



STUDENT CONDUCT CODE

DIVISION OF STUDENT AFFAIRS
& ENROLLMENT MANAGEMENT

2011-2012



PART I: STUDENT CONDUCT CODE

I) OFFICE OF STUDENT CONDUCT PHILOSOPHY

The Office of Student Conduct emphasizes a developmental approach toward discipline that is educational and proactive and allows for maximum student growth. The office embraces the concept of a student-centered University. A student-centered University is committed to developing and establishing programs designed to enhance lifelong learning opportunities, foster a climate of personal growth and development, set high expectations for personal integrity, and assist students in the development of an informed set of values, ethics, and beliefs. A student-centered University embraces a campus climate in which civility and respect among members of the campus community is viewed vital to the overall ethical development of its students.

II) GEORGIA SOUTHERN STATEMENT ON STUDENT CONDUCT

Georgia Southern University students are expected to obey national, state, and local laws, to respect the rights of members of the campus community, and to accept responsibility for the consequences of their behavior. In the event students fail to demonstrate such behavior, Georgia Southern University reserves the right to take necessary and appropriate action to protect the safety and well being of the campus community. Such action may include pursuing disciplinary action for violations of University rules and regulations, policies, violations of national, state, and local laws that occur on-campus, off-campus, or on the internet that adversely affects the educational interest of the University.

Georgia Southern University's student conduct system is not a court of law. The Student Conduct Code is not written with the specificity of a criminal statute. In cases where civil or criminal proceedings also involve a violation of the Student Conduct Code, the University reserves the right to take appropriate disciplinary action against the student. Such action will be regarded as separate and distinct from proceedings in criminal or civil court and may be scheduled according to timelines that serve the interest of the University.

III) GEORGIA SOUTHERN V.A.L.U.E.S.

V – *Voices*

Every voice has the right to be heard, and every word will be spoken with respect.

A – *Accountability*

It is an expectation that we will hold each other accountable.

L – *Lasting Traditions*

We will continue to pursue greatness while embracing our lasting traditions.

U – *Unity*

Our community is united in celebrating our diversity in all its varied forms.

E – *Ethical Behavior*

We will display ethical behavior and do what is right.

S – *Scholarship*

As a community of scholars, we will pursue academic distinction through learning, teaching, and research.

IV) DIVERSITY STATEMENT

Georgia Southern University is dedicated to affirming and fostering an appreciation and understanding of cultural, ethnic, and gender diversity by creating a community that celebrates our many beliefs, traditions, and values.

Georgia Southern University values the richness of the cultural, ethnic, and gender diversity reflected in the different experiences each member of the campus community adds to the learning environment.

Georgia Southern University expects all University constituents to contribute to the enhancement and maintenance of a campus climate that reflects the principles of inclusiveness, equity, civility, and mutual respect and understanding by embracing the many dimensions of diversity which include but are not limited to race, ethnicity, class, gender identity, sexual orientation, religion, and ability.

V) GEORGIA SOUTHERN UNIVERSITY CAMPUS HONOR PLEDGE

“On my honor, I pledge to be academically honest in all my coursework and will not tolerate the academic dishonesty of others. I also pledge to engage in ethical behavior on-campus and off-campus, to live an honorable lifestyle, and to create a campus environment that is characterized by individual responsibility, civility, and integrity.”

VI) STUDENT CONDUCT AUTHORITY

- The Director of Student Conduct shall develop policies for the administration of the student conduct program and the procedural rules for the conduct of hearings that are not inconsistent with the provisions of the Student Conduct Code.
- The Director of Student Conduct, in consultation with the Dean of Students and Academic Affairs, will determine the composition of the University Student Conduct Board.
- The Director of Student Conduct shall seek to ensure that the University Student Conduct Board and Hearing Officers are representative of the University’s students, faculty, and administrative staff members who are willing and able to offer fair and thoughtful consideration of each case heard.

VII) DEFINITION OF TERMS

- 1) The term "**University**" means Georgia Southern University.
- 2) The term "**student**" includes all persons taking courses at Georgia Southern University. Persons who are not currently enrolled, but who were previously enrolled, would be considered to have a continuing relationship with the University so long as they are eligible to enroll. Individuals who are admitted, but whose degree is not yet conferred, are considered students. Students also include SOAR participants and East Georgia College students taking courses on the Georgia Southern University campus.
- 3) The term "**faculty member**" means any person employed by Georgia Southern University to conduct classroom activities.
- 4) The term "**university official**" includes any person employed by Georgia Southern University, performing assigned administrative or professional responsibilities.
- 5) The term "**organization**" means a recognized student organization.
- 6) The term "**Student Conduct Officer**" refers to any person designated by the Dean of Students to be responsible for the management of the student conduct program. The

Conduct Officers are authorized to investigate, adjudicate or otherwise resolve any cases of alleged student misconduct.

- 7) The term "**University Student Conduct Board**" and "**Hearing Officer**" means any person or persons authorized by the Dean of Students or his/her designee to recommend whether a student has violated the Student Conduct Code and to recommend sanctions.
- 8) The term "**policy**" is defined as the written regulations of the University as found in, but not limited to, the Student Conduct Code, University Housing Regulations, and Graduate/Undergraduate Catalogs, and all official publications of the University, whether in print or published on the Internet.

VIII) STUDENT CONDUCT CODE VIOLATIONS

The following list of 31 violations of the Student Conduct Code is an example of behaviors that may result in disciplinary action by the University. It is not to be regarded as all-inclusive. In the event that there arises ambiguity, inconsistency, or a need for further clarification regarding what constitutes a violation of the Student Conduct Code, the Dean of Students shall make the final determination. *Any student or student organization found to be responsible for misconduct is subject to University sanctions.*

1) Academic Dishonesty

Cheating

- a) submitting material that is not yours as part of your course performance;
- b) using information or devices that are not allowed by the faculty;
- c) obtaining and/or using unauthorized materials;
- d) fabricating information, research, and/or results;
- e) violating procedures prescribed to protect the integrity of an assignment, test, or other evaluation;
- f) collaborating with others on assignments without the faculty's consent;
- g) cooperating with and/or helping another student to cheat;
- h) demonstrating any other forms of dishonest behavior.

Plagiarism

- i) directly quoting the words of others without using quotation marks or indented format to identify them;
- j) using sources of information (published or unpublished) without identifying them;
- k) paraphrasing materials or ideas without identifying the source;
- l) unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic material.

2) Alcohol Possession and Use

- a) possession or consumption of alcoholic beverages by persons under the age of 21;
- b) driving under the influence of alcohol
- c) possession or consumption of alcoholic beverages in public locations on campus, including residence halls common spaces; Common spaces in residence halls refer to any public space that exists outside of a specific residential unit. Examples include, but are not limited to 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.

- d) the sale, distribution, or furnishing of alcoholic beverages to persons under the age of 21;
- e) the use of alcohol in an irresponsible manner (games, contests, forced or ritualized consumption of alcohol, behaviors requiring the response of a University official or law enforcement officer, etc.);
- f) providing alcoholic beverages to a person who is intoxicated;
- g) any activity or conduct involving the use of alcohol that is in violation of law.

3) Assault

- a) any intentional physical contact of an insulting or provoking nature;
- b) any physical abuse, intentional injury, or physical harm of another person.

4) Classroom Disruption

- a) any classroom behavior that interferes with the instructor's ability to conduct class or the ability of other students to learn.

5) Cruelty to Animals

- a) Intentional abuse, inappropriate handling, or causing death to wildlife and/or animals
- b) Bringing any unauthorized animal into any building owned, leased, or controlled by Georgia Southern University

6) Damage or Destruction of Property

- a) Any damage or destruction of University property or another person's property.

