes making up citations to back up arguments or inventing quotations. Some other examples of fabrication would include making up data, changing data to support your hypothesis, claiming to have consulted sources that one really did not use. The submission of altered or AI-generated content that misrepresents factual accuracy or source integrity may also constitute fabrication.

#### **Value III, Section 2. Forgery, Dishonesty, Fraudulent Acts and/or Misrepresentation:**

Forgery of names, signatures, documents (personal, public, and/or private) will not be tolerated. Forgery, deceptive acts, misrepresentation and/or dishonest acts include, but are not limited to materials, alteration, misuse of University documents, records, or student identification cards, or documents and records belonging to another, cheating, plagiarism, or other forms of academic dishonesty; tampering with the election of any University recognized student organization; malfeasance of misuse of elective or appointive office student organization, its members, or the welfare of the University community; representing one's self as a member of a fraternity or sorority through the use of letters, paraphernalia, gestures, etc. without being

a nationally initiated member who is acknowledged as an official member by documents from the national organization, including a membership card and certificate/shingle; and fraudulently issuing worthless checks to the University. Lying, knowingly furnishing false information to the University or its officials, other forms of dishonesty in University-related affairs is also prohibited.

The scope includes but is not limited to the following: lying, fraudulently obtaining, altering, falsifying, transferring, loaning, selling or misusing or attempting intended misuse of ID card, validation sticker, or any University document or service, misuse of university computer systems, laboratories, equipment, or software in violation of university computer use policies; unauthorized access, distribution, alteration, or use of electronic materials including, but not limited to, information, images, text, or software; recklessly or maliciously interfering with or damaging computer or network resources or computer data, files, or other information; engaging in or attempting to engage in a denial of service; failing to comply with laws, license agreements, and contracts governing network, software and hardware use; using University computing resources for unauthorized commercial purposes or personal gain; using any account or password without authorization; allowing or causing to be used an account number or password by any other person without authorization; accessing or causing to be accessed, downloading or causing to be downloaded, pornographic or obscene materials.

**Value III, Section 3. Cooperative or Collaborative Effort in Coursework:**

Without acknowledgement or explicit permission of the instructor (including digital media); knowingly helping or attempting to help another violate any provision of the Honor Code. Examples include, but are not limited to the following:

- a. Working together on a take-home exam;
- b. Working together on assignments without instructor permission.

**Value III, Section 4. Abuse of Academic Materials:**

Intentionally or knowingly destroying, stealing, or making inaccessible any resource material. Examples include, but are not limited to:

- a. Stealing, destroying, or hiding any reference materials needed for common academic requirements.
- b. Stealing exams, grade books, books, papers, computer equipment and data, and laboratory materials.
- c. Destroying computer files or programs needed for academic works
- d. Damaging computer equipment (including removable media such as disks, CDs, flash drives, etc.) or laboratory equipment in order to alter or prevent evaluation of academic work, unauthorized use of another's computer password, disrupting the content or accessibility of an internet site, or impersonating another to obtain computer resources.
- e. Purchasing and/or using an instructor edition of any textbook in place of the student edition for any course.

**Value III, Section 5. Submitting Work for Multiple Purposes:**

Submitting without prior permission, any work submitted to fulfill another academic requirement.

**Value III, Section 6. Theft:**

Stealing, taking or obtaining in any unauthorized manner information related to any academic work. Examples include, but are not limited to: stealing exams, grade books, books, papers, computer equipment and data, and laboratory materials.

**Value IV, Respect for Property and the Environment****Value IV, Section 1. Animals (Pets)**

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

**Value IV, Section 2. Arson/Fire Setting**

The malicious fraudulent, and/or unauthorized burning of property on the University premises. Such acts include, but are not limited to, creating fires, setting a personal fire, open flames, and/or igniting flammable materials.

**Value IV, Section 3. Damage to Property/Destruction of Property and/or Vandalism**

1. Damage, vandalism or destruction of property owned or leased by the University or personal property belonging to an individual. This includes, but is not limited to, car vandalism, walking on roofs of a university building, defacing structures, and facilities, littering, unauthorized biking, skating and/or skate boarding in inappropriate areas, marking, egging, keying, painting, spraying University property or the property of others.
2. Intentionally damage any property of another without consent of that other person and the damage thereto is interfering with the possession or use of the property of another person without consent of that person.
3. Damaging university property such as light fixtures, ceiling fans, walls, and pictures is prohibited.
4. A violation of this policy includes, but is not limited to:
  - a. Intentionally and maliciously breaking or damaging furnishings;
  - b. Damaging to the kitchen/living area of residence halls; or,
  - c. Damaging to your assigned room space or unit in the residence halls (i.e. ceilings, floors, carpets, door, door frame, etc.);
  - d. Damaging to other University property (i.e. University vehicles, landscaping, golf carts, etc.).

**Value IV, Section 4. Weapons and Firearms**

- a. No Student shall keep, use, possess, display, or carry any pistol, revolver, or any instrument designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any



instrument of like kind, and any stun gun or taser on any property owned, controlled, or leased by the University System of Georgia unless specifically authorized by University administration as part of a University sanctioned event or where allowed by law.

- b. Any object that is used to injure, attempt to injure, or harass another person may be considered a weapon. The context in which a particular object was used or attempted to be used will determine whether it is a weapon.
- c. No Student shall use, possess, display or carry any swords, any prohibited knives, any explosives (including fireworks and sparklers), any martial arts weapons, dangerous chemicals, or any other weapons as defined in [University System of Georgia policy 6.11.2](#) unless specifically authorized by the administration or as part of a University sanctioned event.
- d. Any additional violation of applicable law, including the "Campus Carry" Legislation House Bill 280.

#### **Value IV, Section 5. Possessing Using Fireworks and/or Explosives on Campus**

Possession or use of fireworks and explosive devices on campus (of any kind) is prohibited. This includes but is not limited to manufacturing of the materials used to make devices.

#### **Value IV, Section 6. Tampering and/or Destroying of Safety Devices/Safety Procedures**

1. Tampering with safety equipment is a serious violation of the Student Code of Conduct.
2. Turning in a false fire or bomb alert, by any means including a telephone call, via electronic media or by a warning device is a violation.
3. Theft, removal of, or tampering with fire extinguishing or safety equipment, exit signs, smoke alarms and detectors, fire hoses, sprinkler systems, hoses, fire mischief, or violation of University guidelines regarding fire safety, or standard safety (e.g., failure to follow evacuation procedures or obstructing the evacuation of a building during a fire, fire drill, or any other type of emergency) is strictly prohibited.

#### **Value IV, Section 7. Theft/Misappropriation**

1. Theft or attempted theft of the property or services of the University, any organization, or any individual by means of taking, selling, deceiving, misappropriating, or misusing, as well as receiving and or possessing such stolen property is a violation of the Code.
2. Theft is also defined as the wrongful taking of, or the attempt to take money or property without the consent of the owner. Examples may include but is not limited to the theft of credit or debit cards, social security cards, driver's license, university I.D., keys, etc.
3. Theft may also include stealing from another person, agency, institution, or the University; the taking of property belonging to another, with the intent of converting the property for one's personal use; the unauthorized use of another's credit or debit card; and failure to return another's personal property upon request or within a reasonable period of time.
4. Misappropriation is the taking of property belonging to another by mistake and/or without the owner's permission. This includes unauthorized moving or relocation of University furniture to one's own room or to some other area, illegal and/or unauthorized possession or sale of any property without the proper authorization, and property, which has been reported lost or stolen.

#### **Value IV, Section 8. Trespassing**

Unauthorized presence on, in or within any building or property owned or operated by the University (including residence halls), or the unauthorized entry into or remaining in a facility, or in a private room or office under the control of another, after having been asked to leave.

#### **Value IV, Section 9. Unauthorized Use of University Facilities**

- a. Unauthorized use of University equipment.
- b. Unauthorized occupancy of, or unauthorized entry into or exiting from University facilities is prohibited. Unauthorized entry/exiting includes the entering, occupying and/or improper exiting of University facilities; entry or exiting into and from residence halls without proper permission into living quarter or other building and/or structure or University premises, or the aiding and assisting of such is prohibited.
- c. Unauthorized use or duplication of keys.

#### **Value IV, Section 10. Unauthorized Entry**

- a. Includes but is not limited to breaking into and entering a building, unit, or property owned or operated by the University (including residence halls) as a trespasser with the intent of committing a crime; or,
- b. Entry on or into any University building, office, residence hall, parking lot, motor vehicle, or other facilities; or,
- c. Remaining in any building after normal closing hours without proper authorization; or,
- d. Remaining overnight in public areas of the residence hall or surrounding areas without approval from University Housing staff.

#### **Value IV, Section 11. Unauthorized Use of Computer or Electronic Resources**

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

### **Value V, Respect for Community Authority**

#### **Value V, Section 1. Aiding and/or Inciting**

- a. Aiding, abetting, persuading, and/or procuring another person or persons to commit any act of misconduct in the University community or environment is prohibited.
- b. The persuading or aiding of another person to breach the peace on University premises or at functions sponsored, approved by, or participated in by any member of the University is prohibited.
- c. Gathering or groups of students on or off of the premises in such a manner, which causes damage to public or private property causes injury to persons, or interferes with orderly functioning of the University or with the normal flow of traffic or ordinary procedures is prohibited.

#### **Value V, Section 2. Violation of Sanction**

A violation of sanction is defined as failure to comply with disciplinary actions as sanctions imposed

by a Hearing body or Conduct Administrative Officer or other staff person. Failure to comply with the terms and actions of a sanction may require the student to pay a disciplinary fine in addition to the imposition of additional sanctions.

### **Value V, Section 3. Distribution of Printed Materials**

Distribution of printed material that are libelous, derogatory, scurrilous, sexually explicit, pornographic, or that encourage violations of public laws or University regulations is prohibited. Using University resources to illegally distribute copyrighted material is also prohibited.

### **Value V, Section 4. Failure to Comply**

Failure to comply includes but it not limited to:

- a. Failing to respond to a lawful request by properly identified University Officials or law enforcement officials (including Resident Assistants) in the performance of their duties;
- b. Failing to promptly identify oneself to University officials when requested;
- c. Failing to comply with any disciplinary condition imposed on a person by any Student Conduct body or administrator;
- d. Failing to evacuate a building during a fire alarm, drill or when otherwise so ordered by a University official, fire department staff or law official.
- e. Fleeing from law enforcement or University Officials.
- f. Failing to follow established University policies or guidelines.

### **Value V, Section 5. Guest Behavior**

Students are responsible for the behavior of their guests whom they invite to the campus or permit to visit the campus.

- a. If a guest is found to be in violation of the Code of Conduct while in the company of the student host or with the student host's knowledge, applicable charges will be brought against the guest, as well as against the student host or the host student organization. All guests within the residence halls, whether a student or non-student of the University, must abide by the Student Code of Conduct and the rules and regulations of Student Housing.
- b. Residents will assume responsibility for their guests/visitors upon the arrival in the residence hall and should escort their guests/visitors throughout the residence halls at all times.
- c. Any guests/visitors involved in an incident or policy violation will be asked to leave the residence hall by the housing staff and/or the Albany State University Police Department.

