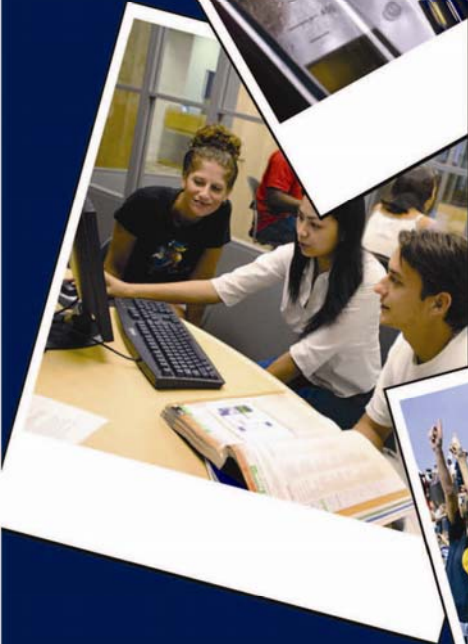
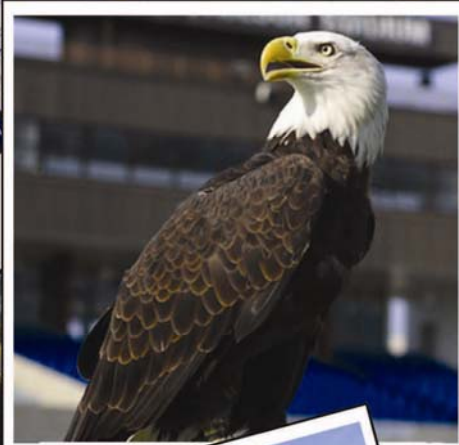




# STUDENT CONDUCT CODE

DIVISION OF STUDENT AFFAIRS  
& ENROLLMENT MANAGEMENT

# 2009-2010



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# I. STUDENT CONDUCT CODE

## OFFICE OF JUDICIAL AFFAIRS PHILOSOPHY

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The Office of Judicial Affairs 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.

## I. GEORGIA SOUTHERN STATEMENT ON STUDENT CONDUCT

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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 judicial 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.

## II. GEORGIA SOUTHERN V.A.L.U.E.S.

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### **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.

## III. GEORGIA SOUTHERN UNIVERSITY CAMPUS HONOR PLEDGE

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"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.”

#### IV. JUDICIAL AUTHORITY

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- A. The Director of Judicial Affairs shall develop policies for the administration of the judicial program and the procedural rules for the conduct of hearings that are not inconsistent with the provisions of the Student Conduct Code.
- B. The Director of Judicial Affairs, in consultation with the Dean of Students and Academic Affairs, will determine the composition of the University Judicial Board.
- C. The Director of Judicial Affairs shall seek to ensure that the University Judicial 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.

#### V. DEFINITION OF TERMS

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- A. The term "**University**" means Georgia Southern University.
- B. 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.
- C. The term "**faculty member**" means any person employed by Georgia Southern University to conduct classroom activities.
- D. The term "**university official**" includes any person employed by Georgia Southern University, performing assigned administrative or professional responsibilities.
- E. The term "**organization**" means a recognized student organization.
- F. The term "Judicial Officer" refers to any person designated by the Dean of Students to be responsible for the management of the student conduct program. The Judicial Officers are authorized to investigate, adjudicate or otherwise resolve any cases of alleged student misconduct.
- G. The term "**University Judicial Board**" and "**Hearing Officer**" means any person or persons authorized by the Director of Judicial Affairs to recommend whether a student has violated the Student Conduct Code and to recommend sanctions.
- H. 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.

#### VI. STUDENT CONDUCT CODE VIOLATIONS

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The following list of 30 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**

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###### 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**

- A. directly quoting the words of others without using quotation marks or indented format to identify them;
- B. using sources of information (published or unpublished) without identifying them;
- C. paraphrasing materials or ideas without identifying the source;
- D. 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**

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- 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 areas;
- 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**

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- 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**

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

#### **5. DAMAGE OR DESTRUCTION OF PROPERTY**

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

#### **6. DECEPTION**

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- 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. any attempt to perpetrate a fraud against the University or a member of the University community.

#### **7. DISORDERLY CONDUCT**

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- 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.

#### **8. DISORDERLY/IMPROPER ASSEMBLY**

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- 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.