7) Deception

- a) any misuse of any University records, forms, or documents through forgery, unauthorized alteration, reproduction, or other means;
- b) any giving or receiving of false information to the University or to any University official, administrator, or administrative unit;
- c) providing false information to law enforcement officials;
- d) possession of any fake, altered, or any other identification that belongs to another person;
- e) any attempt to perpetrate a fraud against the University or a member of the University community.

8) Disorderly Conduct

- a) all lewd, obscene, indecent behavior, or other forms of disorderly conduct;
- b) any abuse or unauthorized use of sound amplification equipment;
- c) any conduct which materially interferes with the normal operation of the University, or with the requirements of appropriate discipline.

9) Disorderly/Improper Assembly

- a) any assembly for the purpose of causing a riot, destruction of property, or disorderly diversion, which interferes with the normal operation of the University;
- b) any obstruction to the free movement of other persons about campus or the interference with the use of University facilities.

10) Drugs

- a) the possession, use, manufacture, cultivation, distribution, sale, and/or misuse of any controlled or illegal substance, designer drug, or synthetic cannabinoid (i.e. Spice or K2)
- b) the possession and/or use of any drug paraphernalia, *i.e. bowls, hookah pipes, bongs, "homemade" smoking devices, any other smoking device or smoking paraphernalia;*
- c) any activity or conduct involving drugs that is in violation of local, state, or federal law.

11) Failure To Comply

- a) failing to respond to a lawful request by properly identified University officials or law enforcement officials in the performance of their duties;
- b) failing to report for a conference, meeting, or appointment with any University official or faculty member;
- c) failing to appear and cooperate as a witness in a disciplinary case when properly notified;
- d) failing to comply with any disciplinary condition imposed on a person by any student conduct body or administrator;
- e) fleeing from law enforcement or university officials.

12) False Representation

- a) any unauthorized claim to speak and/or act in the name of Georgia Southern University or any organization, student, University officials or faculty members.

13) Felony Conviction

- a) being convicted of a felony;
- b) pleading guilty to a felony;
- c) pleading *nolo contendere* to a felony;
- d) receiving First Offender Treatment or similar pretrial diversionary treatment for a felony grade offense.

14) Fire Safety

- a) any failure to evacuate or immediately respond to a fire alarm;
- b) participation in creating or causing a false fire alarm;
- c) participation in tampering, disconnecting, or altering any fire alarm system, equipment or component;
- d) failure to follow the instructions of staff and emergency personnel during fire alarms;
- e) the possession, use, manufacture, and/or sale of any incendiary device;
- f) participation in setting or causing to be set any unauthorized fire;
- g) the possession and/or use of any type of fireworks.

15) Gambling

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

16) Harassment

- a) any act that creates an unpleasant or hostile situation for another person especially by uninvited and unwelcome verbal or physical conduct;
- b) intentionally and/or repeatedly following, stalking or contacting another person in a manner that intimidates, harasses, or places another in fear of their personal safety or that of their property.

17) Hazing

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

18)Joint Responsibility

- a) Students who knowingly act or plan to act in concert to violate University regulations have individual and joint responsibility for their behavior;
- b) Any student who knowingly allows another student to violate University regulations without reporting to a University Official.

19)Sexual Assault

- a) Any sexual conduct that takes place without the victim's consent, including any penetration of the vagina, anus, or mouth by the perpetrator's penis, or by any object.
- b) Sexual conduct will be deemed to be without the victim's consent when:
 - (i) *The victim has instructed the perpetrator not to engage in the conduct;*
 - (ii) *The victim is forced to submit to the act;*
 - (iii) *The victim is reasonably in fear that the victim or another person will be harmed if the victim does not submit to the act;*
 - (iv) *The victim is unable to give consent or permission, or is unable to resist, because of intoxication with drugs or alcohol; or*
 - (v) *The victim is unable to give consent or permission, or is unable to resist, because of any mental or physical disability.*

20)Sexual Harassment

- a) Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
 - (i) *submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic standing;*
 - (ii) *submission or rejection of such conduct by an individual is used as a basis for an employment or academic decision affecting such individual; or*
 - (iii) *such conduct unreasonably interferes with an individual's work, living environment, academic performance, or creates an intimidating or hostile work or academic environment.*

21)Sexual Misconduct

- a) intentional touching of the victim's intimate parts (the primary genital area, groin, inner thigh, buttock, or breast) without or against the victim's consent;
- b) touching is either directly on the body part or on the clothing covering that body part;
- c) if the victim is forced to touch the intimate areas of another person;
- d) sexual conduct will be deemed to be without the victim's consent when:
 - (i) *The victim has instructed the perpetrator not to engage in the conduct;*
 - (ii) *The victim is forced to submit to the act;*

- (iii) The victim is reasonably in fear that the victim or another person will be harmed if the victim does not submit to the act;*
- (iv) The victim is unable to give consent or permission, or is unable to resist, because of intoxication with drugs or alcohol; or*
- (v) The victim is unable to give consent or permission, or is unable to resist, because of any mental or physical disability.*

22)Solicitation

- a) conducting an unauthorized sales campaign in a residence hall, classroom, or administrative building, or any other campus location;
- b) placing door hangers or signs on cars on campus or in on-campus residential facilities, or other campus property;
- c) any violation of the "Campus Advertising, Sales, and Solicitation Policy." (<http://services.georgiasouthern.edu/vpbf/ap.php>)

23)Student Identification Card Violations

- a) altering, lending, or selling a student identification card;
- b) using a student identification card by anyone other than its original holder;
- c) using a student identification card in any unauthorized manner.

24)Theft

- a) taking, possessing, or attempting to sell or distribute any property that is the property of another person, organization, or entity (including but not limited to the University) without the owner's permission.

25)Threats

- a) an expression of intention to inflict injury or damage;
- b) to cause another person to feel fear for their safety or well-being.

26)Unauthorized Entry

- a) unauthorized entry into any University building, office, residence hall, off-campus residence, parking lot, motor vehicle, or other facilities;
- b) remaining in any building after normal closing hours without proper authorization;
- c) remaining overnight in public areas of the residence hall or surrounding areas without approval from University Housing staff.

27)Unauthorized Use

- a) unauthorized use of University equipment;
- b) unauthorized use of bathrooms, exits, or windows;
- c) unauthorized use or duplication of keys;
- d) unauthorized use or possession of any parking permit (hang tag).

28)Unauthorized Use of Computer Resources

- a) unauthorized entry into a 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) all devices attached to the University network must be registered;
- g) use of tools for port-scanning, "sniffing," or to monitor or read transmissions from other users on the network is prohibited;
- h) workstations attached to the University network are required to have virus protection software. Virus definitions must be updated at least every two weeks;
- i) any violation of the University's computer use policies.

29) Violation of Confidentiality

- a) violating the confidentiality of a student's educational record;
- b) Student Conduct Advocates or University Student Conduct Board members may not disclose confidential student conduct information;
- c) student employees may not disclose confidential work-related information.

30) Violation of Law

- a) any act that violates a provision of the laws of the United States, the laws of any State in which such act occurs, the ordinances of any county, city, municipality, or other political subdivision, or the laws of another nation or political subdivision thereof in which such act occurs, is deemed to be a violation of the Student Conduct Code when that act:
 - (i) *occurs on the campus of the University, Including all property owned, leased, licensed, or otherwise controlled by the University;*
 - (ii) *occurs on the premises of any domicile of a recognized Greek letter organization;*
 - (iii) *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;*
 - (iv) *occurs at any intercollegiate athletic event in which one of the University's teams is participating, home or away;*
 - (v) *involves more than one member of the University community; or*
 - (vi) *otherwise adversely affects the University.*

31) Weapons and Firearms

- a) no student shall keep, use, possess, display, or carry any rifle, shotgun, handgun, or other lethal or dangerous device capable of launching a projectile by air, gas, explosion, or mechanical means (*including BB guns, air-soft guns, stun guns, and paintball guns*) on any property owned, controlled, or leased by the University unless specifically authorized by the administration or as part of a University-sanctioned event.
- b) no student shall use, possess, display or carry any toy weapon which resembles a real weapon, any swords, any illegal knives, any explosives (including fireworks and sparklers), any martial arts weapons or any devices which are used to threaten the safety and well-being of a person on any property owned, controlled, or leased by the University unless specifically authorized by the administration or as part of a University-sanctioned event.
- c) anything used to injure, attempt to injure, or harass another person is considered a weapon.
- d) Illegal or unauthorized possession of weapons that include but are not limited to: firearms, explosives, other weapons, or dangerous chemicals;
- e) any violation of federal or state Law against carrying a weapon.