### **Value V, Section 6. Motor Vehicle, Traffic, and Parking Violations**

This section includes but the following is not limited to:

- a. Violations of properly constituted rules and regulations governing the use of motor vehicles (automobiles, motorcycles, etc.) on University-owned or controlled property or at University sponsored or supervised activities is prohibited.
- b. Driving and parking on grass and sidewalks.
- c. Failure to obey traffic and parking regulations is punishable by the University Police Department and/or the Office of Vice President for Student Affairs and Enrollment Management. This includes, but is not limited to, operating or attempting to operate a motor vehicle on campus while under the influence of alcohol or illicit drugs, wreck-less driving, and parking in improper zones.
- d. Failure to register a vehicle as required by the ASU Police Department; unauthorized use of a

decal or permit; operation on the campus of a vehicle in violation of an imposed ban; flagrant or repeated violation(s) of the ASU Police Department Rules and Regulations. Moreover, applicable local, state, and federal traffic laws are enforced. Dangerous behavior is also applicable.

#### **Value V, Section 7. Nuisance with Noise**

Violations of this section includes; but is not limited to the following: talking, yelling, singing, car music, playing a musical instrument, CD player, electronic device, and other noise makers that are loud enough to disturb members of the University community.

#### **Value V, Section 8. Repeat Violations**

Repeated violations of published rules and regulations of the University, which cumulatively indicate an unwillingness or inability to conform to the standards of the University for student life, are prohibited.

#### **Value V, Section 9. Solicitation**

- a. Unauthorized selling, collection of monies, and promotion on campus or within University buildings is not permitted. This includes but is not limited to use of any residence hall room, building, grounds, or parking lot for business purposes of any kind, (i.e. the selling of food, tickets, clothing, jewelry, hair, eye lashes, merchandise, favors, etc.) whatsoever is prohibited.
- b. Students may not act as agents for promotion companies or business firms which entail solicitation for parties or other unauthorized events or the receiving of business offers or goods on University property.
- c. Students may not solicit on behalf of the University.

#### **Value V, Section 10. Unlawful Conduct**

Violation of this section includes, but is not limited to 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. Unlawful conduct that is deemed to be a violation of the Student Conduct Code includes, but is no limited to conduct that:

- a. Occurs on or off campus;
- b. 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 including while studying abroad;
- c. Occurs at any intercollegiate athletic event in which one of the University's teams is participating, home or away including while studying abroad; or
- d. Involves more than one member of the University community; or otherwise adversely affects the University.

#### **Value V, Section 11. Tobacco & Nicotine**

- a. The use of all forms of tobacco products on property owned, leased, rented or belonging to the institution, or in any way used by the University or its affiliates, is expressly prohibited. "Tobacco Products" is defined as cigarettes, cigars, pipes, all forms of smokeless tobacco, clove cigarettes

and any other smoking devices that use tobacco such as hookahs or simulate the use of tobacco such as electronic cigarettes or vaporizers or any other oral smoking device.

- b. Possession and/or use of nicotine products and/or paraphernalia by individuals under the age of 21.

#### **Value V, Section 12. Tampering or Destroying of Fire Safety Devices/Safety Procedures**

Tampering with or removal of fire safety equipment within the residence halls is prohibited. This equipment includes but is not limited to fire alarm pull stations, fire extinguishers, sprinkler systems, smoke detectors and any other safety devices located within the residence halls. The following are also prohibited:

- a. Removing and/or covering smoke detectors;
- b. Activating an alarm lacking an emergency situation;
- c. Removing and/or tampering with covers on fire alarm pull stations;
- d. Removing and/or tampering with common area and room sprinkler systems;
- e. Propping of emergency exit doors is a violation and compromises the student safety within the residence halls;
- f. Discharging a fire extinguisher for any purpose other than putting out a fire; etc.
- g. Propping of interior doors such as suite/unit and bedroom doors are also considered a safety hazard;
- h. Tampering with or removing window screens from residence hall windows.

#### **Value V, Section 13. Student Organization Misconduct**

This happens when a student group's actions—or lack of action—lead to behavior that goes against the Code of Student Conduct. This can include, but is not limited to, situations where an organization fails to follow policies, ignores or condones misconduct, or actively participates in behavior that violates university standards.

- a. **Negligently allowing behavior** – When the organization does not follow policies or procedures that could have prevented a violation of the Code of Student Conduct.
- b. **Condoning behavior** – When the organization does not take steps to stop the behavior, does not speak out against it, and/or creates or accepts a culture where the behavior is seen as normal even though it violates the Code.
- c. **Facilitating behavior** – When the organization helps plan, organize, or directly participates in the behavior that violates the Code of Student Conduct.

#### **Value V, Section 14. Felony Conviction**

This applies when a student is involved in a felony-level offense. This can include, but is not limited to, being found guilty in court, pleading guilty, pleading “no contest” (nolo contendere), or receiving first offender or other pretrial diversion treatment while enrolled as a student.

- 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.

## **B. Behavioral Conduct Procedures**

This Policy establishes procedural standards for investigations and resolutions of alleged student conduct violations, which each institution must incorporate into its respective student conduct policies. The purpose of this Policy is to ensure uniformity in the quality of investigations while providing for due process that affords fairness and equity in all student conduct investigations. 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 Fifth and Fourteenth Amendments.

Complainant means an individual who is alleged to be a victim of conduct that would violate any applicable Board or institution policy.

Respondent means an individual who is alleged to have engaged in behavior that would violate any applicable Board or institution policy.

Reporters means other individuals who report information to an institution regarding alleged policy violations.

These procedures apply to matters relating to student misconduct, except matters relating to academic dishonesty, which are covered under separate institutional policies. Institutions shall inform students of their procedures governing student misconduct complaints and investigations. The terms Complainant, Respondent, and Reporters will be used throughout this Policy and are defined below. Institutions may establish to what extent the procedures outlined in this Policy apply to Reporters.

### **1. Reports of Student Misconduct**

All suspected violations should be immediately reported to the Office of Student Conduct by any person who has knowledge of the commission of any such violation. Where appropriate, Complainants and/or Reporters may file a law enforcement report as well as a University report but are not required to file both. To report any violation of the Albany State University Student Code of Conduct please click [Student Misconduct Incident Report Form](#).

Any individual and/or member of the University community may submit a report. Reports are reviewed to determine if the alleged behavior is in violation of this Code. A report of an alleged violation of the Behavioral Conduct policy should include:

- a. The type of misconduct alleged;
- b. The name and contact information of the individual(s) accused of misconduct;
- c. The date(s), time(s), and place(s) of the misconduct;
- d. The name(s) and contact information of any individual(s) with knowledge of the incident;
- e. Whether any tangible evidence has been preserved; and,
- f. Whether a criminal complaint has been made.

Information from complaints may be shared as necessary to investigate and to resolve the alleged misconduct. Complaints shall be investigated and resolved as outlined below. The need to issue a broader warning to the community in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") shall be assessed in compliance with federal law.

Where appropriate, Complainants may file a law enforcement report as well as an institutional report, but are not required to file both.

## **2. Confidentiality**

Where a Complainant (where applicable) requests that their identity be withheld or the allegation(s) not be investigated, the institution should consider whether or not such request(s) can be honored while still promoting a safe and nondiscriminatory environment for the institution and conducting an effective review of the allegations. The institution should inform the requesting party that the institution cannot guarantee confidentiality and that even granting requests for confidentiality shall not prevent the institution from reporting information or statistical data as required by law, including the Clery Act.

## **3. Retaliation**

Anyone who has made a report or complaint, provided information, assisted, participated or refused to participate in any investigation or resolution under applicable Board or institution policy shall not be subjected to retaliation. Anyone who believes they have been subjected to retaliation should immediately contact the appropriate department or individual(s) for that institution. Any person found to have engaged in retaliation shall be subject to disciplinary action, pursuant to the institution's policy.

## **4. False Complaints/Statements**

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

## **5. Amnesty**

Students should be encouraged to come forward and report violations of the law and/or student code of conduct notwithstanding their choice to consume alcohol or drugs. Information reported by a student during the conduct process concerning their consumption of drugs or alcohol will not be voluntarily reported to law enforcement; nor will information that the individual provides be used against the individual for purposes of conduct violations. Nevertheless, these students may be required to meet with staff members regarding 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. Nothing in this amnesty procedure shall prevent a university staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

## **6. Initial Evaluation of Student Conduct Reports**

Regardless of how an institution becomes aware of alleged misconduct, the institution shall ensure a prompt, fair, and impartial review and resolution of complaints alleging student misconduct. Where a report of student misconduct has been made to the appropriate department and/or person, the institution shall review the complaint to determine whether the allegation(s) describes conduct in violation of the institution's policies and/or code of conduct. If the reported conduct would not be a violation of the institution's policies and/or code of conduct, even if true, then the report should be dismissed. Otherwise, a prompt, thorough, and impartial investigation, and review shall be conducted

into each complaint received to determine whether charges against the Respondent should be brought.

## **7. Initiation of Proceedings**

- a. A charge of violation of the Student Code of Conduct may be filed by any academic or administrative official, any university staff member, any member of the faculty, any student, or any member of the local community.
- b. The student conduct office, after a review of the allegations, shall determine whether the charge will be considered for possible sanctioning. If so, the student will be required to attend a scheduled Administrative Disciplinary Meeting with the student conduct office to review the charge. An administrative meeting is required for every student to attend to address any charge(s) reported.
- c. If the student fails to attend the Administrative Disciplinary Meeting request and sanctions have been recommended, the student will be given an assigned deadline to respond in person or in writing with acceptance or denial of the recommended sanctions.
- d. Administrative Disciplinary Meetings. During the Administrative Disciplinary Meeting, the student will be informed of his/her right to a fair due process hearing and the opportunity to waive the hearing and admit responsibility for the violation(s). If the student admits responsibility for the violation(s), the student conduct office will forward a copy of the notice of the admission of responsibility and imposed sanctions to the Chief Conduct Officer or designee. If the student denies responsibility, the student conduct office shall initiate an investigation of the charges and upon conclusion and the findings of the investigative review, the case will be forwarded to the student conduct hearing panel for review and resolution.

## **C. Minor Violations**

### **1. Minor Violations - Informal Resolution**

- a. In an Informal Resolution, the Respondent will meet with the Chief Conduct Officer or designee to resolve their case;
- b. The Office of Student Support and Conduct or designee will contact the Respondent five (5) business days in advance of an Administrative Hearing via their Albany State University email account to notify them of:
  - i. An explanation of the charges(s);
  - ii. Date/Time/Location of meeting;
  - iii. Possible sanctions
- c. An advisor may be present at the request of the Respondent.
- d. The Respondent will have the opportunity to review any and all information pertaining to the charge(s).
- e. The Hearing Officer will find the Respondent in violation or not in violation for the charge(s). If the Respondent accepts the Informal Resolution, they waive their right to a formal hearing and an appeal. The Respondent will be notified of the outcome of the Informal Resolution meeting no later than three (3) days after the meeting occurred.
- f. If the Respondent does not accept the offered Informal Resolution, they can have their case resolved before the University Disciplinary Committee or a Formal Hearing Officer for a Formal Resolution.



- g. If the Respondent fails to attend the Informal Resolution, a decision will be rendered in the Respondent's absence. However, the Respondent will be given an opportunity to appeal the decision rendered within five (5) business days of the official notice by using the [Student Conduct Appeal Form](#).
- h. The Chief Conduct Officer or designee may also refer any case to the University Disciplinary Committee or Formal Hearing Officer.