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**9. DRUGS**

- A. the possession, use, manufacture, cultivation, distribution, sale, and/or misuse of any controlled or illegal substance, including designer drugs;
- B. the possession and/or use of any drug paraphernalia;
- C. any activity or conduct involving drugs that is in violation of local, state, or federal law.

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**10. 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 judicial body or administrator;
- E. fleeing from law enforcement or university officials.

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**11. FALSE REPRESENTATION**

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

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**12. 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.

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**13. FIRE SAFETY**

- A. any failure to evacuate or immediately respond to a fire alarm;
- B. participation in creating or causing a false fire alarm;
- C. participation in tampering, disconnecting, or altering any fire alarm system, equipment or component;
- D. failure to follow the instructions of staff and emergency personnel during fire alarms;
- E. the possession, use, manufacture, and/or sale of any incendiary device;
- F. participation in setting or causing to be set any unauthorized fire;
- G. the possession and/or use of any type of fireworks.

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**14. GAMBLING**

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

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**15. 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;

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**16. HAZING**

Participation in hazing, defined as an 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. Hazing includes acts that are intended to or actually cause physical discomfort, embarrassment and/or ridicule of another person for the purposes mentioned above or are violations of the Student Conduct Code.

## **17. JOINT RESPONSIBILITY**

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- 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.

## **18. SEXUAL ASSAULT**

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- A. Any sexual conduct that takes place without the victim's consent, including:
  - 1. 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:
  - 1. The victim has instructed the perpetrator not to engage in the conduct;
  - 2. The victim is forced to submit to the act;
  - 3. The victim is reasonably in fear that the victim or another person will be harmed if the victim does not submit to the act;
  - 4. The victim is unable to give consent or permission, or is unable to resist, because of intoxication with drugs or alcohol; or
  - 5. The victim is unable to give consent or permission, or is unable to resist, because of any mental or physical disability.

## **19. SEXUAL HARASSMENT**

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Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- A. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic standing;
- B. submission or rejection of such conduct by an individual is used as a basis for an employment or academic decision affecting such individual; or
- C. such conduct unreasonably interferes with an individual's work or academic performance, or creates an intimidating or hostile work or academic environment.

## **20. SEXUAL MISCONDUCT**

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- 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:
  - 1. The victim has instructed the perpetrator not to engage in the conduct;
  - 2. The victim is forced to submit to the act;
  - 3. The victim is reasonably in fear that the victim or another person will be harmed if the victim does not submit to the act;
  - 4. The victim is unable to give consent or permission, or is unable to resist, because of intoxication with drugs or alcohol; or
  - 5. The victim is unable to give consent or permission, or is unable to resist, because of any mental or physical disability.

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## **21. 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."

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## **22. 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.

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## **23. THEFT**

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.

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## **24. 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

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## **25. 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.

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## **26. 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).

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## **27. 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

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## **28. VIOLATION OF CONFIDENTIALITY**

Violating the confidentiality of a student's educational record

1. Judicial advocates or University Judicial Board members may not disclose confidential judicial information.

2. Student employees may not disclose confidential work-related information.

## **29. VIOLATION OF LAW**

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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

- A. occurs on the campus of the University, including all property owned, leased, licensed, or otherwise controlled by the University;
- B. occurs on the premises of any domicile of a recognized Greek letter organization;
- C. 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;
- D. occurs at any intercollegiate athletic event in which one of the University's teams is participating, home or away;
- E. involves more than one member of the University community; or
- F. otherwise adversely affects the University.

## **30. WEAPONS AND FIREARMS**

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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, 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 the Georgia Law against carrying a weapon into a school zone.

## **VII. STUDENT NOTIFICATION PROCESS FOR STUDENT CONDUCT CODE VIOLATIONS**

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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:

1. 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.
  - If a student does not respond to this request within seven (7) calendar days of the first contact from our office, a hearing will be held in absentia and action will be taken as warranted by the facts in the case, which may include disciplinary probation, suspension, or expulsion.

- Students will not be permitted to enroll in subsequent semesters until their disciplinary case is resolved.

## VIII. ELECTRONIC COMMUNICATIONS POLICY

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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 judiciary 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.

## IX. STUDENT WITHDRAWAL DURING THE JUDICIAL PROCESS

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

## X. CHARGES AND HEARING PROCEDURES

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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 judicial 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).