IX) STUDENT NOTIFICATION PROCESS FOR STUDENT CONDUCT CODE VIOLATIONS

When a student is charged with a violation of the Student Conduct Code, the student will be notified to appear for a meeting with a Hearing Officer to respond to the charges in the following manner:

- a) An e-mail will be sent to the student's Georgia Southern e-mail account instructing the student to respond to the charges on or before a specific date.
- b) If a student does not respond to this request as instructed, a hearing will be held in the student's absence and action will be taken as warranted by the facts in the case, which may include disciplinary probation, suspension, or expulsion. The decision from a hearing held in a student's absence will be final. The student will not be afforded an appeal.
- c) *Students will not be permitted to enroll in subsequent semesters until their disciplinary case is resolved.*

X) ELECTRONIC COMMUNICATIONS POLICY

Georgia Southern University considers Electronic Communication an official method of communication. The University recognizes that it allows and promotes timely delivery of information to our students and assists us in achieving our strategic objective of linking students and faculty members and fellow students and staff. Students can expect important notices about deadlines, upcoming events, and other information to be sent electronically to their email accounts. Students are expected to regularly check their accounts for activity. Any mass electronic mailing to all students must be made in consultation with the Vice President for Student Affairs and Enrollment Management or his/her designee.

Computer accounts are available to all members of the Georgia Southern student body, faculty, and staff, and are issued automatically to new students. Students holding computer accounts are required to follow all Georgia Southern University Policies and Procedures governing the use of Georgia Southern and the University System of Georgia computer resources. Computer use must be in accordance with all applicable laws, regulations, and policies, including but not limited to the Georgia Computer Systems Protections Act, O.C.G.A. Sections 16-9-90 et. seq.

Students are assigned a User ID and password for their personal use only and must not cause them to be known or used by any other person. Access to any university computer resource is a privilege granted by Georgia Southern and account holders are solely responsible for the security of the assigned User ID(s) and password(s). In the event this security is compromised, the account holders must notify the Georgia Southern Computer Help Center at 912-478-5429. Account holders should understand that periodic audits of their activities on any Georgia Southern computer resource may be made by the system administrator.

Georgia Southern University does not routinely monitor electronic communications passing through campus servers. However, e-mails that pass through these servers may be automatically stored for a period of time. These e-mails may also be stored in other locations. The stored e-mails are subject to state and federal laws concerning law enforcement investigations, court discovery requests, University investigations, network diagnostics, and the Open Records Act. Similarly, while the University does not routinely monitor Web page visits, such data may be collected pursuant to the needs of law enforcement authorities. Also, such data may be automatically stored on individual computers. Accordingly, Georgia Southern University cannot and does not guarantee the privacy of any e-mail message or Internet session sent from or received at any campus computer.

Students should be aware that information and communications they post on the Internet, including but not limited to social networks such as Facebook.com, MySpace.com, and Yahoo360, and Internet message boards, forums, web pages and blogs are public in nature. Where information and communications posted in these manners violate the Student Conduct Code, or provide information documenting a violation of the Student Conduct Code such information or communications may be used in conduct proceedings. In particular, communications that violate the Student Conduct Code, such as threats and harassment, are violations whether they are transmitted in person, by phone, over the Internet, or by any other means.

XI) STUDENT WITHDRAWALS DURING THE STUDENT CONDUCT PROCESS

A student withdrawal from the University does not absolve the student from student conduct responsibility. Students who withdraw before their case is closed will have their cases adjudicated according the hearing procedures outlined in this document (Section XII).

XII) CHARGES AND HEARING PROCEDURES

- 1) Any member of the University community may file a complaint against a student alleging a violation of the Student Conduct Code. The complaint should be in written form and filed as soon as possible after the incident occurs. Persons filing complaints should do so in a timely manner in order to avoid unnecessary delays in the student conduct process. Complaints of alleged violations other than academic dishonesty shall proceed as follows; complaints involving allegations of academic dishonesty shall proceed in accordance with the provisions of Article (XIX).
- 2) All formal charges shall be presented to the accused student in written form (usually by email). A time shall be set for a hearing which normally will not be less than two (2) 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 hearings may be extended at the discretion of the Hearing Officer.
- 3) Distance learning students who are not able to attend an in-office hearing must have their case adjudicated either through a telephone conference, e-mail correspondence, or through video chat. A follow-up letter with sanctions (if applicable) will be mailed to the student upon completion of the hearing. Failure of distance learning students to set up a meeting will result in the case being heard and decided in the student's absence. There is no appeal for cases heard in the student's absence.
- 4) During holidays or between semesters or when the University Student Conduct Board cannot meet, a Hearing Officer may be assigned to hear any case.
- 5) In order to expedite the process, the Student Conduct Officer may conduct an initial investigation to determine if the complaint can be resolved administratively. The accused student and the Student Conduct Officer must agree to an administrative decision. An administrative decision will be final and there will be no subsequent proceedings. If the complaint cannot be adjudicated administratively, the case will be resolved in a formal hearing.
- 6) A student cannot drop a course or withdraw from the university to avoid being charged with a violation of the conduct code. If the student chooses not to participate in the process, the case will be heard in the student's absence.
- 7) Students charged with a violation of the Student Conduct Code other than academic dishonesty can have their case heard in the following manner (See Section XIX- Academic Dishonesty):
 - a) Before the University Student Conduct Board

- b) Before a Hearing Officer
 - c) Before the Director of Student Conduct , or designee
 - d) The Student Conduct Officer may at his/her discretion refer any case to the University Student Conduct Board or a Hearing Officer.
- 8) Hearings for alleged violations other than academic dishonesty shall be conducted according to the following guidelines:
- a) Normally, a hearing will be conducted in private. Hearings may be conducted by alternative means for students who are enrolled in distance learning programs.
 - b) The Hearing Officers may make an audio recording of student conduct board hearings. No other recording devices or court reporters are permitted to record or transcribe a student conduct board hearing. The audio recording is the property of the University and may be reviewed by the accused student or the complainant for the purpose of preparing an appeal. The time and location of such a review is subject to the discretion of the Student Conduct Officer.
 - c) Admission of any person to a hearing shall be at the discretion of the Chairperson of the University Student Conduct Board.
 - d) The complainant and the accused student (as well as any victim/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 and may be an attorney. The Hearing Officer will present the case for the complainant and the University. The accused student will be responsible for presenting his or her case and may be assisted by an advisor. Advisors, including attorneys, are not permitted to represent accused students in any portion of Student Conduct Board proceedings, but may only offer advice to the accused student. Advisors, including attorneys, may not address the Board or any member of the Board, may not question or examine witnesses, and may not act as witnesses in any capacity.
 - e) The complainant, the Hearing Officer, and the accused student have the right to call witnesses. The University Student Conduct Board, the Director of Student Conduct, and the University Student Conduct Board Chairperson 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 Chairperson of the University Student Conduct Board.
 - f) Pertinent records, exhibits and taped or written statements may be accepted as evidence for consideration at the discretion of the University Student Conduct Board Chairperson.
 - g) Procedural questions are subject to the final decision of the Chairperson of the University Student Conduct Board.
 - h) After the hearing, the University Student Conduct Board, along with the Chairperson will go into closed session. The Chairperson may participate in the deliberations of the board. After deliberations, a finding of fact and a recommendation will be forwarded to the Student Conduct Officer
 - i) The University Student Conduct Board's finding 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 the violation(s) as charged.
 - j) Upon a decision by the Student Conduct Officer, taking into account the recommendation and finding of fact, a Hearing Officer will verbally inform the student of the decision and the penalty.