## **2. Minor Violation - Formal Resolution**

- a. In a Formal Resolution, the Respondent appears before the University Disciplinary Committee or Formal Hearing Officer for adjudication of their case.
- b. The Respondent will be notified in writing of the date, time, and location of the hearing. This notice will also include a statement of the alleged behavior, any alleged violations of the Student Code of Conduct and the names of the University Disciplinary Committee members five (5) business days in advance of the scheduled formal hearing.
- c. 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 Disciplinary Committee hearing the case. The composition of the University Disciplinary Committee 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 Support and Conduct who will render a decision.
- d. During the University Disciplinary Committee hearing, the Complainant and witness (if applicable) will have the opportunity to be present to answer any questions the University Disciplinary Committee may have, as well as any questions the Respondent may have. The Complainant and witness (if applicable) will also have the opportunity to question the Respondent. All questions from the Complainant, witness, and Respondent must be directed in writing to the Chair or designee of the University Disciplinary Committee.
- e. The Chair or designee will ask the University Disciplinary Committee questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record.
- f. The Respondent is entitled to an Advisor who may advise them and assist in drafting questions. The Chair or designee 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.
- g. 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 or designee will work to provide reasonable accommodations to allow the party to ask questions of any person providing testimony.
- h. The University Disciplinary Committee or Formal Hearing Officer 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.
- i. A written copy of the University Disciplinary Committee or the Formal Hearing Officer's recommendations will be submitted to the Office of Student Support and Conduct or designee as a recommendation for administrative action. The Chief Conduct Officer or

designee will review the hearing and all associated materials and will either affirm the recommended findings and sanctions or reduce the recommended sanctions. The Director of Student Conduct or designee will submit a final written decision to the Respondent, Faculty Member, and the Office of Student Support and Conduct normally within ten (10) business days of the hearing.

- j. If the Respondent refuses to cooperate with the Office of Student Support and 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.
- k. If the Respondent fails to attend the Informal Resolution, a decision will be rendered in the Respondent's absence. However, the Respondent will be given an opportunity to appeal the decision rendered within five (5) business days of the official notice by using the [Student Conduct Appeal Form](#).

## **D. Major Violations**

### ***Investigation for Student Misconduct***

Throughout any investigation and resolution proceedings, a party shall receive written notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed 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 an investigation, the investigation may still proceed and policy charges may still result and be resolved. Timely and equal access to information that will be used during the investigation will be provided to the Complainant (where applicable), Respondent.

Where the potential sanctions for the alleged misconduct may involve a suspension or expulsion (even if such sanctions were to be held "in abeyance," such as probationary suspension or expulsion) the institution's investigation and resolution procedures must provide the additional minimal safeguards outlined below.

- a. The Chief Conduct Officer or designee will contact the Complainant (where applicable) and Respondent with written notice. This notice will include the following:
  - i. Complaint/allegations,
  - ii. Pending investigation,
  - iii. Possible charges,
  - iv. Possible sanctions, and,
  - v. Available support services.

Notice will be sent to the Complainant (where applicable) and Respondent's University email to the address on file.

- b. Upon receipt of the written notice, the Respondent shall have at least three (3) business days to respond in writing. In that response, the Respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A non-response will be considered a general denial of the alleged misconduct. Any Complainant (where applicable) shall also be provided three business days to respond to or to supplement the notice.

- c. If the Respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
- d. If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of discipline, then the complaint should be dismissed.
- e. 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.
- f. The initial investigation report shall be provided to the Respondent and the Complainant (where applicable). This report should clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions. For purposes of this Policy, a charge is not a finding of responsibility, but indicates that there is sufficient evidence to warrant further consideration and adjudication.
- g. The final investigation report should be provided to the misconduct panel or hearing officer for consideration in adjudicating the charges brought against the Respondent. A copy shall also be provided to the Respondent and Complainant (where applicable) before any hearing. 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.
- h. 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.
- i. In a Major Violation Formal Resolution, the Respondent appears before the University Disciplinary Committee or Formal Hearing Officer for adjudication of their case.
- j. Upon Receipt of the Formal Resolution notice, the Respondent will have three (3) days from the Receipt of this notice to respond. In this response, the Respondent will have the right to challenge any individual scheduled to be a part of the University Disciplinary Committee assigned to hearing the case. The composition of the University Disciplinary Committee may be challenged only based on a conflict of interest or perceived bias. Challenges should be submitted in writing to the Office of Student Support and Conduct who will render a decision.
- k. 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 Disciplinary Committee.
- l. During the University Disciplinary Committee hearing, the Complainant (if applicable) will have the opportunity to be present to answer any questions the University Disciplinary Committee may have, as well as any questions the Respondent may have. The Complainant (if applicable) will also have the opportunity to question the Respondent. All questions from the Complainant, witness, and Respondent must be directed in writing to the Chair or designee of the University Disciplinary Committee. The Chair or designee of the University Disciplinary Committee will ask the questions as written and will limit questions only if they are unrelated to determining veracity of the Charge leveled against the Respondent. The reason for any question not asked will be read into the record. If the Respondent is unable to ask questions, the Chief Conduct Officer will work to provide reasonable accommodations to allow the Respondent to ask questions of any Witnesses or Complainants present.
- m. The Respondent is entitled to an Advisor who may advise them and assist in drafting questions. The Chair or designee 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.

- n. 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.
- o. The University Disciplinary Committee or Formal 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.
- p. A written copy of the University Disciplinary Committee or Formal Hearing Officer's recommendations will be submitted to the Chief Conduct Officer or designee as a recommendation for administrative action. The Chief Conduct Officer or designee will review the hearing and all associated materials and will either affirm the recommended findings and sanctions or reduce the recommended sanctions. The Chief Conduct Officer or designee will submit a final written decision to the Respondent, Faculty Member, and the Office of Student Support and Student Conduct within ten (10) business days of the hearing.
- q. If the Respondent refuses to cooperate with the Office of Student Support and 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.
- r. If the Respondent fails to attend the Formal Hearing, a decision will be rendered in the Respondent's absence. However, the Respondent will be given an opportunity to appeal the decision rendered within five (5) business days of the official notice by using the [Student Conduct Appeal Form](#).

#### **E. Resolution/Hearings**

- A. In no case shall a hearing to resolve charge(s) of student misconduct take place before the investigative report has been finalized.

Where the Respondent indicates that they contest the charges and the investigative report has been finalized and copies provided to the Respondent and Complainant (where applicable), the matter shall be set for a hearing. However, the Complainant (where applicable) and Respondent may have the option of selecting informal resolution in certain student misconduct cases where they mutually agree except where deemed inappropriate by the Assistant Vice Chancellor for Student Affairs at the University System Office.

Where a case is not resolved through informal resolution or informal resolution is not available due to the nature of the charges, the Respondent shall have the option of having the charges heard either by an administrator (Hearing Officer) or a Hearing Panel. If an administrative hearing is requested, the Respondent shall use their discretion to determine whether the case should be heard by a Hearing Panel. Notice of the date, time, and location of the hearing shall be provided to the Respondent and Complainant (where applicable) at least five business days prior to the hearing. Notice shall be provided via institution email where applicable. Hearings shall be conducted in person or via conferencing technology as reasonably available. Additionally, the following standards will apply to any such hearing:

- 1. The Respondent and Complainant (where applicable) shall have the right to present witnesses and evidence to the hearing officer or panel. Witness testimony, if provided, shall pertain to knowledge and facts directly associated with the case being heard. The Respondent and Complainant (where applicable) shall have the right to confront any witnesses, including the other party, by submitting written questions to the Hearing Officer or Hearing Panel for consideration. Advisors may actively assist in drafting questions. The Hearing Officer or Hearing Panel shall ask the questions as written

and will limit questions only if they are unrelated to determining the veracity of the charge leveled against the Respondent(s). In any event, the Hearing Officer or Hearing Panel shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.

2. Where the Hearing Officer or Hearing Panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the Hearing Officer or Hearing Panel may establish special procedures for providing testimony from a separate location. In doing so, the Hearing Officer or Hearing Panel must determine whether there is a valid basis for the unavailability, ensure proper sequestration in a manner that ensures testimony has not been tainted, and make a determination that such an arrangement will not unfairly disadvantage any party. Should it be reasonably believed that a party or witness who is not physically present has presented tainted testimony, the Hearing Officer or Hearing Panel will disregard or discount the testimony.
3. Formal judicial rules of evidence do not apply to the investigatory or resolution process.
4. The standard of review shall be a preponderance of the evidence.
5. Institutions should maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings, and/or video recordings.
6. Following a hearing, both the Respondent and Complainant (where applicable) shall be simultaneously provided a written decision via institution email (where applicable) of the outcome and any resulting sanctions. The decision should include details on how to appeal, as outlined below. Additionally, the written decision must summarize the evidence relied on in support of the outcome and the rationale for the resulting sanction. The same form will be completed, regardless of whether the student opts for a hearing officer or hearing panel.

#### **F. Additional procedures for Non-Title IX Sexual Misconduct.**

1. Non-Title IX sexual misconduct is covered in part in BOR policy 6.7 ([Board of Regents Policy Manual | 6.7 Sexual Misconduct Policy | University System of Georgia](#)).
2. 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.
3. 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 not asking any particular questions.
4. 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.
5. The hearing panel 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.

6. Formal judicial rules of evidence do not apply to the resolution process and the standard of evidence shall be a preponderance of the evidence.
7. 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 BOR 4.8.6.6 Appeals.

## **G. Behavioral Conduct Sanctions**

1. A Student found responsible for violating the Student Code of 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 Conduct Board or Hearing Officer. Prior to issuing a sanction, the University Conduct Board and/or Single Hearing Officer will be made aware if the Respondent has any previous violations of the Student Code of Conduct. This may have an effect on the type and level of the sanction(s) to be imposed. Factors to consider when sanctioning include but are not limited to:
  - i. The nature of the violation;
  - ii. The Student's involvement in the violation
  - iii. The harm done to others or potential for harm to others
  - iv. The impact of the behavior to the community;
  - v. The Student's understanding of the consequences associated with the behavior
  - vi. The Student's prior conduct history
2. When a Student Group or Student Organization engages in an act of misconduct, the University reserves the right to take action not only against the Group or Organization but also against the individual Student members of the Group or Organization.
3. The following broad list of sanctions is intended to show the range of sanctions that may be imposed on a Student. This list is not to be regarded as all-inclusive, but rather as a sample of sanctions that may be imposed. Other University policies and regulations may impose specific penalties for specific violations, and nothing in this chapter is intended to limit the imposition of those specific sanctions.
4. Respondents who fail to complete their sanctions by their determined deadline will be assessed a disciplinary hold. The University is not responsible for any financial loss incurred by the Student for any sanction, including but not limited to fines and disciplinary holds.
5. Where any sanction is based solely on a conviction in a court of law, such sanction shall be immediately dismissed upon a show of proof to the Office of Student Support and Student Conduct that the underlying conviction has been overturned on appeal or otherwise legally overturned.

## **H. Institutional Sanctions**

### **1. Level I Sanctions**

Level 1 Sanctions are intended to address lower-level violations of the Student Code of Conduct in a manner that emphasizes education, reflection, and accountability. These sanctions focus on helping students recognize the impact of their behavior, learn constructive alternatives, and strengthen their commitment to the values of Albany State University. Sanctions may include warnings, educational or reflective assignments, restorative activities, or other discretionary measures designed to encourage responsible decision-making and positive community engagement. Successful completion

of these sanctions demonstrates a student's willingness to accept responsibility and remain in good standing with the University community.

