

Policy Approval/Review Form

This form is used for the approval, amendment, removal or review of a Gordon State College policy. Once authorized with the President’s Signature, the policy will be posted to the Gordon State Website. This approval form will be filed in the Office of the President with Cabinet minutes noting approval.

Policy Title *	Student Code of Conduct
Department	EMSA/Dean of Students
Policy Editor	Dean of Students
Request Type	New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Removed <input type="checkbox"/> Reviewed <input type="checkbox"/>

OBJECTIVE (Briefly state your purpose.)

Students are admitted to Gordon State College with the expectation that they have developed acceptable personal standards of conduct and ethics. Students are expected to abide by the Student Code of Conduct (the Code) and the laws of the local community, state, and nation at all times.

RESOURCES AND CONSULTATION (Briefly describe the resources (i.e. website, link) used in developing, amending, removing, or reviewing the policy. Include names of other individuals who assisted with this change.)

Association of Student Conduct Administrators (ASCA), University System of Georgia, Other USG Schools, Previous GSC Code of Conduct

COMMUNICATION PLAN (Identify how information about how the policy will be communicated to the college as well as training plans if applicable.)

Annual email to all students, staff, and faculty. Annual DOS presentation to faculty. Annual presentation to Community Assistants. Annual presentation to student athletes. Annual training of Student Judicial Board. Web links from Dean of Students, EMSA, Housing, Public Safety, GSC Policy Page.

Authorizations

Dean or Supervisor Signature and Date: Matthew K. Robison, Ph.D. Digitally signed by Matthew K. Robison, Ph.D. Date: 2020.06.05 10:25:47 -04'00'

Cabinet Sponsor (VP) Signature and Date: John D. Head Digitally signed by John D. Head Date: 2020.06.05 11:55:56 -04'00'

President Signature and Date: Kirk A. Nooks Digitally signed by Kirk A. Nooks Date: 2020.06.05 12:14:54 -04'00'

***Policy Template must be submitted with this form.**

Gordon State College
Student Code of Conduct
&
Conduct Procedures

Student Code of Conduct

Students are admitted to Gordon State College with the expectation that they have developed acceptable personal standards of conduct and ethics. Students are expected to abide by the Student Code of Conduct (the Code) and the laws of the local community, state, and nation at all times.

The Code goes into effect at the time a student accepts admission to Gordon State College and continues until the time of graduation or withdrawal. Students assume an acceptance of the Code which are stated in this document and in other publications of the College. Students should realize that they may be held accountable through the College's conduct system when an on-campus or off-campus offense is committed. The College will take necessary and appropriate action to protect the safety and well-being of its community.

The Code applies to all student conduct on or adjacent to College property, at College-sponsored activities and programs including those in international locations, and at student organization activities. The Code also applies to conduct occurring on non-College property and at non-College events when that conduct may threaten the health and safety of the College community. The Code continues to apply to student conduct while a conduct matter is pending even if the student withdraws from the College.

The most current version of the Student Code of Conduct may be found online. In the event of a conflict between the Student Code of Conduct and other College policies, the most current version of the Code governs. Students involved in criminal matters may be sanctioned by the College in addition to any sanctions that may be imposed by a court of law. However, the relationship a student has with the state or federal court system does not alter the student's relationship with the College unless the student is also found responsible for violating College policy.

Behavioral Expectations:

The College considers the behaviors described below as unacceptable for the College community and in opposition to the orderly operation of the College. The College encourages community members to report to College officials all incidents that involve the following actions. Any student found responsible for committing or attempting to commit the following misconduct may be subject to sanctioning as outlined later in the Code (Conduct Procedures Section).

- 1) Falsification. Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments;
- 2) Academic Dishonesty. Acts of academic dishonesty as outlined in the Academic Dishonesty Policy;
- 3) Unauthorized Access. Unauthorized access to any College building (i.e., keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any College building or failing to timely report a lost College identification card or key;
- 4) Collusion. Action or inaction with another or others to violate the Student Code of Conduct;
- 5) Trust. Violations of positions of trust within the community;

- 6) Election Tampering. Tampering with the election of any College-recognized student organization;
- 7) Taking of Property. Intentional and/or unauthorized taking of College property or the personal property of another, including goods, services and other valuables;
- 8) Stolen Property. Knowingly taking or maintaining possession of stolen property;
- 9) Disruptive Behavior. Substantial disruption (based on reasonable person standard) of College operations including obstruction of teaching, learning, administration, other College activities, and/or other authorized non-College activities which occur on campus;
- 10) Rioting. Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property;
- 11) Unauthorized Entry. Misuse of access privileges to College premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a College building;
- 12) Trademark. Unauthorized use (including misuse) of College or organizational names and images;
- 13) Damage and Destruction. Intentional, reckless and/or unauthorized damage to or destruction of College property or the personal property of another;
- 14) Information Technology (IT) and Computing Use. Violating College IT and computing policies;
- 15) Gambling. Gambling as prohibited by the laws of the State of Georgia;
- 16) Weapons. Possession, use, or distribution of weapons, except as expressly provided in State of Georgia O.C.G.A. 16-11-127.1. And/or, the possession or use of any other offensive weapons is prohibited (i.e., knives, stun guns, nunchakus, bows, clubs, baseball bats, etc.) and/or no reasonable facsimile of a weapon is allowed on campus for safety's sake (i.e., toys, squirt guns, rubber knives, etc.);
- 17) Smoking. Smoking and all other use of tobacco, e-cigarettes, personal vaporizers (PV), and/or electronic nicotine delivery systems (ENDS) on property owned, leased, rented or in the possession or control of the University System of Georgia;
- 18) Fire Safety. Violation of local, state, federal or campus fire policies including, but not limited to:
 - a) Intentionally or recklessly causing a fire which damages College or personal property or which causes injury;
 - b) Failure to evacuate a College-controlled building during a fire alarm;
 - c) Improper use of College fire safety equipment; or
 - d) Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on College property. Such action may result in a local fine in addition to College sanctions;