- k) A Hearing Officer will inform students of their right to appeal the decision or the penalty and be given a written statement of the decision and the penalty.
 - l) The student has the right to appeal any decision provided that relevant grounds for an appeal be cited (See Section XV – Appeal Guidelines).
- 9) 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. An accused student shall not be found responsible for a violation of the Student Conduct Code solely because he/she chooses to remain silent.

XIII) SANCTIONS

- A student or student organization found responsible for violating the Student Conduct Code other than academic dishonesty may receive one or more of the sanctions listed below, as determined by the Director of Student Conduct after review of the findings of fact and recommendations of the University Student Conduct Board. Prior to issuing a sanction, the Hearing Officer will inform the Director of Student Conduct or the Hearing Officer if the accused student or student organization has any previous violations of the Student Conduct Code. This may have an effect on the type and level of the sanction(s) to be imposed.
 - When a student organization engages in an act of misconduct, the University reserves the right to take action not only against the organization but also against the individual student members of the organization.
 - The following list of sanctions is intended to show the range of sanctions that may be imposed on a student or student organization, either individually or in combination.
 - This list is not to be regarded as all-inclusive but rather as a sample of sanctions that may be imposed. Other University policies and regulations may impose specific penalties for specific violations, and nothing in this Article is intended to limit the imposition of those specific sanctions.
- 1) **Disciplinary Warning** – An official written reprimand stating that unacceptable behavior has occurred and any further inappropriate behavior or other violations of the Student Conduct Code may result in more serious student conduct actions by the University.
 - 2) **Disciplinary Probation** – Disciplinary Probation is a specific period of time, generally not less than three months, during which further violations of the Student Conduct Code may result in suspension or expulsion. Violations of disciplinary probation generally will result in more serious disciplinary action against the student, such as suspension or expulsion from the University.
 - 3) **Suspension** – Suspension indicates that a student, by his/her actions, has forfeited the privilege of attending Georgia Southern University for a specified period of time. Suspended students are prohibited from entering the campus without specific authorization from the Office of Student Conduct. Students who reside on campus will have a minimum of 48 hours notice to remove all of their belongings out of the residence hall after notification that the penalty of suspension is in effect. All residence hall fees and deposits may be forfeited. Georgia Southern University will not recognize any academic credit earned from another institution during the period of suspension. Students must apply for readmission following suspension according to the "*Guidelines for Readmission Following Suspension*" document from the Office of Student Conduct.

- 4) **Expulsion** – Expulsion is the most serious sanction that can be imposed on a Georgia Southern University student. Expulsion is a permanent forced withdrawal from the University. An expelled student may not enter any part of the campus without specific authorization from the Office of Student Conduct. Students who reside on campus will have a minimum of 48 hours notice to remove all of their belongings out of the residence hall after notification that the penalty of expulsion is in effect.
- 5) **Restitution** – Requiring restitution allows for the compensation of loss, damage or injury caused by a student or student organization’s misconduct. Compensation may take the form of appropriate service, and/or monetary or material replacement.
- 6) **Educational Sanction** – An educational sanction may consist of the assignment of specific projects to be performed by a student or student organization, such as writing a research paper on a specific topic, performing community service hours, attending an educational program, and/or writing reaction papers on a specified topic. Educational sanctions also include completing mandated alcohol and drug education programs and enrolling in web-based online alcohol and drug education programs.
- 7) **Loss of Privileges** – Denial of specific privileges for a designated period of time.
- 8) **Residence Hall Suspension** – Separation of the student from the residence halls for a specific period of time. Students who are suspended from the residence hall are banned from all residence hall buildings during throughout the duration of the suspension.
- 9) **Residence Hall Expulsion** – Permanent separation of the student from the residence halls. . Students who are expelled from the residence hall are banned from all residence hall buildings indefinitely.
- 10) **Organizational Sanctions** – Loss of privileges, including University recognition for a specific period of time or permanently. Loss of privileges may include, but is not limited to, a prohibition on social events, fund-raising projects, intramural events, and completion of community service hours and special projects.
- 11) **Deferred Suspension** –The student will be required to complete several sanctions or conditions. If any assigned sanction or condition is not met within the time allotted suspension will be added as a sanction. In order to be considered to return to Georgia Southern after suspension, the student must complete all sanctions and conditions originally assigned.

XIV) INTERIM SUSPENSION

- 1) In certain circumstances, the Dean of Students (or designee) may impose a University or residence hall suspension prior to a hearing. Interim suspension may be imposed only:
 - a) to ensure the safety and well-being of members of the University community or preservation of University property;
 - b) to ensure the student’s own physical or emotional safety and well-being;
 - c) if a student poses a threat to themselves or others;
 - d) if a student poses a threat of disruption of or interference with the normal operations of the University.
- 2) During an interim suspension, students may be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Hearing Officer may determine to be appropriate. The student will be responsible for working with faculty members to make-up any missed work (if possible).

- 3) If an interim suspension is imposed, the notice and hearing should follow within ten (10) business days.

XV) APPEALS

The purpose of an appeal is to review the procedures of the hearing in order to determine if there has been any error. Students have the right to appeal decisions made by the Director of Student Conduct and/or the University Student Conduct Board provided relevant grounds for an appeal are cited.

All appeal request and responses in this process are transmitted by electronic mail (which accommodates distance learning students). First appeals (except in Academic Dishonesty cases) are made to the Dean of Students (or to such other person as she or he may designate) by electronic mail within 48 hours after the original decision has been communicated to the student. The Dean of Students will communicate to the student by electronic mail the decision regarding the appeal, including the process for a further appeal to the Vice President of Student Affairs and Enrollment Management, if applicable.

The Dean of Students shall constitute the final appeal in all disciplinary cases not resulting in a suspension or expulsion (except in Academic Dishonesty cases). Second appeals are allowed only if the sanctions include suspension or expulsion. These appeals are made to the Vice President for Student Affairs and Enrollment Management (or to such other person as she or he may designate) by electronic mail within 48 hours after the Dean of Student's decision has been communicated to the student. The Vice President of Student Affairs will communicate to the student by electronic mail the decision of the second appeal, including the process for a third appeal to the Board of Regents of the USG. The decision of the Vice President of Student Affairs will stand until a decision is determined by the Board of Regents (if applicable).

The student will not be granted an appeal if the case has been heard in the student's absence.

Appeals of academic dishonesty cases will be decided by the Provost or his/her designee.

XVI) APPEAL GUIDELINES

1) Purpose

- a) The purpose of an appeal is to review the procedures of the hearing in order to determine if there has been any error.

2) Grounds for Appeal

- a) A violation of due process.
- b) Evidence of prejudicial treatment by the original hearing body.
- c) Evidence that does not support a finding.
- d) Sanction(s) inappropriate for the nature of the violation.
- e) Evidence that becomes available during the review process that was not previously available during the original hearing.