**A. Disciplinary Warning:** A written warning serves as a reminder that any further violation(s) of the Student Code of Conduct will most likely lead to additional and more serious sanctions being imposed. The warning is considered complete at the time of the receipt of the meeting with the Respondent.

**B. Educational and Restorative Sanction(s):**

- i. **Attend Program/Event:** Attending a program/event at ASU gives a respondent an opportunity to become engaged in social activities at ASU. The respondent must attend the sanctioned program/event by a specified date in order for the sanction to be considered complete.
- ii. **eCheckup TOGO (Alcohol and/or Drugs):** Personalized and evidence-based online interventions program. The program is designed to motivate individuals to reduce their consumption using personalized information about their own use and risk factors. In addition, each individual program takes about 20-30 minutes to complete. The programs are self-guided and require no face-to-face time with an administrator.
- iii. **Goal Development:** Developing goals to work towards achieving will allow a respondent to reflect on their experiences and maintain a path to academic, personal and professional success. Five (5) goals should be developed, of which at least one is personal, one is educational, and one is professional (career). The remaining goals can be on any topic the student chooses. At least 500 words must be submitted (at least 100 words per goal), explaining how each goal follows the SMART format (specific, measurable, achievable, relevant, and time-bound).
- iv. **Letter to Future Self:** Writing a letter to a respondent's future self will allow the respondent to focus on their goals, values, and ambitions. The letter must be a minimum of 500 words.
- v. **Meeting with ASU Staff/Faculty/Department:** One or more meetings with Professional and/or Academic staff will help a Respondent to reflect on their choices and create a plan for both academic and social success at ASU. Further instructions regarding specific topics to be discussed along with the number of meetings will be provided. The meeting(s) must be completed by a specified date in order for the sanction to be considered complete.
- vi. **Presentation:** Developing a presentation on a specific topic/focus allows a respondent to further educate themselves and others. Specific guidelines on the presentation topic, length, style, and audience will be provided.
- vii. **Reflection Writing Assignment (Incident/Violation):** A reflection writing assignment gives the Respondent an opportunity reflect, consider the decisions that were made that led to the conduct violation(s), and discuss how similar situations should be handled in the future. Further instructions regarding the intended content and length of the paper will be provided. The paper is a minimum of two (2) pages, 12-point Times Roman font, double space and one-inch margins. Once the paper has been approved, the sanction is considered complete.
- viii. **Top 10 List:** Creating a top 10 list of things students should know about an agreed upon topic, such as a certain policy, program, or event, allows for a Respondent to reflect and help educate others. The list should be geared towards other ASU students and provide details. The list must include 10 items and be a minimum of 500 words. The list may be used as a promotion on campus, in which the Respondent can remain anonymous.

- ix. **Write an Article:** An article for a newsletter or other publication is an opportunity for a Respondent to reflect and help to educate others about the importance of meeting community expectations. The Respondent may remain anonymous as the author. Further instructions regarding the length and topic of the article will be provided. The article must be submitted by a specified date to be reviewed for approval. Once the article has been approved, the sanction is considered complete.

**C. Restorative Sanctions:** Restorative sanctions are intended to assist in repairing any harm or disruption that was caused to a person, group, or community.

- i. **Apology Letter:** An Apology Letter is an appropriate way for a respondent to reflect on what could have been done differently in the specific situation and to bring closure to the incident for involved parties. The letter must be submitted for approval by a specific date. Once the letter has been approved, the sanction is considered complete.
- ii. **Attend Program/Event:** Attending a program/event within the impacted community gives a Respondent the opportunity to become engaged in the community and repair any harm. The Respondent must attend the sanctioned program/event by a specified date in order for the sanction to be considered complete.
- iii. **Bulletin Board:** The creation of a Bulletin Board for a Respondent's community allows an opportunity to share information and educate other community members about issues related to a specific topic. The respondent may remain anonymous in the creation of the board. The bulletin board must be completed (not displayed) by a specific date in order for the sanction to be considered complete.
- iv. **Restorative Service:** Performing community service within the impacted community allows a Respondent to give back to the community that they caused harm to, in addition to serving as an opportunity for education and gaining knowledge. Examples includes picking up trash around a residence hall, completing rounds with Resident Assistant staff, or a discretionary project from residence hall staff.

**D. Other Types of Discretionary Sanctions:** Any discretionary assignment that will help a Respondent learn from their decisions, reflect, and/or demonstrate responsibility as a member of the University community. Further instructions regarding the specific conditions of the sanction will be provided. The discretionary sanction must be completed by a specified date in order for the sanction to be considered complete.

## 2. Level II Sanctions

Level II sanctions are more serious than a warning and may temporarily limit certain privileges or opportunities at ASU. These sanctions are meant to help students understand the impact of their choices while still allowing them to continue their education. Depending on the situation, Level II sanctions may involve giving back to the community, paying fines, writing letters, or temporarily losing the ability to participate in certain activities, programs, or organizations.

The goal of these sanctions is not just to hold students accountable but also to encourage them to reflect, make better decisions, and demonstrate responsibility as a member of the ASU Family. Completing these sanctions on time shows a student's commitment to learning from the experience and moving forward in a positive direction.



- A. **Banned from Entry:** Prohibited presence in specific buildings or group of buildings on campus (including university housing) for a designated period of time. The ban includes the immediate vicinity of any building including but not limited to loading docks and covered vestibules. Once the designated ban period has ended, the sanction is considered complete.
- B. **Community Service:** Community Service must be volunteer hours for the benefit of the community. Examples includes picking up trash around a residence hall, completing rounds with Resident Assistant staff, or a discretionary project from a residence hall staff. Hours perform for individuals or entities outside of these three examples must receive prior approval from the Office of Student Support and Student Conduct – failure to receive prior approval will result in the hours being rejected. Hours will not be accepted if the student received compensation, or the hours were for a for-profit company.
- C. **Disciplinary Probation:** Disciplinary Probation serves as a written reminder that any further misconduct will most likely lead to additional and more serious sanctions being imposed. Probation is imposed for a designated period of time. Being on probation most likely effect a student's participation in University organizations or activities. Once the designated probationary period has ended, the sanction is considered complete. *Note: If a Respondent violates the Code while on probation, they will be subject to 10 hours of community service in addition to any additional imposed sanctions that result from the subsequent incident. (See Unique Sanction Situations)*
- D. **Disciplinary Fines:** Mandatory fines are imposed when specific rules of the Student Code of Conduct are violated. The most common fines are for first (\$100.00), second (\$250.00), and third (\$500.00) offense alcohol or other drug violations; however, additional fine categories exist (trash removal, late fines, etc.). When a fine is sanctioned, it is added to the Respondent's banner account by the Office of Student Support and Student Conduct. Payment of fines are to be made to ASU BURSAR Office or online via the student's banner account. Once a copy of the payment receipt is received by the Office of Student Support and Student Conduct, the sanction is considered complete.
- E. **Loss of Privileges:** Denial of specified privileges for a designated period of time, including but not limited to, participating in University athletics, membership in recognized student organizations, use of specified University facilities, and loss of guest privileges in University housing. Once the designated loss of privileges period has ended, the sanction is considered complete.
- F. **No Contact Order:** Prohibited contact or presence near a specified person for a designated period. Specifically a Respondent is prohibited from intentionally initiating contact, in writing, by telephone or any other electronic means, including text messaging or any form of social media. Additionally a Respondent is prohibited from having other individuals initiate contact with the specified person(s) on their behalf. If the Respondent inadvertently finds themselves in the vicinity of the specified person(s), it is the Respondent's responsibility to leave the area immediately without engaging in any form of contact. The prohibition of contact applies anywhere on or off campus. Once the designated prohibition against contact period has ended, the sanction is considered complete.
- G. **Financial Restitution:** Financial Restitution is compensation for loss, damage or injury. Financial Restitution may take the form of an appropriate service and/or monetary or material replacement. When monetary restitution is sanctioned for damage of university property the amount be added directly to a Respondent's student account by the Office of Student Support and Student Conduct. If

sanctioned with monetary restitution or material replacement to another individual, the Office of Student Support and student Conduct will work with a Respondent to facilitate transfer of the payment/replacement by a specified date. Financial Restitution must be received in the form of a cashier's check or money order (only) addressed to the Complainant in order for this sanction to be considered complete.

- H. **Other Types of Discretionary Sanctions:** Any discretionary assignment that will help a respondent learn from their decisions, reflect, and/or demonstrate responsibility as a member of the university community. Further instructions regarding the specific conditions of the sanction will be provided. The discretionary sanction must be completed by a specified date in order for the sanction to be considered complete.

### 3. Level III Sanctions

Level III sanctions are the most serious outcomes of the conduct process. These sanctions are used when a student's actions have caused significant harm, disruption, or risk to the ASU community. They may involve separation from University Housing or, in more serious cases, suspension or expulsion from the University.

Unlike earlier levels, Level III sanctions can limit a student's ability to remain enrolled, live on campus, or participate in University life. While these measures are significant, they are intended to protect the safety and well-being of the campus community, while also giving students who return after suspension the opportunity to rebuild trust and move forward in a positive way.

- A. **Suspension from University Housing:** Separation from University Housing for a designated period of time. When sanctioned with housing suspension, the Respondent must check-out of their housing assignment within a specified timeframe. The duration of the housing suspension is generally no less than two academic semesters; the specific length of the housing suspension will be provided. A Respondent is also restricted from entering all University Housing as a result of the Housing Suspension. Once the designated housing suspension period has ended, the sanction is considered complete.
- B. **Expulsion from University Housing:** Permanent separation from University Housing. When sanctioned with expulsion from University housing, a Respondent must check-out of their housing assignment within a specified timeframe. A Respondent is also banned from entering all University Housing as a result of the expulsion.
- C. **Disciplinary Suspension:** Separation of the Respondent from the University for a definite period of time, after which the student is eligible to return. Information regarding the duration of the University Suspension will be provided to the Respondent. Conditions for readmission may also be specified. Readmission to the University requires application and acceptance through the Office of Admissions. A student is ineligible to register for or attend classes at any of ASU's campus locations because of suspension entered upon a finding of in-violation for violation of the institution's Student Code of Conduct shall be ineligible to register for or attend classes at any other ASU campuses during the entire period of suspension. Once the designated suspension period has ended, the sanction is considered complete.

- D. **Disciplinary Expulsion:** Permanent separation of a Respondent from the University. Administrative business may be conducted on campus with prior approval. A Respondent ineligible to register for or attend classes at any ASU campus because of University Expulsion entered upon a finding of in-violation for violation(s) of the institution's Student Code of Conduct shall be ineligible to register for or attend classes at any other ASU campuses.
- E. **Other Types of Discretionary Sanction:** Any discretionary assignment that will help a respondent learn from their decisions, reflect, and/or demonstrate responsibility as a member of the university community. Further instructions regarding the specific conditions of the sanction will be provided. The discretionary sanction must be completed by a specified date in order for the sanction to be considered complete.
4. **Hazing Public Disclosure** - The University will publicly disclose administrative adjudications of hazing or hazing related criminal convictions within 15 days of final adjudication or public notice of conviction.

**5. Alcohol and Drugs on Campus**

In accordance with Georgia laws governing the manufacture, sale, use, distribution, and possession of alcoholic beverages, illegal drugs, marijuana, controlled substances, or dangerous drugs on college campuses and elsewhere, including the Drug-Free Postsecondary Education Act of 1990, the Board of Regents encourages its institutions to adopt programs designed to increase awareness of the dangers involved in the use of alcoholic beverages, marijuana, or other illegal or dangerous drugs by University System of Georgia (USG) students and employees. Such programs shall stress individual responsibility related to the use of alcohol and drugs on and off the campus.