- A. 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.
- B. During holidays or between semesters or when the University Judicial Board cannot meet, a Hearing Officer may be assigned to hear any case.
- C. In order to expedite the process, the Judicial Officer may conduct an initial investigation to determine if the complaint can be resolved administratively. The accused student and the Judicial 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.
- D. 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 abstentia.

Students charged with a violation of the Student Conduct Code other than academic dishonesty can have their case heard in the following manner.

- A. Before the University Judicial Board
- B. Before a Hearing Officer
- C. Before the Director of Judicial Affairs

The Judicial Officer may at his/her discretion refer the case to the University Judicial Board or a Hearing Officer.

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.
- B. The Hearing Officers may make an audio recording of judicial board hearings. No other recording devices or court reporters are permitted to record or transcribe a judicial 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 Judicial Officer.
- C. Admission of any person to a hearing shall be at the discretion of the Chairperson of the University Judicial 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 Judicial 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 Judicial Board, the Director of Judicial Affairs, and the University Judicial 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 Judicial Board.
- F. Pertinent records, exhibits and taped or written statements may be accepted as evidence for consideration at the discretion of the University Judicial Board Chairperson.
- G. Procedural questions are subject to the final decision of the Chairperson of the University Judicial Board.
- H. After the hearing, the University Judicial 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 Judicial Officer
- I. The University Judicial 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 Judicial 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 XIV – Appeal Guidelines)**.

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.

## XI. SANCTIONS

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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 Judicial Affairs after review of the findings of fact and recommendations of the University Judicial Board. Prior to issuing a sanction, the Hearing Officer will inform the Director of Judicial Affairs 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.

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.

- A. 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 judicial actions by the University.

- B. 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.
- C. 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 Judicial Affairs. 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.
- D. 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 Judicial Affairs. 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.
- E. 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.
- F. 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.
- G. Loss of Privileges – Denial of specific privileges for a designated period of time.
- H. Residence Hall Suspension – Separation of the student from the residence halls for a specific period of time.
- I. Residence Hall Expulsion – Permanent separation of the student from the residence halls.
- J. 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.

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.

## XII. VIOLATION OF DISCIPLINARY PROBATION

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1. If a student is accused of a violation of disciplinary probation, the Director of Judicial Affairs may adjudicate the case. However, the Director of Judicial Affairs may request that the University Judicial Board or a University Hearing Officer hear the facts of the case and issue a finding as to whether or not the student is in violation of the terms of disciplinary probation. If the accused student is found in violation of disciplinary probation, the Director of Judicial Affairs retains the authority to impose a sanction.
2. A violation of disciplinary probation may result in suspension or expulsion.

### XIII. INTERIM SUSPENSION

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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; and (d) if a student poses a threat of disruption of or interference with the normal operations of the University.

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.

If an interim suspension is imposed, the notice and hearing should follow within five (5) business days.

### XIV. APPEALS

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Students have the right to appeal decisions made by the Director of Judicial Affairs and/or the University Judicial Board provided relevant grounds for an appeal are cited.

- A. First appeals are made to the Dean of Students (or to such other person as she or he may designate) in writing within 48 hours after the original decision has been communicated to the student.
- B. The Dean of Students will communicate to the student in writing 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.
- C. 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) in writing within 48 hours after the Dean of Student's decision has been communicated to the student.
- D. The Vice President of Student Affairs will communicate to the student in writing the decision of the second appeal, including the process for a third appeal to the Board of Regents of the USG.
- E. The decision of the Vice President of Student Affairs will stand until a decision is determined by the Board of Regents.

### XV. APPEAL GUIDELINES

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#### PURPOSE:

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

#### GROUND(S):

- 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.

#### PROCEDURE:

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:

- A. Affirm the original decision.
- B. Change the sanctions imposed.
- C. Find evidence of prejudicial treatment and refer the case for rehearing before another hearing body.
- D. Find the accused student not in violation and terminate the proceedings.

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:

- A. Affirm the original decision.
- B. Change the sanctions imposed.
- C. Find evidence of prejudicial treatment and refer the case for rehearing before another hearing body.
- D. Find the accused student not in violation and terminate the proceedings.