3) Procedure

- a) In the first level of appeal (except in cases of Academic Dishonesty; See Section XVIII-Academic Dishonesty), the Dean of Students or designee will review all material related to the case including: (a) the record made before the hearing body; (b) all pertinent documents, including the audio recording of the hearing, witness statements, incident reports, prior violations, and sanctions against the student. The Dean of Students or designee may:

- (i) *Affirm the original decision.*
 - (ii) *Change the sanctions imposed.*
 - (iii) *Refer the case for rehearing before another hearing body.*
 - (iv) *Find the accused student not in violation and terminate the proceedings.*
- b) In the second level of appeal (except in cases of Academic Dishonesty; See Section XX- Academic Dishonesty), the Vice President or designee will review decisions made by the Dean of Students by reviewing all material related to the case including: (a) the record made before the hearing body; (b) all pertinent documents, including the audio recording of the hearing, witness statements, incident reports, prior violations, and sanctions against the student. The Vice President of Student Affairs or designee may:
- (i) *Affirm the original decision.*
 - (ii) *Change the sanctions imposed.*
 - (iii) *Refer the case for rehearing before another hearing body.*
 - (iv) *Find the accused student not in violation and terminate the proceedings.*

XVII) STUDENT/STUDENT ORGANIZATION RIGHTS

A student or student organization of Georgia Southern University charged with a violation of the Student Conduct Code has the following rights:

- 1) To receive a written statement of the charges.
- 2) To receive a fair and impartial hearing.
- 3) To know the nature of the evidence against them and the names of witnesses scheduled to appear.
- 4) To present evidence and witnesses in their own behalf.
- 5) To be accompanied at a hearing by an advisor or Student Conduct Advocate of their choice.
- 6) To be present at the hearing during the presentation of any evidence or material on which a recommendation will be made. If a student/student organization fails to attend the hearing, it will be held in their absence.
- 7) To refuse to answer questions. (if the charges are made against an individual).
- 8) To ask questions of witnesses (either directly or through a Hearing Officer at the discretion of the Hearing Officer).
- 9) To receive a decision based solely on the evidence presented.
- 10) To have a record made of the hearing.
- 11) To receive a written notice of the decision and an explanation of the decision and sanctions.
- 12) To appeal decisions resulting from a formal hearing.
- 13) Students or organizations may waive these rights by agreeing to administrative adjudication. No student is required to agree to administrative adjudication.

XVIII) VICTIM'S RIGHTS

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

- 1) Regardless of whether an act is in violation of the law, the victim may file a charge against the student with a violation of the Student Conduct Code.
- 2) To have a person of their choice accompany them throughout the student conduct process.
- 3) To submit a victim impact statement prior to a penalty being imposed.
- 4) To have past unrelated behavior excluded from the hearing.

XIX) RESOURCES FOR CONFLICT MEDIATION

Georgia Southern University has resources available to all students to assist in resolving conflicts that may not require formal student conduct intervention. Unlike the formal student conduct process, mediation is viewed as an educational experience in which the emphasis is not on determining guilt, but rather upon seeking resolution to a conflict that meets the unique needs of the students involved in the conflict. Not all student conflicts are appropriate for mediation and violations of the Student Conduct Code may not be a subject to mediation. This service can be arranged by contacting the Office of Student Conduct.

XX) ADJUDICATION OF ACADEMIC DISHONESTY CASES

- 1) The following procedures are designed to adjudicate violations of academic dishonesty:
 - a) In the case of a first violation, it will be encouraged that disputes of academic dishonesty are handled between the faculty member and the student.
 - b) Cases not adjudicated between the faculty member and the student will be processed through the Office of Student Conduct. Any allegations of academic dishonesty which are referred to the formal hearing process will be heard by the University Student Conduct Board.
 - c) All formal charges shall be presented to the accused student in written form. A time shall be set for a hearing which normally will not be less than two (2) 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 hearings may be extended at the discretion of the Hearing Officer.
 - d) A student cannot drop a course or withdraw from the university to avoid being charged with academic dishonesty.
 - e) The faculty member (complainant) responsible for filing the academic dishonesty charges will be responsible for providing information that supports his/her claim.
 - f) Normally, a hearing will be conducted in private.
 - g) The University Student Conduct Board Chairperson may make an audio recording of the hearings. No other recording devices or court reporters are permitted to record or transcribe a University Student Conduct Board hearing. The audio recording is the property of the University and may be reviewed by the accused student or the complainant for the purpose of preparing an appeal. The time and location of such a review is subject to the discretion of the Director of Student Conduct.
 - h) 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 and may be an attorney. The faculty member filing the academic dishonesty charge will provide the evidence for the case. The accused student will be responsible for presenting his or her case and may be assisted by an advisor. Advisors, including attorneys, are not permitted to represent accused students in any portion of Student Conduct Board proceedings, but may only offer advice to the accused student. Advisors, including attorneys, may not address the Board or any member of the Board, may not question or examine witnesses, and may not act as witnesses in any capacity.
 - i) The complainant, the Student Conduct Officer and the accused student have the right to call witnesses.
 - j) The members of the University Student Conduct Board 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 University Student Conduct Board Chairperson.
- k) Pertinent records, exhibits and taped or written statements may be accepted as evidence for consideration at the discretion of the University Student Conduct Board Chairperson.
 - l) Procedural questions are subject to the final decision of the University Student Conduct Board Chairperson.
 - m) After the hearing, the University Student Conduct Board will go into closed session. The Chairperson may participate in the deliberations of the board. After deliberations, a recommendation will be forwarded to the Dean of Students or his designee.
 - n) The University Student Conduct Board'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.
 - o) Upon a consultation with the Provost or his/her designee, and taking into account the findings of fact and recommendations of the University Student Conduct Board, a decision will be made by the Dean of Students or his designee. The Student Conduct Officer will verbally inform students of the decision, normally with 72 hours of the hearing date.
 - p) The Student Conduct Officer will inform students of their right to appeal the decision or the penalty and be given a written statement of the decision and the penalty.
 - q) The student has the right to appeal any decision provided that relevant grounds for an appeal be cited (*See Section XV – Appeal Guidelines*). Appeals for academic dishonesty cases will be decided by the Provost or his/her designee. The decision of the Provost shall be final.
 - 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. There will be no appeal for any student who does not attend his or her hearing. An accused student shall not be found responsible for a violation of the Student Conduct Code solely because he/she chooses to remain silent.

2) First Offense – In Violation Plea

- a) When an instructor has decided that a case for academic dishonesty can be made, he or she should contact the Director of Student Conduct in order to determine if it is a first offense and if the evidence is sufficient to warrant a charge of academic dishonesty. It is the instructor's responsibility to provide evidence that would warrant an academic dishonesty charge.
- b) If it is a first offense, the instructor should talk with the student about the alleged violation. If the student pleads in violation in writing and the instructor decides to adjudicate the case, the following procedures will be followed:
- c) The student will be placed on Disciplinary Probation for a minimum of one semester by the Office of Student Conduct.
- d) The student will be subject to any academic sanctions imposed by the professor. There will be no appeal of the finding or the sanction.
- e) A copy of all the material involved in the case (*Academic Dishonesty Report Form and Request for Instructor to Adjudicate Form*) and a brief statement from the professor concerning the facts of the case should be mailed to the Office of Student Conduct for inclusion in the student's discipline record.