To assist in the implementation of such awareness programs and to enhance the enforcement of state laws at USG institutions, each institution shall adopt and disseminate comprehensive rules and regulations consistent with local, state, and federal laws concerning the manufacture, distribution, sale, possession, or use of alcoholic beverages, marijuana, controlled substances, or dangerous drugs on campus and at institutional-approved events off campus.

Disciplinary sanctions for the violation of such rules and regulations shall be included as a part of each institution's disciplinary code of student conduct. Disciplinary sanctions for students convicted of a felony offense involving the manufacture, distribution, sale, possession, or use of marijuana, controlled substances, or other illegal or dangerous drugs shall include the forfeiture of academic credit and the temporary or permanent suspension or expulsion from the institution. All sanctions imposed by the institution shall be subject to review procedures authorized by Board of Regents' Policy on Application for Discretionary Review.

The rules and regulations adopted by each institution shall also provide for relief from disciplinary sanctions previously imposed against one whose convictions are subsequently overturned on appeal or otherwise.

6. **Alcohol Possession and Use:** Any violation of the Alcohol Possession and Use Policy while on Disciplinary Probation may result in Disciplinary Suspension.
- a. **First Offense:**
- i. **Harm to Self, Others, or Property and/or Violations of the Law**

- eCHECKUP TOGO Alcohol, \$50 Fine, Disciplinary Probation Period of no less than two (2) academic semesters and Parental Notification, and Loss of Leadership Position and/or Eligibility, Educational Paper
- ii. **No Harm to Self, Others, or Property but Violations of University Policy** eCHECKUP TOGO Alcohol + \$50 Fine, Disciplinary Probation Period of no less than one (1) academic semester, Parental Notification, and Loss of Leadership Position and/or Eligibility.
- b. **Second Offense:**
  - i. **Harm to Self, Others, or Property and/or Violations of the Law**  
TIPS (Alcohol Prevention Program Class) + \$100 Assessment Fee, probationary period for no less than two (2) academic semesters, \$100 fine, possible removal from campus housing and/or suspension from University and Parental Notification
  - ii. **No Harm to Self, Others, or Property but Violations of University Policy**  
TIPS (Alcohol Prevention Program Class) + \$100 Assessment Fee, Probationary period for no less than one (1) academic semester, \$100 fine, possible removal from campus housing and/or suspension from University, and Parental Notification
- c. **Third Offense:**
  - i. **Harm to Self, Others, or Property and/or Violations of the Law**  
Suspension from school for no less than one (1) academic year, \$250 fine, Parental Notification, and permanent removal from campus housing. Further violations may result in suspension or expulsion from the University.
  - ii. **No Harm to Self, Others, or Property but Violations of University Policy**  
Suspension from school for no less than two (2) academic semesters, \$250 fine, Parental Notification, and permanent removal from campus housing. Further violations may result in suspension or expulsion from the University.

**Special Note:**

Parental Notification will be issued for students under age 21 as allowed by FERPA for drug and alcohol violations.

No student with an **OUTSTANDING** judicial record will be permitted to participate in student leadership roles including but not limited to SGA, Miss ASU, Mr. ASU, SAAB and Greek Life at Albany State University. This information will be verified by the Chief Conduct Officer.

7. **Drugs and/or Any Other Illegal Substances** - Students responsible for violating the Drugs and/or Any Other Illegal Substance Policy may be subject to the following sanctions as well as possible additional sanctions. The following list is not exhaustive. In addition, a student does not have to progress in sequence from one level to the next. The incident levels are not a progression, as a student's violation may fall within any of these three levels depending on the incident details. When a student is in violation of one of these policies, the Chief Conduct Officer or designee 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 Chief Conduct Officer and/or Hearing Officers and may vary due to circumstances, including but not limited to campus location. *Any violation of the Drugs Policy while on Disciplinary Probation may result in Disciplinary Suspension. Any violation of the Drugs Policy that could be considered a felony may result in Disciplinary Suspension.*

a. **First Offense:**

i. **Harm to Self, Others, or Property and/or Violations of the Law**

eCHECKUP TOGO Drugs + \$100.00 Assessment Fee, \$100.00 fine, Disciplinary Probation Period of no less than one (2) academic semesters, And Parental Notification, possible removal from campus housing and/or suspension from the University and Loss of Leadership Position and/or Eligibility.

ii. **No Harm to Self, Others, or Property but Violations of University Policy**

eCHECKUP TOGO Drugs + \$100.00 Assessment Fee, \$100.00 fine, Disciplinary Probation Period of no less than one (1) academic semester, and Parental Notification, possible removal from campus housing and/or suspension from the University and Loss of Leadership Position and/or Eligibility.

b. **Second Offense:**

i. **Harm to Self, Others, or Property and/or Violations of the Law**

Suspension from the University for no less than two (2) academic semesters, removal from campus housing, completion of substance abuse treatment program, probationary period of no less than one academic year upon return to University, \$250.00 fine, removal from housing and Parental Notification.

ii. **No Harm to Self, Others, or Property but Violations of University Policy**

Suspension from the University for no less than two (2) academic semesters, completion of a substance abuse treatment program, probationary period of no less than one academic year upon return to University, \$250 fine, removal from campus housing and Parental Notification.

c. **Third Offense:**

i. **Harm to Self, Others, or Property and/or Violations of the Law**

Suspension from the University for no less than three (3) academic semesters, \$500.00 fine, permanent removal from campus housing and Parental Notification. Further violations may result in suspension or expulsion from the University.

ii. **No Harm to Self, Others, or Property but Violations of University Policy**

Suspension from the University for no less than three (3) academic semesters, \$500.00 fine, permanent removal from campus housing and Parental Notification. Further violations may result in suspension or expulsion from the University.

**Special Note:**

Parental Notification will be issued for students under age 21 as allowed by FERPA for drug and alcohol violations.

No student with an OUTSTANDING judicial record will be permitted to participate in student leadership roles including but not limited to SGA, Miss ASU, Mr. ASU, SAAB and Greek Life at Albany State University. This information will be verified by the Chief Conduct Officer.

8. **Student Organization Responsibility for Drug Use**

The use of marijuana, controlled substances, or other illegal or dangerous drugs constitutes a serious threat to the public health, welfare, and academic achievement of students enrolled in the University System of Georgia (USG). Therefore, all student organizations, including but not limited to societies, fraternities, sororities, clubs, and similar groups of students which are affiliated with, recognized by, or which use the facilities under the jurisdiction of USG institutions, are responsible

for enforcing compliance with local, state, and federal laws by all persons attending or participating in their respective functions and affairs, social or otherwise.

As provided by the Student Organization Responsibility for Drug Abuse Act, any such student organization which, through its officers, agents, or responsible members, knowingly permits, authorizes, or condones 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 student organization, social or otherwise, violates the laws of this State and, after being afforded the constitutional requirements of due process, shall have its recognition as a student organization withdrawn and shall be expelled from the campus for a minimum of one calendar year from the date of determination of guilt.

Such 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 student organization that relates to the use of the property leased, rented, or occupied shall be terminated for the student 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 student 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.

## CHAPTER EIGHT

### Chapter VIII. Academic Honor Code, Procedures and Sanctions

#### Academic Honor Code

##### **Academic Honor Code Statement:**

Student Academic Honor Code: The Albany State University Student Code of Conduct and the Academic Honor Pledge establish standards of conduct designed to foster the development of well-educated, mature, ethical, and responsible citizens. As a student of Albany State University, you are responsible for upholding these standards of conduct and living up to the principles of the Academic Honor Code.

##### **Student Responsibility:**

- A. All students are responsible for reading, understanding, and complying with the Academic Honor Code Policy.
- B. If a student sees, knows, or hears of an act of dishonesty, he or she is encouraged to report this suspected violation to the instructor concerned, the course division dean, the Vice President and Provost for Academic Affairs or the University Judicial Officer.
- C. To remind student of their responsibility to uphold the Academic Honor Code, the following statement will be included in each course syllabus – “It is understood that all students are required to abide by the Albany State University Academic Honor Code as stated in the Student Code of Conduct.”
- D. In all fields of study the Academic Honor Code policy will be strictly enforced as per the Student Code of Conduct.

##### **Disciplinary Process for Academic Integrity Cases**

When it is alleged that a student has violated the University’s Academic Honor Code Policy and/or Student Code of Conduct, he or she will be subject to disciplinary procedures at the following levels. The instructor may elect to forgo Faculty Disposition and proceed directly to a Faculty Referral.

##### **A. Faculty Disposition**

- 1. The faculty member shall issue a written notice of the alleged academic dishonesty violation(s) and provide access to review all evidence to support the charge(s). Visual or audio observations by the faculty member will be considered acceptable forms of evidence.
- 2. Notice will be sent via University email outlining the violation(s); evidence; date, time and location for an initial meeting.
- 3. It is the student’s responsibility to ensure that he/she has a working University email. Failure of the student to have a valid email address on file with the University shall not invalidate the notice.
- 4. During this meeting the responding student will be given the opportunity to accept responsibility for the violation(s), waive their rights to all formal hearing and appeal proceedings, and accept the terms of the faculty disposition.
- 5. Academic penalties that may be imposed during faculty disposition include:
  - i. A reprimand from the faculty member;
  - ii. A requirement to complete a comparable assignment in which the violation occurred;

- iii. A grade change; iv. A grade reduction; or,
- iv. Failing grade for assignment or exam in which the violation occurred.
- 6. **Both the faculty member and responding student must sign the Faculty Disposition form prior to submitting to the Department Chair for review.**
- 7. A copy of the Faculty Disposition Form will be filed with the course division Dean and the Office of Provost and Vice President for Academic Affairs. In addition, a copy of the completed case file including signed documents and any evidence should be forwarded to the Office of Student Conduct for inclusion in the student's discipline record.

#### **B. Faculty Referral**

- 1. If the student is required to go through the judicial procedures as set in the University's Academic Honor Code Policy and Student Code of Conduct due to faculty referral, denial of charge(s) and/or dispute of the faculty's proposed penalties, both the faculty member and the responding student must sign the Faculty Referral Form.
- 2. The faculty member will forward the Faculty Referral Form to the course division Dean. The Dean may uphold, change or dismiss the faculty member's decision.
- 3. If a student disagrees with the Dean's decision, he or she must file a written appeal with the Office of Provost and Vice President for Academic Affairs within five (5) business days from the date he or she is notified of the Dean's decision.
- 4. The Provost and Vice President for Academic Affairs will decide the case or refer it to the Academic Honor Code Committee. The Provost and Vice President for Academic Affairs will automatically refer a student who has had two previous Honor Code violations to the Academic Honor Code Committee.
- 5. The Office of Judicial will only accept referrals for formal hearing proceedings from the Office of Provost and Vice President for Academic Affairs.