## XVI. STUDENT/ STUDENT ORGANIZATION RIGHTS

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

- A. Have a written copy of the charges.
- B. Have a fair and impartial hearing.
- C. Know the nature of the evidence against them and the names of witnesses scheduled to appear.
- D. Present evidence and witnesses in their own behalf.
- E. Be accompanied at a hearing by an advisor or Judicial Advocate of their choice.
- F. 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.
- G. Refuse to answer questions. **(not applicable to organizations).**
- H. Ask questions of witnesses (either directly or through a Hearing Officer at the discretion of the Hearing Officer).
- I. Receive a decision based solely on the evidence presented.
- J. Have a record of the hearing.
- K. Receive a written notice of the decision and an explanation of the decision and sanctions.
- L. Appeal any imposition of sanctions as long as the student has not waived his or her right to appeal.

Students or organizations may waive these rights by agreeing to administrative adjudication. No student is required to agree to administrative adjudication.

## XVII. VICTIM'S RIGHTS

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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:

- A. 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.
- B. To have a person of their choice accompany them throughout the judicial process.
- C. To submit a victim impact statement prior to a penalty being imposed.
- D. To have past unrelated behavior excluded from the hearing.
- E. To be informed of the results of the disciplinary hearing.
- F. To have adjustments made in academic programs and campus living arrangements in appropriate cases.

## XVIII. RESOURCES FOR CONFLICT MEDIATION

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Student Affairs has resources available to all students to assist in resolving conflicts that may not require formal judicial intervention. Unlike the formal judicial 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 Judicial Affairs.

## XIX. ADJUDICATION OF ACADEMIC DISHONESTY CASES

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

- A. When possible, 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 Judicial Affairs.
- 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 Judicial Officer may make an audio recording of the hearings. No other recording devices or court reporters are permitted to record or transcribe a University Judicial 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 Judicial Affairs.
- 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 Judicial 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 Judicial Officer and the accused student have the right to call witnesses. The members of the University Judicial 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 Judicial Board Chairperson.
- J. Pertinent records, exhibits and taped or written statements may be accepted as evidence for consideration at the discretion of the University Judicial Board Chairperson.
- K. Procedural questions are subject to the final decision of the Judicial Officer.
- L. After the hearing, the University Judicial 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.

- M. The University Judicial 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.
- N. Upon a consultation with the Provost or his/her designee, and taking into account the findings of fact and recommendations of the University Judicial Board, a decision will be made by the Dean of Students or his designee. The Judicial Officer will verbally inform students of the decision, normally with 72 hours of the hearing date.
- O. The Judicial 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.
- P. The student has the right to appeal any decision provided that relevant grounds for an appeal be cited (**See Section XV – Appeal Guidelines**)
- Q. 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.

#### FIRST OFFENSE – IN VIOLATION PLEA

- 1. When an instructor has decided that a case for academic dishonesty can be made, he or she should contact the Director of Judicial Affairs 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.
- 2. 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:
  - a. The student will be placed on Disciplinary Probation for a minimum of one semester by the Office of Judicial Affairs.
  - b. The student will be subject to any academic sanctions imposed by the professor. There will be no appeal of the finding or the sanction.
  - c. 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 Judicial Affairs for inclusion in the student's discipline record.

#### FIRST OFFENSE – NOT IN VIOLATION PLEA

If the instructor and the Director of Judicial Affairs agree that the evidence is sufficient to warrant a charge of academic dishonesty, the student will be charged with academic dishonesty and the University Judicial Board or Hearing Officer 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:

- a. The student will be placed on Disciplinary Probation for a minimum of one semester.
- b. The student will be subject to any academic sanctions imposed by the professor.

#### SECOND OFFENSE OF ACADEMIC DISHONESTY- IN VIOLATION PLEA

- 1. When an instructor has decided that a case for academic dishonesty can be made, he or she should contact the Director of Judicial Affairs 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.
- 2. If it is a second offense, the instructor should talk with the student about the alleged violation. If the

student wishes to plea in violation, the following procedures will be followed:

- a. A Hearing Officer will administer the non-academic judicial sanction that may consist of a penalty that includes suspension or expulsion.
- b. The student will be subject to any academic sanctions imposed by the professor. There will be no appeal of the finding or the sanction.

#### SECOND OFFENSE OF ACADEMIC DISHONESTY - NOT IN VIOLATION PLEA

If the instructor and the Director of Judicial Affairs agree that the evidence is sufficient to warrant a charge of academic dishonesty, the student would be charged with academic dishonesty and the University Judicial Board or Hearing Officer 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:

- a. Non-academic judicial sanctions may consist of a penalty that includes suspension or expulsion.
- b. The student will be subject to any academic sanctions imposed by the professor.