3) First Offense – Not in Violation Plea

- a) If the instructor and the Director of Student Conduct agree that the evidence is sufficient to warrant a charge of academic dishonesty, the student will be charged with academic dishonesty and the
- b) University Student Conduct Board will hear the case. It is the instructor's responsibility to provide evidence that would warrant an academic dishonesty charge.
- c) If the student was found to be in violation of academic dishonesty, the following penalty would normally be imposed:
 - (i) *The student will be placed on Disciplinary Probation for a minimum of one semester.*
 - (ii) *The student will be subject to any academic sanctions imposed by the professor.*

4) Second Offense – In Violation Plea

- a) When an instructor has decided that a case for academic dishonesty can be made, he or she should contact the Director of Student Conduct in order to determine if it is a first or second offense and if the evidence is sufficient to warrant a charge of academic dishonesty. It is the instructor's responsibility to provide evidence that would warrant an academic dishonesty charge.
- b) If it is a second offense, the instructor should refer the case to the Office of Student Conduct for adjudication. If the student wishes to plea in violation, the following procedures will be followed:
 - (i) *A Hearing Officer will administer the non-academic student conduct sanction that may consist of a penalty that includes suspension or expulsion.*
 - (ii) *The student will be subject to any academic sanctions imposed by the professor. There will be no appeal of the finding or the sanction.*

5) Second Offense – Not in Violation Plea

- a) If the instructor and the Director of Student Conduct agree that the evidence is sufficient to warrant a charge of academic dishonesty, the student would be charged with academic dishonesty and the University Student Conduct Board will hear the case. It is the instructor's responsibility to provide evidence that would warrant an academic dishonesty charge. If the student was found to be in violation of academic dishonesty, the following penalty would normally be imposed:
 - (i) *Non-academic student conduct sanctions may consist of a penalty that includes suspension or expulsion.*
 - (ii) *The student will be subject to any academic sanctions imposed by the professor.*

6) Not in Violation Finding

- a) When the University Student Conduct Board find a student "not in violation" of academic dishonesty, the work in question (assignment, paper, test, etc.) should be forwarded to the Department Chair to ensure that the work is evaluated by a faculty member other than the individual who brought the charge and to submit a final grade for the course to the Registrar's Office. For the protection of the faculty member, the work in question should not be referred back to the faculty member who charged the student with academic dishonesty.
- b) The Department Chair, the faculty member, and the student should reach an agreement regarding completion of any remaining course requirements. In some cases, placing the student in another section of the same course may be an option. If the student remains in the class with the faculty member who charged the student with academic dishonesty, the Department Chair may ask another faculty member in the department to

evaluate any subsequent work submitted by the student. In the case of a Department Chair bringing charges against the student, the Department Chair, an administrator at the Dean's level, and the student should reach an agreement regarding completion of any remaining course requirements. An administrator at the Dean's level may ask another faculty member in the department to evaluate any subsequent work submitted by the student.

- c) This process is designed to protect the faculty member from any suspicion of retaliation against the student. It is not intended to question the ability of the faculty member to evaluate student performance objectively.

PART II: UNIVERSITY HOUSING REGULATIONS

I) UNIVERSITY HOUSING VIOLATIONS

1) Noise

- a) creating excessive noise inside or around a residence hall during quiet hours, as defined in the Residence Hall Community Guide;
- b) failure to abide by the Courtesy Hours policy as defined in the Residence Hall Community Guide;
- c) creating noise during the final exams period of the semester when 24 hour quiet hours are in effect.

2) Fire Safety

- a) tampering with any life safety equipment (including, but not limited to: smoke detectors, fire alarm pull stations, panic alarms, fire extinguishers, fire hoses, and sprinkler systems);
- b) possession or use of candles in any residential facility;
- c) failure to comply with allowed and disallowed appliances lists, as outlined in the Residence Hall Community Guide;
- d) engaging in unsafe cooking practices that create or increase the risk of fire;
- e) activating a Residence Hall panic alarm when emergency assistance is not required.

3) Animals

- a) possession of any animal within a residence hall, with the exception of a service animal or fish in a properly maintained aquarium with a capacity of ten gallons or under, for any length of time;
- b) feeding of stray animals in or around residential facilities.

4) Athletic Activities

- a) failure to keep a safe distance from residential facilities while participating in athletic activities that involve objects which may cause damage to persons or property;
- b) participation in any athletic games or activities within hallways or common areas of a residential facility without prior approval from the Resident Director.

5) Bicycles, Rollerblades, & Skateboards

- a) storing or riding a bicycle or similar object within a residence hall;
- b) securing a bicycle or similar object to anything other than bicycle racks provided by the Department of University Housing;
- c) using rollerblades, skateboards, scooters, or similar devices within a residence hall.

6) Motorcycles, Mopeds, and Scooters

- a) storing or operating any motorized vehicle within a residence hall;
- b) parking of any motorcycle, moped, scooter, or other motorized device anywhere that is not a designated parking area.

7) Guests and Visitation

- a) residents assume responsibility for their guests and their behavior upon the guest's arrival at a residence hall;
- b) guests within or around a residence hall must abide by all Student Conduct Code and Housing policies;
- c) guests must be escorted within residence halls at all times;

- d) permission of all residents assigned to a unit must be obtained before allowing entry to a guest;
- e) overnight guests must be of the same gender as their host;
- f) no guest may stay within the residence halls for more than three consecutive nights.

8) Furniture

- a) removing furniture from a residential facility, either a student unit or common area;
- b) suspending any furniture from the ceiling;
- c) possession or use of a waterbed in a residence hall;
- d) constructing a loft or any other structure within a residence hall without the prior approval of the Department of University Housing.

9) Littering /Trash Disposal

- a) discarding trash of any kind on the grounds of the residence halls other than in appropriate receptacles;
- b) disposing of non-recyclable trash within a receptacle designated for recyclable materials;
- C) disposing of bags of personal trash in a public or common area trash receptacle.

10)Facilities and Equipment

- a) tampering with or removing window screens from residence hall windows;
- b) throwing or dropping any item out of a window;
- c) propping open any exit or fire door;
- d) unauthorized use of cable, computer access, or telephone access (including the splicing of wires);
- e) painting any surface of a residence hall room or common area;
- f) loaning or transferring university-issued keys to any person for any period of time;
- g) entering or exiting a residence hall through windows or unauthorized doors;
- h) entering or attempting to enter any restricted area (including, but not limited to: attics, basements, mechanical rooms, and roofs);
- i) tampering with, adding, or removing any locking device on any residence hall door or window;
- j) Removal of any door from its hinges.

11)Smoking

- a) smoking in any on-campus residential facility, public area, living facility, or entryway to a residential facility;
- b) violating any provision of the smoking policy outlined in the Residence Hall Community Guide.

12)Sanitation and Cleanliness

- a) failure to observe acceptable standards of cleanliness and sanitation in rooms, bathrooms, and common areas of residential facilities;
- b) disposal of any waste material on floors;
- c) deliberately clogging or attempting to clog plumbing fixtures;
- d) use of cooking facilities for purposes other than food preparation.

13)Posting

- a) posting any material inside common spaces or outside of on-campus residential facilities without prior approval from the Department of University Housing.

14)Room Changes

- a) residents may not change their current room assignment to another without prior approval from the appropriate Department of University Housing staff member.

15)Room Decorations

- a) failure to keep posters or decorations at least six inches from the ceiling and/or floor;
- b) suspending any items from the ceiling (including, but not limited to: fishnets, parachutes, and flags);
- c) possession or displaying of alcohol paraphernalia (including, but not limited to: funnels, beer bong, shot dispensers, or other methods of alcohol delivery) or empty alcohol containers within a residence hall;
- d) affixing any item to a wall in a manner that may create damage to the surface;
- e) display of any item (facing outward toward public spaces) in windows of on-campus residential facilities.

16)Improper Behavior

- a) participating in behavior that is disruptive to the community (including, but not limited to: water fights, food fights, and shaving cream fights) in on-campus residential facilities or parking lots without prior approval from the Resident Director;
- b) participating in conduct and/or expressions which are obscene, socially inappropriate, intimidating, or which are offensive to the prevailing standards of an academic community.

17)Community Living

- a) violating any provision of a Residence Hall Community Guide;
- b) violating any provision of a signed roommate agreement;
- c) failure to abide by the specific housing agreements and requirements of a special residential community (such as RIGs).