#### **C. Academic Honor Code Committee**

- 1. The Academic Honor Code Committee (AHCC) is charged with hearing alleged violations of academic integrity referred by the Office of the Provost and Vice President of Academic Affairs for formal hearing proceedings. Violations include but are not limited to plagiarism, cheating, misrepresentation and/or fabrication of one's work.
- 2. Normally, these are cases in which there is a possibility of suspension or expulsion of the accused student.
- 3. Cases are referred to the Academic Honor Code Committee through the University Judicial Officer. The University Judicial Officer sets the time, date, and location for a hearing and notifies panel members from that point.
- 4. The Academic Honor Code Committee of the University consists of five (5) members, two (2) students and three (3) faculty members, where one (1) faculty member will serve respectively as Chairperson per hearing.
- 5. Student members must be currently enrolled full-time students.
- 6. The Provost and Vice President for Academic Affairs shall appoint, each year, two (2) faculty members to serve respectfully as Chairperson and Co-Chairperson of the Academic Honor Code Committee.



7. **Deliberations are conducted in an executive session with the hearing panel only.** The decision reached after deliberations will be made by a majority vote. The Chairperson will only vote in the case of a tie.
8. Any member of the Academic Honor Code Committee shall disqualify himself or herself if their personal involvement in the case does not allow them to be objective or is of such a nature as to be detrimental to the interest of the accused or of the University.
9. The Academic Honor Code Committee will make an audio recording and written summary of the proceedings. The digital recording will be placed in the custody of the University Judicial Officer immediately following the hearing to include in the student's disciplinary record. No other recording devices or court reporters are permitted to record or transcribe an Academic Honor Code Committee hearing.
10. A written summary and recommendations shall be forwarded to the University Judicial Officer to include in the student's discipline record.
11. The University Judicial Officer will communicate the findings in writing to the student with a copy to the Office of the Provost and Vice President for Academic Affairs, the respective college dean, and the instructor of record in the course in which the alleged violation occurred.
12. The notice of the findings will inform the student of their right to appeal (if applicable).

### **Student Rights and Due Process**

A student who has been charged with an academic integrity violation and thus alleged to be involved in misconduct or inappropriate behavior will be granted the following in order to assure fundamental fairness in the university judicial process:

- A. **Notice of Charges** – to be informed in written or electronic notification of the specific violation and inappropriate behavior in which the student or organization is suspected of involvement.
- B. **Procedures** - Will be provided a copy of the student judicial process when charged.
- C. **Hearing** – To have an opportunity to be heard in person before a decision is made.
- D. **Evidence** – The right to review available evidence in the case. To know the nature of the evidence and to be able to provide questions to be asked of witnesses.
- E. **Witness** – To be able to offer a defense by having material and/or character witnesses speak on his/her behalf. The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- F. **Access to Advisor** – Both the respondent and alleged victim shall (where applicable) as parties to these proceedings, shall have the right to use an advisor (including an attorney) of his or her choosing, and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her client or advisee is present. The advisor may advise his or her advisee in any manner, including providing questions and suggestions, and guidance on responses to any questions of the advisee, but not participate directly. The University shall not prohibit family members of the student from attending the proceedings if the participant requests such attendance; but may limit each participant to two (2) family members.
- G. **Written Decision** – To receive a written notice of the decision and sanctions, including rationale for decision.
- H. **Appeal** – To appeal a decision resulting from a formal hearing.
- I. Students also have the right to attend classes and required functions until a hearing is held and decision is rendered except as stipulated below:

**Exceptions to this would be made when the student's presence would create a clear and present danger to others, self, or material interference with the normal operation an processes or the requirements of appropriate discipline at the University. In such cases, the Vice President for Student Affairs and Success or his/her designee may impose temporary protective measures, including suspension, pending a hearing, which may be reasonably necessary. It is understood that such temporary protective measure, if applicable, will be without avoidable prejudice to the student.**

### **Formal Hearing Procedures for Academic Integrity Cases**

The following procedures are designed to adjudicate violations of academic dishonesty:

- A. In the case of a first violation, it is encouraged that disputes of academic integrity be handled between the faculty member and the student.
- B. Cases not adjudicated between the faculty member and the student will be processed through the appropriate academic levels prior to referral to the Office of Student Conduct.
- C. Any allegations of violation of academic integrity which is referred to the formal hearing process will be heard by the Academic Honor Code Committee unless the student requests to waive their right to a formal hearing and appeal proceedings and requests an administrative hearing.
- D. All formal charges shall be presented to the accused student in written form. A time shall be set for a meeting which normally will not be less than three (3) business days and will not be more than twenty (20) calendar days after the student has been presented with the charges. Maximum time limits for the scheduling of meetings may be extended at the discretion of the University Judicial Officer.
- E. A student cannot drop a course or withdraw from the university to avoid being charged with academic dishonesty.
- F. The faculty member (complainant) responsible for filing the academic dishonesty charge(s) will be responsible for providing information that supports his/her claims.
- G. Normally, a hearing will be conducted in private.
- H. The Academic Honor Code Committee will make an audio recording and written summary of the proceedings. The digital recording will be placed in the custody of the University Judicial Officer immediately following the hearing to be included in the student's disciplinary record. No other recording devices or court reporters are permitted to record or transcribe an Academic Honor Code Committee hearing.
- I. The University Judicial Officer will present the case for the complainant and the University.
- J. The complainant and the accused student (as well as any witness who is not also the complaining party) shall have the right to be assisted by an advisor. The advisor will be of the individual's own choosing (this may be an attorney), and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The student may have family members accompany them to meetings and proceedings, at their request and this will be limited to two (2) family members.
- K. The accused student will be responsible for presenting his or her case and may be assisted by an advisor. The advisor may advise his or her advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions of the advisee, but shall not participate directly.
- L. The complainant, the University Judicial Officer and the accused student have the right to call witnesses.

- M. The members of the Academic Honor Code Committee may question witnesses, including the complainant and the accused student. The complainant and the accused student may question witnesses, including each other. The complainant and the accused student will be permitted to review and examine evidence during the hearing, if approved by the Honor Code Committee Chairperson and University Judicial Officer.
- N. Pertinent records, exhibits and written statements may be accepted as evidence for consideration at the discretion of the Academic Honor Code Committee Chairperson and the University Judicial Officer.
- O. Procedural questions are subject to the final decision of the University Judicial Officer.
- P. After the hearing, the Academic Honor Code Committee will go into closed session. The Chairperson may participate in the deliberations of the board. After deliberations, a decision will be forwarded to the University Judicial Officer or his/her designee.
- Q. The Academic Honor Code Committee's findings of fact and recommendation will be made on the basis of whether, by a preponderance of the evidence presented at the hearing, it is more likely than not that the accused student committed academic dishonesty as charged.
- R. Should an accused student fail to appear for his/her hearing or choose to limit or withhold a response to charges against him/her, the Chairperson shall nevertheless proceed with the hearing in the student's absence. An accused student shall not be found responsible for a violation of the Academic Honor Code Policy and Student Conduct Code solely because he/she chooses to remain silent.
- S. The University Judicial Officer will inform students of the decision via their University email account, normally within ten (10) business days of the hearing date.
- T. The University Judicial Officer will inform students of their right to appeal the decision and be given a written statement of the decision and the penalty. The student has the right to appeal any decision provided that relevant grounds for an appeal be cited.
- U. Student must send appeal by electronic mail within five (5) business days after the receipt of the original decision by the Academic Honor Code Committee to the University Judicial Officer.
- V. The Provost and Vice President for Academic Affairs (or to such other person she or he may designate) shall constitute the final appeal for all academic dishonesty cases not resulting in suspension or expulsion. Second appeals are only allowed if sanctions include suspension or expulsion. The Provost and Vice President for Academic Affairs or designee may:
  - i. Affirm the original finding and sanction.
  - ii. Affirm the original finding and issue a new sanction in lesser severity.
  - iii. Remand the case back to the decision-maker to correct procedural or factual deficit.
  - iv. Reverse or dismiss the case if there was a procedural or factual deficit.
- W. The Provost and Vice for Academic Affairs or designee will communicate, within seven (7) business days, to the student by electronic mail the decision regarding the appeal, including the process for a further appeal to the President, if applicable.
- X. Second appeals are allowed for academic dishonesty cases which include suspension or expulsion and have gone through the first level of appeal. Second level appeals are made to the President by electronic mail within five (5) business days (as determined by receipt of the decision letter from the previous appeal) after the Provost and Vice President for Academic Affairs has communicated to the student.
- Y. The President will communicate within seven (7) business days, to the student by electronic mail the decision regarding the second appeal, including further appeal to the Board of Regents, if applicable.
- Z. The final appeal should be to the Board of Regents of the USG in accordance with the Board of Regents Policy 8.6. The decision of the President will stand until a decision is determined by the Board of Regents, if applicable.

## **Perjury**

- a. All members participating in disciplinary procedures are expected to be truthful in presenting testimony during any disciplinary inquiry and to cooperate fully in the investigation of infractions.
- b. Perjury or obstruction of any inquiry shall itself be grounds for disciplinary action.

## **Appeal Guidelines**

The purpose of an appeal is to review the procedures of the formal hearing in order to determine if there has been any error. Students have the right to appeal formal hearing decisions provided relevant grounds for an appeal are cited.

All appeal requests and responses in this process are transmitted by electronic mail (which accommodates distance learning students). At the first and second levels of the appeal process it will be a review of the record only, and no new meeting with the respondent or any alleged victim (where applicable) will be held. The appropriate personnel will review all material related to the case including: (a) the record made before the hearing body; (2) all pertinent documents, including the audio recording of the hearing, witness statements, incident reports, prior violations, and sanctions against the student.

## **Grounds for Appeal**

- 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 bias;
- c. To allege that the finding was inconsistent with the weight of the information.)

## **Records**

The record of the proceeding shall consist of the written statement of the charge, the written response to the charge(s) by the accused, the summary of the committee's actions, any documentary evidence and the digital records or other records of the hearing. The record shall be kept in the student's file and in the Office of Student Conduct for five (5) years or in perpetuity in the case of expulsion. In addition, suspension and expulsion are noted on the student's academic transcript. In pending cases that could result in suspension or expulsion, the Provost for Vice President for Academic Affairs may place a temporary encumbrance on a student's transcript.

## **Amendment**

The Academic Honor Code Committee, in collaboration with the Provost and Vice President for Academic Affairs and/or Vice President for Student Affairs and Success and the University Judicial Officer may modify or change these procedures.

## CHAPTER NINE

### Chapter IX. University Housing Regulations

*Please refer to your RAM Life 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.*

#### University Housing Regulations

##### 1. Alcohol Possession and Use:

- a. Possession and use of alcohol is prohibited on the campus of Albany State University regardless of the legal drinking age of 21. Please refer to Chapter Two, Value II, Section 1, Alcohol Possession or Use of the Student Code of for more information on Page 26.

##### 2. Animals (Pets):

- a. Having pets or other animals (dogs, cats, snakes, birds, hamsters, etc.) on campus and/or in campus buildings are prohibited, with the exception of service animals and comfort therapeutic animals, when accompanied by their owner.
- b. The feeding of stray animals in or around residential facilities is also prohibited for students' safety purposes. Stray animals are not vaccinated and may cause harm to students, faculty, staff or the campus community.
- c. Any abuse, inappropriate handling, or causing death to wildlife and/or animals.
- d. Excessive noise, or destruction of property from service or assistance animals.
- e. Failure to clean up after the service animal.

##### 3. Damage to Property

It is a violation to damage any property owned by the University. A violation of this policy includes, but is not limited to:

- i. Damages to your assigned room space or unit in the residence halls (i.e. ceilings, floors, carpets, door/door frame, etc.);
- ii. Broken or damaged furnishings;
- iii. Damages to the kitchen/living area of the residence halls; or,
- iv. Damages to other university property (e.g. landscaping, etc.).