#### NOT IN VIOLATION FINDING

When the University Judicial Board or hearing Officer 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.

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.

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.

#### XX. STUDENT CONDUCT CODE REVISIONS

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The contents of this edition of the Student Conduct Code, revised in July 2009, 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](http://www.georgiasouthern.edu/sta/guide). Those revisions and corrections shall supersede all earlier printed and Internet versions.

## II. UNIVERSITY HOUSING REGULATIONS

### 1. UNIVERSITY HOUSING VIOLATIONS- Please refer to your specific Residence Hall

Community Guide for more detailed information regarding items that are allowed and those that are not allowed.

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#### H-1: NOISE

Each student is responsible for keeping noise at a level conducive to maintaining an educational environment. Noise levels should be low enough so as not to disturb others. This includes noise external to the building. At specific times and on certain building floors, noise levels may be further restricted (e.g. during exam periods or in community agreements).

#### H-2: FIRE SAFETY

Safety is top priority in any residence hall environment. Life safety equipment is provided to Georgia Southern University residence hall students for their protection. Removing, tapering with and/or damaging any life safety device will not be tolerated. Effective August 1, 2009: Any resident found in violation of tampering with, disconnecting, or altering any fire alarm system, equipment, or component will be responsible for the cost of replacement, cleanup, and repair, as well as the following sanctions:

- First offense: \$100 fine and possible removal from the residence hall and/or suspension from Georgia Southern University;
- Second offense: \$200 fine, additional judicial sanctions, and possible removal from the residence hall and/or suspension from Georgia Southern University.

Additionally, criminal charges could result for the first or any subsequent violation of this policy. Depending on the severity of the action, residents may be charged with a misdemeanor or felony offense. Residents who become aware of a malfunctioning life safety device (for whatever reason) should NOT attempt to repair the device; but should instead notify a housing staff member or submit a work order request.

Life safety equipment includes, but is not limited to:

- Fire extinguishers
- Smoke detectors
- Fire alarm pull stations
- Fire hoses
- Panic alarms
- Sprinkler systems, including piping and sprinkler heads

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#### H-3: ANIMALS

No animals, with the exception of service animals, or fish in properly maintained aquariums of ten gallons or fewer are allowed in on-campus residential facilities. Feeding stray animals or temporary "holding" of animals is prohibited.

Violation of this policy will result in the following sanctions:

- First offense: \$100 fine and judicial action brought against the resident.
- Second offense: \$200 fine and judicial action brought against the student.
- A third offense is considered a breach of contract and will result in judicial action and removal of the resident from the residence hall with no refund for the remainder of the contract term.

#### **H-4: ATHLETIC ACTIVITIES**

Athletic activities in which objects capable of causing damage to persons or property, must be kept at a safe distance from on-campus residential facilities. All athletic games and activities are prohibited in hallways and common areas of on-campus residential facilities unless approved by the Resident Director.

#### **H-5: BICYCLES, ROLLER BLADES, & SKATEBOARDS**

Bicycles are not allowed in any area of the residence hall or grounds other than in the provided bicycle racks. Bicycles chained to trees/shrubs, stairs, rails, or other prohibited areas will be removed immediately.

Violation of this policy may result in the following additional action taken, including fines and/or judicial action:

- First offense: Storage of bicycle and written warning.
  - Second offense: \$20 fine.
  - Third offense: Judicial action and possible additional fines.
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#### **H-6: MOTORCYCLES, MOPEDS, & SCOOTERS**

Motorized vehicles must be parked in designated locations. At no time may motorcycles, scooters, mopeds, or any other unapproved motorized vehicle be stored in on-campus residential facilities.

#### **H-7: GUESTS AND VISITATION**

Residents are responsible for all actions of their guests and for informing them of Georgia Southern University and University Housing policies and regulations. Additionally, residents are also responsible for all activities of their guests that occur within their living units. The following requirements must be met when having guests:

- Roommate approval is required for overnight guests.
- Guests will remain with their hosts at all times while in on-campus residential facilities.
- Guests must be of the same gender. Cohabitation is strictly prohibited.
- Guests may stay for a maximum of three successive nights.
- Residents and/or guests must use the restrooms designated for use by their respective gender only.

#### **H-8: ESCORTS**

Residents and their guests, including family members and other relatives, must be accompanied at all times by an escort who is a resident of the hall.