- d) An accumulation of University Housing violations; the student has been found responsible for and sanctioned for three (3) or more University Housing violations (i.e. violations listed in Part II, pgs. 20-22 of this Code)

18)Residence Hall Computer Labs

- a) bringing food or drink into a residence hall computer lab;
- b) changing, removing, reconfiguring, or physically damaging any workstation hardware or software;
- c) changing, or attempting to change, the settings on computer lab printers;
- d) changing, or attempting to change, network connections for computer lab workstations or printers.

19)Signage Theft

- a) possession or use of any signage which is property of University Housing or Georgia Southern University.

II) UNIVERSITY HOUSING DISCIPLINARY PROCEDURES

University Housing Hearings

- 1) The following rules of procedure for adjudicating alleged violations of the *Student Code of Conduct* are established for use by on-campus residential staff for violations of University Housing Regulations:

- a) Written notification of the alleged violation(s) shall be filed by a University Housing Student Conduct Officer.
- b) The University Housing Student Conduct Officer shall notify the student involved of a possible violation of the *Student Conduct Code* and request that he/she report to the University Housing Student Conduct Officer for a conference or a student conduct appointment letter will be sent to the student. The letter will outline the charge(s).
- c) Prior to adjudication, the University Housing Hearing Officer must answer three questions:
 - (i) *Does the accused student have a previous disciplinary record? This information is available in the Office of Student Conduct and the University Housing Office.*
 - (ii) *Is the alleged offense serious enough to result in possible suspension or expulsion? The University Housing Hearing Officer may consult with the Director of Student Conduct in making this determination.*
 - (iii) *Does this incident involve alcohol?*

If the answer to any of these questions is “yes,” the case may be referred to the Office of Student Conduct for adjudication.

- d) If the case is not referred to the Office of Student Conduct and the student accepts responsibility for the violation in the student conduct meeting, he/she may waive all further hearings and accept the decision and sanctions of the University Housing Hearing Officer as final and binding for all purposes.
- e) If the student denies the charge, he/she may request a formal hearing before a University Housing Hearing Officer.
- f) When unusual circumstances, the case will be referred to the Office of Student Conduct.
- g) The University Housing Hearing Officer may impose all disciplinary sanctions except suspension and expulsion.
- h) In cases involving disciplinary action, all documents and materials will be kept in the University Housing Office for inclusion in the student’s disciplinary record.
- i) For cases referred to the Office of Student Conduct for adjudication, all documents and materials will be maintained in the Office of Student Conduct.

III) INSPECTION, SEARCH, AND SEIZURE

Students are guaranteed the rights of any citizen and therefore will not be subject to unreasonable searches and seizures. The courts, however, have recognized the right of the University to conduct reasonable inspections, searches and seizures in order to enforce University regulations. Georgia Southern University reserves the right to conduct such inspections, searches and seizures within limits of the law.

1) Inspections

- a) The University reserves the right to inspect rooms for possible damage, health, and safety concerns.
- b) The University reserves the right to enter rooms or other facilities at reasonable hours.
- c) The University reserves the right to enter rooms or other facilities at any time there is reason to suspect a violation of University regulations is occurring.

2) Searches

- a) The University reserves the right to conduct searches of individual rooms and lockers in a residence hall or other facility on campus if there is reason to believe that a University regulation has been violated.

- b) Law enforcement officials may search facilities with or without authorization from the University by means of a search warrant.
- c) Efforts will be made to have the student available when a facility is searched.
- d) Evidence seized during a search can be used in disciplinary procedures concerning a violation of University regulations.
- e) In addition to the above, the University reserves the right to conduct searches of individual rooms and lockers in a residence hall or other facility on campus if a University official determines that an emergency situation exists.

3) Administrative Search Procedures/Guidelines

- a) The need for an administrative search must be established by a University staff member. Suspicion of any violation may warrant an administrative search.
- b) If the need for an administrative search is established, University staff will request consent from the student to search the room if the student can be located. If the student denies the request for consent or if the student is unable to be located, University staff may seek approval from the Dean of Students or his/her designee to conduct a search in the absence of consent.
- c) If consent to search the room is granted by the student, University staff (authorized by the Dean of Students or his or her designee) will conduct the room search. A report will be filed with the Office of Student Conduct.
- d) If the search produces evidence that indicates a possible violation of the law, University Police may be contacted and the student may be arrested. .
- e) If permission to search a room is authorized by the Dean of Students or his/her designee, a room search will be conducted by a University Housing official and a report will be filed with the Office of Student Conduct. During a search authorized by the Dean of Students or his/her designee, the University Police will remain outside the room.
- f) Non-administrative searches of residence hall rooms conducted by University Police may occur under the authorization of a warrant or other applicable law.

PART III: ADMINISTRATIVE REGULATIONS

I) UNIVERSITY POLICY ON ALCOHOL USE

- Georgia Southern University expects the University community including students, faculty, staff and guests to make responsible decisions about the use of alcohol. The illegal use of alcohol will not be tolerated at Georgia Southern University.
- The law serves as the basic guideline for all citizens of the community. Georgia Southern University encourages all members of the campus community to make informed decisions regarding their personal use of alcohol. Those who legally choose to use alcohol must use it in a responsible manner that will not interfere with the rights of others. Abuse is not a responsible choice.
- Georgia Southern University provides guidelines and programs to aid members of the University community in making responsible decisions. These include appropriate rules and regulations concerning the use of facilities, guidelines for individual conduct both on and off-campus, as well as services designed to inform and support individuals and groups. These services include individual and group counseling, alcohol education programs, and legal liability information.
- Decisions about the use of alcohol in particular campus facilities will be determined by rules and by the legal rights of those involved. Alcohol may be used in some facilities, but only if those present are of legal age to consume alcohol.
- Finally, the University recognizes the right of all members of the University community to be private citizens and to exercise all legal rights and privileges. However, when an individual, publicly identified as a member of the University community, engages in an illegal act involving the misuse of alcohol, the University, as an educational institution concerned with the welfare of its membership, can and may take appropriate disciplinary action. Every member of the University community should know the rules and procedures of the University involving the proper use of alcohol and conscientiously follow them.

a) Institutional Penalties - Alcohol

Three-Strike Alcohol Policy

- (1) **First Violation** – Students will be placed on Disciplinary Probation for their next three months of enrollment and be required to complete an alcohol education course. There is a fee to register for the course. Students will also be subject to a \$100.00 fine. Students who fail to attend the assigned course will be required to pay for an additional course. Students will be required to take an alcohol assessment offered by the Office of Alcohol and Other Drugs Programs. Additional sanctions will be assigned at the discretion of the Director of Student Conduct, University Student Conduct Board, or University Hearing Officers.
- (2) **Second Violation** - Students will be placed on Disciplinary Probation for their next six months of enrollment and be required to complete an alcohol assessment and treatment program at the student's expense (\$175.00 fee). Students will also be subject to a \$150.00 fine. Additional sanctions will be assigned at the discretion of the Director of Student Conduct, University Student Conduct Board, or University Hearing Officers.

- (3) **Third Violation** - Students found responsible for violating the University's alcohol policy for a third time (regardless of the time elapsed between violations) may be suspended for a minimum of one semester. Additional requirements pertaining to substance abuse may be a condition for readmission.