##### 4. Equipment, Facilities and/or Furniture

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

- g. Tampering with, adding, or removing any locking device on any Residence Hall door or window.
  - h. Removal of any door from its hinges.
  - i. Suspending hammocks from any surface within a Residence Hall, patio or signs on Residence Hall grounds.
  - j. Tampering with/or damaging temperature control settings on a thermostat.
  - k. Removing or tampering with furniture from a designated residential area, such as a student unit or floor common areas, from inside apartment units to patios, or moving furniture in public spaces without permission.
  - l. Placing furniture into elevators or stairwells.
  - m. Suspending any furniture from the ceiling.
  - n. Possession or use of a waterbed in a Residence Hall.
  - o. Constructing a loft or any other structure within a Residence Hall without the prior approval of University Housing Officials.
5. **Guest Behavior:** Students are responsible for the behavior of their guests whom they invite to the campus or permit to visit the campus. Such behavior includes but is not limited to:
- a. If a guest is found to be in violation of the Code of Conduct while in the company of the student host or with the student host's knowledge, applicable charges will be brought against the guest, as well as against the student host or the host student organization. All guests within the residence halls, whether a student or non-student of the University, must abide by the Student Code of Conduct and the rules and regulations of Student Housing.
  - b. Residents will assume responsibility for their guests/visitors upon the arrival in the residence hall and should escort their guests/visitors throughout the residence halls at all times. Any guests/visitors involved in an incident or policy violation will be asked to leave the residence hall by the housing staff and/or the Albany State University Police Department.
6. **Public Urination/Defecation:** To urinate or defecate in any location not typically designated as a "restroom."
7. **Excessive Health and Safety Violations**  
 Health and Safety inspections are completed at least twice a semester in each residence hall. Repeat violations are considered excessive and pose a health and safety risk to the residential community. Health and safety violations consist of but are not limited to lack of cleanliness and sanitation, obstruction to exits, prohibited appliances, excessive trash, etc.
8. **Improper Behavior**
- a. Participating in behavior that causes a disruption to the community; including, but not limited to: unauthorized parties; horse playing, water fights, food fights, etc.
  - b. 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).
  - c. 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.
  - d. Using rollerblades, skateboards, or similar devices within a Residence Hall.
  - e. Using skateboards or similar devices on the grounds of residential facilities in a manner that defaces or degrades landscaping or hard surfaces.

## **9. Littering and Trash Disposal**

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

## **10. Residence Hall Computer Labs**

Unauthorized presence in or unauthorized use of the university property (computer, furniture, televisions, etc.)

## **11. Tobacco Use/Smoking (Products) in Residence Halls**

Use of any tobacco product, or smoking, in any residence hall facility or surrounding property as Albany State University is a tobacco free campus per University System of Georgia. This ban includes traditional cigarettes and chewing tobacco as well as e-cigarettes, clove cigarettes, pipes, and hookahs. The goal of this policy is to protect and improve the health, comfort and environment of students, employees and any other occupying USG campuses.

## **12. Residential Fire and Safety (Possession and/or Action)**

- a. Failure to evacuate a University controlled building during a fire alarm.
- b. Improper or unauthorized discharge of fire extinguisher.
- c. Tampering with a fire alarm or fire detection/control equipment while on University property.
- d. Improperly engaging a fire alarm or fire detection/control equipment while on University property.
- e. Exceeding maximum occupancy.
- f. Tampering with or removal of fire safety equipment within the residence halls is prohibited. This equipment includes but is not limited to: fire alarm pull stations, fire extinguishers, sprinkler systems, smoke detectors and any other safety devices located within the residence halls.
- g. Removing and/or covering smoke detectors.
- h. Activating an alarm lacking an emergency.
- i. Removing and/or tampering with covers on fire alarm pull stations;
- j. Removing and/or tampering with common area and room sprinkler systems;
- k. Propping of emergency exit doors is a violation and compromises the student safety within the residence halls;
- l. Discharging a fire extinguisher for any purpose other than putting out a fire; etc.
- m. Propping of interior doors such as suite/unit and bedroom doors are also considered a safety hazard and is prohibited.
- n. Tampering with or removing window screens from residence hall windows.

## **13. Unapproved Room Change**

A student is not allowed to move into a vacant space within any room/suite or change room assignments/swap rooms without approval from the Area Coordinator or the Office of Housing and Residence Life.

## **14. Unauthorized Use of University Facilities and/or Equipment**

- a. Unauthorized use of University equipment.
- b. Unauthorized occupancy of, or unauthorized entry into or exiting from University facilities is prohibited. Unauthorized entry/exiting includes the entering, occupying and/or improper exiting of University facilities; entry or exiting into and from residence halls without proper permission into

living quarter or other building and/or structure or University premises, or the aiding and assisting of such is prohibited.

- c. Unauthorized use or duplication of keys.
- d. Unauthorized use of Computer Labs and/or Lobby Use to include but not limited to use of computers, furniture, televisions, etc.

15. **Community Living** (*In reference to Housing Agreement, Roommate Agreement, or RamLife Guide*): Sanctions that may be imposed for violating the policies laid out in the Housing Agreement, Roommate Agreement, and RamLife Guide.

**16. Residence Hall Security**

- a. Propping exterior doors,
- b. Disengaging locking devices, and/or,
- c. Allowing non-students and/or persons without Albany State University identification access to residence halls without serving as that person's host.

17. **Unauthorized Parties (Host and Attendees)**: Please refer to the RAM Life Guide for complete details.

**18. Nuisance with Noise**

Violations of this section includes; but is not limited to the following: talking, yelling, singing, car music, playing a musical instrument, CD player, electronic device, and other noise makers that are loud enough to disturb members of the University community.

**19. Housing Visitation:**

All of the residence halls are served by front desks at which residents' visitors must register before gaining access to the residence hall. Hosts must be present in the building to acknowledge in person that they are willing to receive the visitor. Visitors will not be permitted to enter unless the host is present. Visitors are required to show a university issued identification card and to be signed in to the visitors log by the front desk clerk upon entry to the hall. The front desk clerk will note clearly the visitor's first and last names and the time and date of entry. Failure to follow visitor procedures may be cause for disciplinary action. Visitation privileges can be revoked at any time.

Visitors **must** remain in the company of their hosts at all times. Visitors do not have the privilege of using House or hall amenities such as computers, game rooms, kitchens, or laundry equipment, unless engaged in a shared activity with a resident.

Housing guest policies are based on the premise that residents of the Houses are entitled to have occasional personal guests in the residence halls, when space is available, under reasonable limitations that protect the rights of roommates and the interests of the University community. Anyone who is not a regularly assigned resident of a room is considered a guest. Residents may not host guests overnight at any time.

Cohabitation in residence hall rooms/suites is prohibited. Cohabitation is defined as behavior indicating a room occupant is sharing his/her assigned space with a person who is not contracted to the room. Cohabitation is also defined as a guest's presence on a regular or continued basis that may infringe upon the contracted student's right to privacy, sleep, or study.



Parents or legal guardians visiting students during the academic year should secure suitable hotel accommodations for overnight visits. Residence Hall rooms are not suitable for visiting parents or legal guardians; this includes apartments which are more spacious but shared with other students. The presence of parents for any extended length of time in a residence hall can be a source of uneasiness and discomfort among student residents. Consequently, no parent or legal guardian may stay overnight in a residence hall.

- a. **First-year students** - are **NOT** permitted to have any guests/visitors in the residential halls with the exceptions of Move-In and Move-out.
- b. **Returning students** - are permitted to have only one guest per resident assigned to their specific unit. The **ONLY** guests/visitors permitted in the residence halls are currently enrolled ASU Students. The resident will be responsible in all matters regarding this Agreement for the conduct of anyone the Resident invites or permits to enter the Residence Facility or its grounds. Any violation of the provisions of this Agreement by such a person will be attributed to Resident and will be grounds for cancellation of this Agreement by University on behalf of Provider, as well as grounds for discipline of Resident by University through its disciplinary process.
- c. **Visitation of Parents, Legal Guardians, and Family Members** - Parents, legal guardians, and family members are permitted to visit students during visitation hours based on student classification, but may not stay in the residence hall overnight.
- d. **Unattended Guest:** Visitors **must** remain in the company of their hosts at all times. Residents are responsible for their guest's behavior.
- e. **Cohabitation** - Cohabitation in the residence halls is prohibited. Cohabitation exists when a person who is not assigned to a particular residence hall room uses that room as if they were living there. The resident's roommate's comfort level supersedes all guest privileges. When a guest's continual presence hinders a roommate's ability to study, sleep, and/or occupy their room, this will be considered a violation of the cohabitation policy. Examples include, but are not limited to:
  - Using the room while the assigned occupants are not present
  - Utilizing a key to enter a room assigned to another person
  - Keeping clothing and personal belongings in another person's room
  - Use of the bathroom, shower, and laundry facilities as if living in that room
  - Cohabitation is strictly prohibited by ASU Housing and Residence Life and could result in disciplinary actions up to removal from housing excluding housing refunds.

## CHAPTER TEN

### Chapter X. University Student Conduct Committees

#### A. University Student Conduct Hearing Committees

- i. The **University Disciplinary Committee** will be composed of Students, Faculty, and Staff selected by the Office of Student Support and Conduct. Students not in good standing with the University may not serve. Appointments to University Disciplinary Committee will be made as needed to keep the University Disciplinary Committee staffed to adjudicate cases in a prompt manner. These appointments may constitute permanent or temporary replacements as the Office of Student Support and Conduct deems necessary. There must be at least three panel members (two full-time faculty or staff and one full-time student), present to hear a case. A majority vote is required for findings and sanction recommendations.
- ii. The University will utilize a specially trained **Sexual Misconduct Committee** for Formal Hearings involving alleged violations of any regulation within the University System of Georgia Sexual Misconduct Policy and this Student Code of Conduct. This committee will consist of at least panel members who are full-time faculty and/or staff only. There must be at least three (3) panel members present to hear a case. A majority vote is required for findings and sanction directive.
- iii. The University will utilize the **Housing Review Board** for Formal Hearing involving alleged violations of any Institutional Housing Regulations identified within the Student Code of Conduct. There must be at least three panel members (two full-time Residence Life staff and one Resident Assistant), present to hear a case. A majority vote is required for findings and sanction recommendations.
- iv. The University will utilize the **Academic Honor Code Committee** for Formal Hearing involving alleged violations of any violation of the Academic Honor Code Policy identified within the Student Code of Conduct. Please refer to *Chapter Eight, Value VIII, Academic Honor Code, Procedures and Sanctions* of the Student Code of Conduct for more information.

#### B. Training & Development

- a. The University Student Conduct Committees and Sexual Misconduct Committee will receive annual training on this Code and the involved procedures.

#### C. General Student Complaint Consolidation

- i. ASU may consolidate complaints as to allegations of General Student Misconduct against more than one Respondent, by more than one Complainant (where applicable) against one or more Respondents, or cross-complaints between parties, where the allegations of misconduct arise out of the same facts or circumstances.
- ii. Parties shall have the opportunity to request or object to the consolidation; however, ASU shall have the authority to make the final determination. For the purpose of this Policy consolidation may occur during the investigation and/or the adjudication phases of the general student misconduct process.
- iii. **Special Note:** Cases may be referred to a single Formal Hearing Officer during seasons when the full board is unavailable or at the Respondent's request (i.e. Spring Break or Winter Break, etc.).