#### **H-9: FURNITURE**

a. No furniture may be removed from an on-campus residential facility (rooms or common areas). Furniture that is removed from a living environment or returned to a living environment may result in a fine for services rendered.

- b. Furniture may not be suspended from the ceiling.
- c. Waterbeds are prohibited in on-campus residential facilities.
- d. Any damage to furniture beyond normal wear and tear is subject to billing for replacement or repair.

#### **H-10: LOFTS**

The construction of lofts or any other structure within an on-campus residential facility without Department of University Housing registration/approval is prohibited. Lofts are not allowed in Southern Pines, Southern Courtyard, or University Villas.

#### **H-11: LITTERING/TRASH DISPOSAL**

No person shall discard trash of any kind on the grounds of on-campus residential facilities except in appropriate receptacles provided for such purpose. No public area trash cans (bathroom, kitchen, courtyard, etc.) are to be utilized for personal unit trash disposal. Violation of this policy will result in the following sanctions:

- First offense: \$25 fine.
  - Second offense: \$50 fine.
  - Third offense: Judicial action and possible additional fines.
- 

#### **H-12: PAINTING**

The Department of University Housing's in-house maintenance staff performs all room painting. Residents will be assessed a damage charge if a room is painted by anyone other than University Housing personnel.

#### **H-13: FACILITIES/EQUIPMENT**

- a. Window screens are not to be removed from on-campus residential facility windows. Missing or damaged screens may result in damage charges assessed to the resident.
  - b. Objects may not be thrown from the windows.
  - c. Exit doors may not be propped open at any time.
  - d. Unauthorized use of cable, computer access, telephone access (including the splicing of wires) is prohibited.
  - e. Keys or other entrance devices are the property of the resident to whom the key or other entrance device was issued. The keys must not be given or loaned to anyone else. Keys should always be kept with the resident at all times. Repeated lockouts may result in disciplinary action.
  - f. Entering or exiting a building through unauthorized doors or windows is prohibited.
  - G. Removal of entry or room doors from hinges is prohibited.
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#### **H-14: SMOKING**

Smoking is prohibited in any on-campus residential facilities, public area, or living facility, including entryways to the facility. Smoking is prohibited within 50 feet of any entryway to an on-campus residential facility.

#### **H-15: SANITATION AND CLEANLINESS**

Residents are expected to observe acceptable standards of cleanliness and sanitation in rooms, bathrooms, and common areas including, but not limited to the following:

- No waste material shall be thrown on floors.
- No resident shall cause plumbing fixtures to become clogged.
- Use of cooking facilities for purposes other than food preparation is prohibited.
- No items shall be thrown out of windows.

Violation of this policy will result in fines and possible judicial action.

#### **H-16: POSTING**

No material may be posted inside or outside on-campus residential facilities without prior approval of University Housing. This includes parking lot areas. (See H-18 for information pertaining to individual living units.)

#### **H-17: ROOM CHANGE**

Residents may not change their current room assignment to another without prior authorization from the appropriate staff member.

#### **H-18: ROOM DECORATIONS**

- All posters or decorations must be at least six inches from the ceiling and/or floor.
- No items may be suspended from the ceiling, including fishnets, parachutes, flags, etc.
- Possession of alcohol paraphernalia (funnels, hookahs, empty containers, etc.) and empty alcoholic beverage containers in resident's possession or room are prohibited. This includes empty container collections or displays.
- Any item affixed to a wall must be done so as to not create damage. Any damage that occurs will result in charges being assessed.
- Items displayed (facing outward toward public spaces) in the windows of on-campus residential facilities are prohibited.

#### **H-19: IMPROPER BEHAVIOR**

No person shall participate in behaviors that are disruptive to the community (e.g. water fights, food fights, or shaving cream fights, etc.) in on-campus residential facilities or parking lots unless previously approved by the Resident Director. Conduct and/or expressions which are obscene, social inappropriate, intimidating, or which are offensive to the prevailing standards of an academic community are prohibited.

#### **H-20: LEARNING COMMUNITIES**

All residents should abide by the specific housing agreements of their on-campus residence hall. Residents will be held responsible for agreements signed regarding any special living environment (e.g. reserved classes, building agreements, community service hours, etc.) Violation of individual contracts is in addition to any other Student Conduct Code violation.