****Any students found responsible for violating a Student Conduct Code regulation while on disciplinary probation is subject to suspension for a minimum of one semester.*

II) UNIVERSITY POLICY ON DRUG USE

- In higher education today, drug use and abuse is a major concern. Georgia Southern University aggressively promotes and requires a drug free campus. The University actively encourages employees and students who feel they have a substance abuse problem to seek counseling and treatment. The Counseling Center and the Health Center will help students, faculty, and staff seeking assistance with a substance abuse related problem. Those seeking such assistance are assured that professional standards of confidentiality will be observed.

a) Institutional Penalties – Drugs

- (1) **First Violation of Less Than One Ounce of Marijuana** - Students will be placed on Disciplinary Probation for their next six months of enrollment and be required to enroll in a drug education course. There is a fee to register for the course. Students will also be subject to a \$150.00 fine. Those students residing in on campus housing may be subject to termination of their Housing Contract without any refund of Housing fees (See section V on page 28 of this document for details). Additional sanctions will be assigned at the discretion of the Hearing Officer.
- (2) **Second Violation of Less Than One Ounce of Marijuana** - Students found in violation of the University's policy related to misdemeanor drug possession for a second time (regardless of the time elapsed between violations) may be suspended from Georgia Southern University for a minimum of one semester. Additional requirements pertaining to substance abuse may be a condition for readmission.
- (3) **Violation of More Than One Ounce of Marijuana or Any Other Drugs** - Students may be suspended from Georgia Southern University for a minimum of one academic year. Additional requirements pertaining to substance abuse may be a condition for readmission.

III) UNIVERSITY HOUSING PENALTIES

- 1) A complete list of fines and penalties from University Housing can be found in the Community Guide for each building.

IV) STUDENT CONDUCT POLICY ON PARENTAL/GUARDIAN NOTIFICATION

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

- 2) The University may notify the parents of students who are under the age of 21 on the date of adjudication of any violations of University policies involving the use, possession, or distribution of alcohol or drugs.
- 3) EXCEPTIONS
 - a) The parents or legal guardians of students under the age of 21 who are financially independent from their parents will not be notified.
 - b) The parents or legal guardians of students under 21 years of age may not be notified in view of various social, religious, or cultural customs and practices, or under extraordinary circumstances. This will be determined on a case-by-case basis by the Office of Student Conduct in consultation with other offices within the Division of Student Affairs and Enrollment Management.

V) STUDENT CONDUCT ACTIONS/HOUSING STATUS

- 1) If a housing contract is cancelled as the result of a student conduct action:
 - a) The student must vacate the assigned room within 48 hours of notification by the University of the cancellation or by the date indicated by the hearing officer,
 - b) No portion of the current semester's housing fees will be refunded, and
 - c) If removed during the Fall Semester, you will also be charged 50% of the Spring Housing charges.
- 2) Application for admission to live on campus following the termination of a housing contract must be made to the Office of Student Conduct, P.O. Box 8070. Each request to be reinstated will be made on a case-by-case basis by the Director of Student Conduct.

VI) TREATMENT

If a student is identified by Georgia Southern University as having a substance abuse problem, the student will be referred to community treatment centers for rehabilitation counseling and/or treatment. This treatment will be at the student's expense. For further information about rehabilitation counseling, treatment programs, and educational resources, please contact the Office of Alcohol and Other Drug Programs (478-0108 or <http://students.georgiasouthern.edu/aod/resources.htm>) or the Counseling Center (478-5541).

VII) SEXUAL ASSAULT

Sexual assault, whether committed by a stranger, friend, or acquaintance is a crime of violence. A student who sexually assaults another student is subject to both criminal and civil prosecution in a court of law and disciplinary action by Georgia Southern University. In addition to being a crime of violence, it is also one of the most underreported crimes on American college campuses.

- 1) **Definition of Sexual Assault**
 - a) *Please refer to SCC Section VII) Point 18.*
- 2) **Definition of Sexual Misconduct**
 - a) *Please refer to SCC Section VII) Point 20.*
- 3) **What to Do if Sexually Assaulted?**
 - a) If you have been sexually assaulted, you need to take immediate action. If the assault occurred on campus, you should report the assault to the Department of Public Safety. If the assault has occurred off-campus, it should be reported to the Statesboro Police Department or the Bulloch County Sheriff's Office.
 - b) If you have been sexually assaulted, you should do the following:

- (i) Go to the hospital immediately to have a physical examination for possible internal or external injuries. The hospital staff will also conduct a pregnancy test and a test for a sexually transmitted disease. It is important not to bathe, douche, or use mouthwash before receiving a medical examination. Doing so could interfere with the collection of evidence. If you want to change clothes, the removed clothing should be saved and should not be washed.
- (ii) At the hospital, evidence of a sexual assault will be collected by the hospital staff. A Sexual Assault Kit is used to collect medical evidence of a sexual assault. Going to the hospital does not mean you must press criminal or university charges.
Note: A Sexual Assault Kit is provided by the police officer investigating the assault at no cost. However, other test(s) performed at the hospital will be at your expense.
- (iii) Unless you object, the hospital staff will contact a counselor from the Georgia Southern University Counseling Center. The counselor will provide support, explain what options are available to you under the law and from the university student conduct system, and help you decide what if anything you want to do next. You will not be judged, blamed, or told what to do. The main objective is to provide you with support, information, and options.
- (iv) The Georgia Southern Health Center can provide testing and treatment for sexually transmitted diseases, HIV and Hepatitis B, pregnancy, and the morning after pill. It is important to note that the morning after pill should be taken within 72 hours of the sexual contact. The sexual assault kit cannot be completed at the Health Center. In the event you decide not to have the sexual assault kit completed, a complete gynecological exam should be done to check for external or internal injuries.
- (v) It is important that you contact the police, regardless of whether you intend to press criminal or student conduct charges. When it is established in a court of law that a substantial amount of time has elapsed before reporting a sexual assault to law enforcement officials, it may tend to diminish your credibility. If you decide to press criminal charges, it is necessary that a prompt report be on file with the appropriate law enforcement agency. It is important to understand that reporting the incident to the police does not obligate you to press criminal or university charges.
- (vi) You may elect to file criminal charges in a court of law or charge the student with sexual assault as it is defined in the Georgia Southern University Student Conduct Code, or both.
- (vii) Georgia Southern University will investigate complaints of sexual assault and sexual misconduct. The right to confidentiality will be respected as permitted by law.

4) **Georgia Southern Sanctions for Sexual Assault/Misconduct Violations**

- a) Possible sanctions for a student found in violation of sexual assault or sexual misconduct include disciplinary probation, suspension, or expulsion from the university. If a student is charged with a sexual offense and is prosecuted in a court of law, criminal penalties as well as student conduct sanctions may be imposed if the student is found to be responsible. In any campus disciplinary proceedings, the complaint and the accused student will be informed of the outcome of the case, including any sanctions imposed.

5) **Your Rights as a Victim of Sexual Assault/Misconduct**

- a) To choose whether to charge the accused student with a violation of the law. The victim may also charge the student with a violation of the Student Conduct Code, resulting in a formal hearing before the University Student Conduct Board or a University Hearing Officer. At the discretion of the victim and with the consent of the

accused student, the case may be resolved through a formal mediation process administered through the Office of Student Conduct. However, the University retains the right to initiate disciplinary action in appropriate cases regardless of mediated resolutions as between the parties.

- b) To have a person of your choice accompany you throughout the student conduct process.
- c) To submit a Victim Impact Statement prior to any penalty being imposed.
- d) To have past unrelated behavior excluded from the hearing.
- e) To be informed of the outcome of the disciplinary hearing.
- f) In appropriate cases, to have adjustments made in academic programs and campus living arrangements.

6) **Georgia Southern's Student Conduct Process for Victims of Sexual Assault/Misconduct**

- a) Georgia Southern University will adjudicate sexual assault and sexual misconduct cases by employing one of the following options:

(i) Mediation as described above.

(ii) A formal hearing before the University Student Conduct Board or a University Hearing Officer.

VIII) STUDENT CONDUCT CODE REVISIONS

The contents of this edition of the Student Conduct Code, revised in August 2011, supersede all previous editions. Georgia Southern University reserves the right to revise or correct the Student Conduct Code as needed. Revisions and corrections will be posted on the Internet at **www.georgiasouthern.edu/sta/guide**. Those revisions and corrections shall supersede all earlier printed and Internet versions.