#### **D. Rules of Procedure in General Student Misconduct Hearings Proceedings**

- i. In cases involving more than one student, the Office of Student Support and Student Conduct may consolidate the cases for hearing, but shall make separate findings for each accused student.
- ii. If the student chooses to have an advisor/attorney present during the hearing, the advisor/attorney shall be present for consultation purposes only and shall not be permitted to speak on the students' behalf.
- iii. Rules of common courtesy and decency shall be observed. Willful disrespect, to include, but not limited to use of profanity, threatening behavior, derogatory remarks, and or/gestures will not be tolerated.
- iv. Any person may be dismissed from the hearing that interferes with or obstructs the hearing or who fails to abide by the rulings of the chairperson.
- v. The questioning of any person appearing before the hearing panel shall not be in a badgering, unduly repetitious, or irrelevant manner. It shall be at the discretion of chairperson or hearing officer to curtail a participant's further opportunity for questioning if such behavior occurs.
- vi. An audio taped record of the hearing shall be maintained and filed with the Office of Student Support and Student Conduct. The record of the hearing shall be retained for seven years. In cases of suspension or expulsion, the record should be retained permanently.
- vii. All hearings will be closed.

## CHAPTER ELEVEN

### Chapter XI. Appeals

#### A. Behavioral Conduct

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

- h. Appeals received after the designated deadlines above will not be considered unless the institution or Board of Regents has granted an extension prior to the deadline. If an appeal is not received by the deadline the last decision on the matter will become final.

**B. Sexual Misconduct**

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

## CHAPTER TWELVE

### Chapter XII. Sexual Misconduct Policy

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

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

When Sexual Misconduct does occur, all members of the University community are strongly encouraged to report it promptly through the procedures outlined in this Policy. The purpose of this Policy is to ensure uniformity throughout the USG in reporting and addressing sexual misconduct. This Policy applies to all members of the USG and the university community, on and off campus, when the conduct substantially affects the educational or work environment or poses a threat to the safety and well-being of the 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.

For clarity, Sexual Misconduct includes sexual harassment, sexual assault, dating violence, domestic violence, stalking, sexual exploitation, and retaliation, as well as any other prohibited conduct defined by BOR Policy 6.7. Consent must be informed, voluntary, and mutual; lack of protest or silence does not constitute consent, and consent can be withdrawn at any time.

The University provides supportive measures to all parties involved in a report of Sexual Misconduct, regardless of whether a formal complaint is filed. These measures may include academic adjustments, changes to housing or work schedules, counseling services, and no-contact directives. Retaliation against any individual who reports Sexual Misconduct, participates in an investigation, or engages in the process is strictly prohibited.

The University also maintains both confidential and non-confidential reporting options. Reports may be submitted to the Title IX Coordinator or Responsible Employees. Confidential resources such as licensed counselors, health service providers, and clergy are available to provide support without triggering an institutional investigation. Anonymous reports may also be submitted online.

All investigations and adjudications will follow the procedures outlined in BOR Policy 4.6.5, *Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings*, and will ensure a fair, prompt, and

equitable process. Training is provided annually to students, faculty, and staff, with specialized training for investigators, decision-makers, and advisors.

To view this Policy on the University System of Georgia website, please see the [Board of Regents Policy Manual, 6.7 Sexual Misconduct Policy](#).

For questions, resources, or to file a report, please contact:

Office of Title IX

[TitleIX@asurams.edu](mailto:TitleIX@asurams.edu)

Sexual Misconduct Reporting Form:

[https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout\\_id=8](https://cm.maxient.com/reportingform.php?AlbanyStateUniv&layout_id=8)

## CHAPTER THIRTEEN

### Chapter XIII. Student Groups and Organizations

#### A. Groups and Organization Rights

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

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

#### B. Groups and Organization Responsibilities

*Groups and Organizations are expected to:*

1. Know the violations of the Student Code of Conduct and potential sanctions.
2. Accept personal responsibility for appropriate behavior as defined in the Student Code of Conduct.
3. Recognize the University's obligation to provide an environment for learning.
4. Maintain a level of behavior which is consistent in supporting the learning environment of the University.

#### C. Group and Organization Sanctions

1. When a Group or Organization is charged with a violation, the advisor(s), and (as applicable) regional, national, international offices, the Office of Greek Life, and the Office of Student Engagement will be notified. The official outcome will become part of the Group or Organization's file in the Office of Student Support and Student Conduct.
2. A Group or Organization found responsible for violating the Student Code of 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 Disciplinary Committee or Single Hearing Officer. Prior to issuing a sanction, the Chief Conduct Officer or designee will inform the University Disciplinary Committee or the Hearing Officer if the Respondent has any previous violations of the Student Code of Conduct. This may have an effect on the type and level of the sanction(s) to be imposed.

3. When a Group or Organization engages in an act of misconduct, the University reserves the right to take action not only against the Group or Organization but also against individual Student members of the Group or Organization.
4. This list is not to be regarded as all-inclusive but rather as a sample of sanctions that may be imposed. Other University policies and regulations may impose specific penalties for specific violations, and nothing in this chapter is intended to limit the imposition of those specific sanctions.
5. The University is not responsible for any financial loss incurred by the Group or Organization or its members for any sanction, including fees.
6. Student Groups or Student Organizations who fail to complete all sanctions as imposed will be charged with Failure to Comply.

#### D. Institutional Sanctions

1. **Organizational Disciplinary Warning:** Formal notice from the Office of Student Conduct indicating further violations may result in more severe sanctions.
2. **Restitution:** Requiring restitution allows for the compensation of loss, damage or destruction caused by a Group or Organization's misconduct. Compensation may take the form of appropriate service, and/or monetary or material replacement. Requests for property or money to be exchanged between parties in the Conduct process will be referred to mediation. The Office of Student Support and Student Conduct will not take responsibility for the facilitation of these exchanges.
3. **Fees and Fines:** Monetary fines or fees may be imposed for violations of this Code.
4. **Organizational Disciplinary Probation:** Probation is a defined period of review during which a student organization must demonstrate its ability and commitment to comply with all University rules, regulations, and any specific conditions imposed. While on probation, the organization remains recognized but is subject to close monitoring and may be required to complete additional obligations or restrictions as outlined in the sanction. If the organization violates another University rule, regulation, or the directives of a disciplinary body or hearing officer during the probationary period, the organization's registration, privileges, and/or chapter status may be suspended or revoked. In addition, individual members involved in the misconduct may be subject to separate and heightened sanctions imposed by the Office of Student Support and Student Conduct.
5. **Educational Sanction(s):** An educational sanction may consist of the assignment of specific projects to be performed by a Group or Organization, such as a presentation or workshop on a specific topic, performing community service hours, and/or attending an educational program. Educational sanctions might also include completing mandated alcohol, drug or other behavioral education programs and/or enrolling in web based online alcohol and drug education programs.
6. **Loss of Privileges:** Exclusion of specific privileges such as restriction/exclusion from activities consistent with the violation committed, for a designated period of time.
7. **Special Sanctions under the Student Organization Responsibility for Drug Abuse Act:** Any Group or Organization found responsible for a violation of paragraph (9) of the violation "Drugs," after being afforded the constitutional requirements of due process, shall have its recognition as a Group or Organization withdrawn and shall be expelled from the campus for a minimum of one (1) calendar year from the date of determination of guilt. Such Group or Organization shall also be

prohibited from using any property or facilities of the institution for a period of at least one year. Any lease, rental agreement, or other document between the Board of Regents or the institution and the Group or Organization that relates to the use of the property leased, rented, or occupied shall be terminated for the Group or Organization knowingly having permitted or authorized the unlawful actions described above. All sanctions imposed by this policy shall be subject to review procedures authorized by the Board of Regents' Policy on [Application for Discretionary Review](#). An appeal to the Board of Regents shall not defer the effective date of the adverse action against the Group or Organization pending the Board's review unless the Board so directs. Any such stay or suspension by the Board shall expire as of the date of the Board's final decision on the matter.

8. **Organizational Social Probation:** During the period of social probation, the Group or Organization must not host nor participate in any social events to include any event where alcoholic beverages are/will be served, formals, semi-formals, homecoming activities, tailgate events or any other event in which the purpose is purely socialization or entertainment. Groups or Organizations may host and participate in chapter meetings, council meetings, business meetings, philanthropy events, and any educational sessions offered through the Office of Fraternity and Sorority Life and/or your National Office, without the presence of any alcoholic beverages.
9. **Organizational Disciplinary Suspension:** A status in which the University recognition of a Group or Organization is removed for a definite period of time. During a period of Organizational Disciplinary Suspension, the Group or Organization may (on a case by case basis) continue to occupy or hold property, but may not hold or sponsor events, and/or sponsor or attend any events on or off campus.
  - i. A student organization's privileges, chapter status, and registration may be suspended for a specified period of time. In the event that a student organization is suspended from the University, the organization may not during the term of the suspension:
    - a. Meet as an organization;
    - b. Recruit members;
    - c. Engage in social functions of any type;
    - d. Use University buildings, facilities, property or equipment;
    - e. Use University resources, services or funds; or,
    - f. Co-sponsor, participate or attempt to participate as an organization in another student organization's event, including any event sponsored by another student organization.
  - ii. In a case where suspension of all organizational privileges has not been applied, any one or more of the privileges set forth above may be suspended.
  - iii. Upon the end of the suspension, and before a group is allowed to return, a petition must be submitted to the appropriate University Official, which demonstrates in a sufficient manner, as determined by the University in its sole discretion, the following:
    - a. The issues leading to the organization's suspension have been remedied;
    - b. Those wishing to revive the organization's status understand the University's policies and procedures and are willing and able to follow them;
    - c. The organization and its members have complied with the suspension, have not engaged in conduct aimed at ignoring or frustrating the suspension; and,
    - d. The organization and its members have committed no intervening violations of the Student Code of Conduct.
10. **Organization Interim Action:** In certain circumstances, the Office of Student Support and Student Conduct may impose temporary restrictions on a student group or organization, up to and including an interim suspension of all activities, prior to the final resolution of a case. Interim action may be taken when necessary to:

- Protect the safety and well-being of the University community,
- Safeguard University property, or
- Ensure the normal operations of the University when the group or organization poses a threat of disruption.

Interim actions are administrative measures, not disciplinary findings, and may be added, amended, or removed at any time at the discretion of the University.

11. **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.
12. **Notice of Reprimand Issued to an Organization:** A formal written notification to a student organization stating that its behavior was inconsistent with the expectations of the University community. A reprimand serves as an official warning, and any further violations of the Code of Conduct may result in more serious sanctions.
13. **Restitution:** A requirement that an organization reimburse another party or the University for a loss, damage, or injury resulting from the organization's actions. Restitution may include monetary payment, replacement of property, or the provision of services to repair the harm caused.
14. **Recommendation for Charter Revocation:** A formal University action requesting that the organization's national or governing body revoke the charter of the local chapter. This recommendation is forwarded to the appropriate external office or authority when the severity of misconduct warrants permanent dissolution of the chapter's affiliation.
15. **Revocation of University Recognition:** The permanent removal of a student organization's recognition and all associated rights, privileges, and benefits. Revocation results in the complete severance of the organization's relationship with the University and prohibits the organization from operating, meeting, or representing itself as part of the University community.
16. **Other Educational Sanctions:** Projects or assignments designed to educate an organization and its members in connection with the effect of its member's actions. Educational assignments include, but are not limited to, alcohol awareness programs, and/or risk management programs.

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