#### **H-21: ON-CAMPUS RESIDENCE HALL COMPUTER LABS**

- No food or drinks are allowed in computer labs.
- Trash must be placed in the receptacles provided. A clean and orderly environment should be maintained at all times.
- Workstation hardware cannot be changed, removed, reconfigured, or physically damaged in any way.
- No hardware or software can be added to the standard lab configuration.
- Printer settings may not be changed.

F. Network connections for workstations and printers may not be changed.

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## **H-22: SIGNAGE THEFT**

Any signage found in a resident's possession which is property of University Housing or Georgia Southern University will be confiscated immediately; a \$100 fine per sign will be charged and judicial action will result. All other issues regarding the theft of signage will be documented and referred to the Office of Judicial Affairs.

## **2. DISCIPLINARY PROCEDURES**

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### **UNIVERSITY HOUSING HEARING**

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

1. Written notification of the alleged violation (s) shall be filed with the University Housing Hearing Officer.
2. The University Housing Hearing 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 Hearing Officer for a conference or a judicial letter will be sent to the student. The letter will outline the charge and the sanction. If the student accepts responsibility for his/her actions, he/she will sign the letter and return to sender.
3. Prior to adjudication, the University Housing Hearing Officer must answer three questions:
  - A. Does the accused student have a previous disciplinary record? This information is available in the Office of Judicial Affairs and the University Housing Office.
  - B. Is the alleged offense serious enough to result in possible suspension or expulsion? The University Housing Hearing Officer may consult with the Director of Judicial Affairs in making this determination.
  - C. Does this incident involve alcohol?  
If the answer to any of these questions is "yes," the case may be referred to the Office of Judicial Affairs for adjudication.
4. If the case is not referred and the student accepts responsibility for the violation, he or 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.
5. If the student denies the charge, he or she may request a formal hearing before the Residence Hall Judicial Board.
6. 7. 8. When unusual circumstances exist and during periods when the Residence Hall Judicial Board cannot meet, the case will be referred to the Office of Judicial Affairs.
9. The University Housing Hearing Officer and the Residence Hall Judicial Board may impose all disciplinary sanctions except suspension and expulsion.
10. 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.
11. For cases referred to the Office of Judicial Affairs for adjudication, all documents and materials will be maintained in the Office of Judicial Affairs.

### **3. INSPECTION, SEARCH, AND SEIZURE**

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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.

#### **INSPECTIONS**

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

#### **SEARCH**

- (1) The University reserves the right to conduct searches of individual rooms and lockers in a residence hall or other facility on the campus if there is reason to believe that a University regulation has been violated.
- (2) Law enforcement officials may search facilities with or without authorization from the University by means of a search warrant.
- (3) Efforts will be made to have the student available when a facility is searched.
- (4) Evidence seized during a search can be used in disciplinary procedures concerning a violation of University regulations.
- (5) 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 the campus if a University official determines there is an emergency.

#### **Room Search Procedure/Guidelines**

- (1) The need for a search must be established by a University Staff Member (suspicion of drugs, weapons, fireworks, stolen items, etc.).
- (2) When the need for a search is established, the University Police are contacted.
- (3) If the University Police establish the need for a search, they will talk with the students and request the evidence (drugs, weapons, fireworks, etc.) be turned in to them immediately. If the University Police determine that a search is warranted, they will request consent from the student to search the room. If the student denies the request, the University Police may request legal authorization to conduct a search or University officials may seek approval to search from the Dean of Students or his/her designee.
- (4) If consent to search the room is granted by the student, the University Police will conduct the room search. A report will be filed with the Office of Judicial Affairs.
- (5) If the search produces evidence that constitutes a felony, the student will be arrested. If the search produces evidence that is not considered to be a felony, it will be the judgment of the University Police to file charges and send a report to the Office of Judicial Affairs.
- (6) If consent to search a room is not granted by the student, the University Police may request a search warrant (see other option in #7). If a warrant is granted by judicial order, the University Police will search the room. A report will be filed with the Office of Judicial Affairs. If the search produces evidence that constitutes a violation of law, the student may be arrested.
- (7) If consent to search a room is not granted by the student, University Housing Staff Members may request permission to search a room from the Dean of Students or his/her designee.
- (8) If permission to search a room is authorized by the Dean of Students or his/her designee, a room search will be conducted and a report will be filed with the Office of Judicial Affairs. During a

search authorized by the Dean of Students or his/her designee, the University Police will remain outside the room.

### III. ADMINISTRATIVE REGULATIONS

#### A. ALCOHOL USE (UNIVERSITY POLICY)

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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.

#### B. INSTITUTIONAL PENALTIES (ALCOHOL)

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##### THREE-STRIKE POLICY

**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 \$50.00 fee to register for the course. Students will also be subject to a \$100.00 fine. Additional sanctions will be assigned at the discretion of the Director of Judicial Affairs, University Judicial Board, or University Hearing Officers.

**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 (\$150.00 fee). Students will also be subject to a \$150.00 fine. Additional sanctions will be assigned at the discretion of the Director of Judicial Affairs, University Judicial Board, or University Hearing Officers.

**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.

### C. DRUG USE (UNIVERSITY POLICY)

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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.

### D. INSTITUTIONAL PENALTIES (DRUGS)

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**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 an online web-based 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. Additional sanctions will be assigned at the discretion of the Hearing Officer.

**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) will be suspended from Georgia Southern University for a minimum of one semester. Additional requirements pertaining to substance abuse may be a condition for readmission.

**Violation of More Than One Ounce of Marijuana or Any Other Drugs** - Students will 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.

Students found to be in violation of Georgia Southern's drug regulation may be subject to one or more of the following penalties.

For less than one ounce of marijuana:

- A. Disciplinary Probation for a minimum of three months
- B. Complete ten (10) or more community service hours
- C. Enroll in the Web-based online drug education course "Marijuana 101." (There is a \$35.00 fee to register for the course.)
- D. Termination of the Housing Contract
- E. Students will be subject to a \$150.00 fine

For any other drugs (Including prescription drugs), one or more ounces of marijuana, or for a repeat violation:

Suspension/Expulsion

### E. POLICY ON PARENTAL/GUARDIAN NOTIFICATION

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

The University will 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.

#### 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 Judicial Affairs in consultation with other offices within the Division of Student Affairs and Enrollment Management.

#### F. JUDICIAL ACTIONS/HOUSING STATUS

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If a housing contract is cancelled as the result of a judicial action:

1. 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,
2. No portion of the current semester's housing fees will be refunded, and
3. If removed during the Fall Semester, you will also be charged 50% of the Spring Housing charges.

Application for admission to live on campus following the termination of a housing contract must be made to the Office of Judicial Affairs, P.O. Box 8070. Each request to be reinstated will be made on a case-by-case basis by the Director of Judicial Affairs.

#### G. TREATMENT

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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 Judicial Affairs (478-0059) or the Counseling Center (478-5541).

## APPENDIX A

### SEXUAL ASSAULT

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#### INTRODUCTION

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.

#### DEFINITION OF SEXUAL ASSAULT

Please refer to Section VI Point 18

#### DEFINITION OF SEXUAL MISCONDUCT

Please refer to section VI Point 20.

#### WHAT TO DO IF SEXUALLY ASSAULTED

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.**

If you have been sexually assaulted, you should do the following:

1. 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.**
2. 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.
3. 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 judicial 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.
4. 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.
5. It is important that you contact the police, regardless of whether you intend to press criminal or judicial 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.**
6. 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.**  
 Georgia Southern University will investigate complaints of sexual assault and sexual misconduct. The right to confidentiality will be respected as permitted by law.

#### GEORGIA SOUTHERN SANCTIONS

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 judicial 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.

#### YOUR RIGHTS AS A VICTIM OF A SEXUAL ASSAULT

1. 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 Judicial 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 Judicial Affairs. However, the University retains the right to initiate disciplinary action in appropriate cases regardless of mediated resolutions as between the parties.
2. To have a person of your choice accompany you throughout the judicial process.
3. To submit a Victim Impact Statement prior to any penalty being imposed.
4. To have past unrelated behavior excluded from the hearing.
5. To be informed of the outcome of the disciplinary hearing.
6. In appropriate cases, to have adjustments made in academic programs and campus living

arrangements.

## GEORGIA SOUTHERN'S JUDICIAL PROCESS FOR VICTIMS OF SEXUAL ASSAULT OR SEXUAL MISCONDUCT

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

1. Mediation as described above.
2. A formal hearing before the University Judicial Board or a University Hearing Officer.

## REFERENCES

Weeks, K.M. (1996) Student handbook policies: A forms manual for college decision makers. College Legal Information, Inc. p. 152.

Georgia Southern University Student Conduct Code 2006-2007.