19) Animals. Animals within College buildings, with the exception of those whose presence the College is required by law to allow. The Office of Counseling and Accessibility Services shall review and approve all requests for animals on campus and in residence halls;

20) Recreational Wheeled Devices. Skateboards, roller blades, roller skates, bicycles and similar wheeled devices may not be used inside College buildings, residence halls, or on tennis courts. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities and individuals may be liable for damage to College property caused by these activities;

21) Discrimination. Any act or failure to act that is based upon an individual or group's actual or perceived status (i.e., race, sex, gender, gender identity, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the College's educational program or activities;

22) Harassment. Any unwelcome conduct based on actual or perceived status including: (race, sex, gender, gender identity, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status). Any unwelcome conduct should be reported to campus officials who will act to remedy and resolve reported incidents on behalf of the victim and community. Sanctions may be imposed for the creation of a hostile environment only when [unwelcome] harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the College's educational or employment program or activities;

23) Retaliatory Discrimination or Harassment. Any intentional, adverse action taken by any party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a civil rights grievance proceeding or other protected activity [under this Code];

24) Abuse of Conduct Process. Abuse or interference with, or failure to comply in, College processes including, but not limited to:

- a) Falsification, distortion, or misrepresentation of information;
- b) Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
- c) Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
- d) Failure to comply with the sanction(s) imposed by the campus conduct system;
- e) Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

25) Harm to Persons. Intentionally or recklessly causing physical harm or endangering the health or safety of any person;

26) Threatening Behaviors:

- a) Threat. Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
- b) Intimidation. Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another;

27) Bullying and Cyberbullying. Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression;

28) Hazing. Defined as an act that endangers the mental or physical health or safety of a student, or that 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. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent (and/or) failing to discourage (and/or) failing to report those acts may also violate this policy. Hazing may be considered and charged as a group/team/organizational violation and/or a violation by individuals;

29) Sexual Misconduct. Sexual Misconduct includes, but is not limited to: sexual violence, sexual assault, sexual exploitation, sexual harassment, stalking, dating violence, and domestic violence. Alleged violations of this section will be addressed in accordance with GSC's Sexual Misconduct Policy;

A student in any institution of the College System of Georgia who is charged with or indicted for a felony or crime involving moral turpitude, may be suspended pending the disposition of the criminal charges against the student (BOR 406.02).

30) Alcohol. Gordon State College prohibits the possession, use, distribution of alcohol by students on all College property and at all College events either on or off campus. Empty alcohol containers are not allowed (full, empty, or decorative) in any college owned, rented, or leased properties;

Gordon State College is committed to recognizing, upholding and enforcing the laws of the State of Georgia. Violation of those state laws, incorporated into the Gordon State College Alcohol and Drug-Free Campus Policy, will not be condoned on the campus or at any activity held off campus by any constituency. When students travel, the alcohol and drug policy remains in effect. Violations occurring when travelling off campus will be treated the same as if the violations occurred on campus. Student(s) on or returning to campus who are unable to control himself or herself because of alcohol consumption may be in violation of the Code. Exceptions to the alcohol policy can only be granted by the College President.

31) Drugs. Gordon State College prohibits the manufacture, distribution, sale, possession, or use of drugs by students on all College property and at all College events either on or off campus. Possession of drug paraphernalia is prohibited on campus;

32) Prescription Medications. Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;

33) Failure to Comply. Failure to comply with the reasonable directives of College officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;

34) Continuing Duty to Report. GSC students have a continuing duty to report criminal and/or disciplinary events that occur upon and after application to the College. Failure to comply with the requirement may result in a student's admissions acceptance being revoked or being administratively withdrawn from the College. The criminal/disciplinary events that must be

reported are described below. Reports must be made to the Dean of Students Office within 72 hours of the student's notice of the event.

- a) Conviction of a crime other than a minor traffic violation;
- b) Criminal charges filed against the student;
- c) Entering a plea of guilty, a plea of no contest, a plea of nolo contendere, an Alford plea, and/or a plea under any first offender act in response to charges filed against the student;
- d) Disciplinary or academic misconduct charges initiated or sanctions imposed against the student from a high school or former college or university;

35) Other Policies. Violating other published College policies or rules, including all Library, Dining, Athletic policies, and Residence Halls (see the Guide to Highlander Living);

36) Health and Safety. Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.);

37) Violations of Law. Evidence of violation of local, state or federal laws.

Classroom Behavior

Discipline in the classroom is vested in the authority of the instructor. Instructors are expected to establish guidelines for their classes and the College will support their enforcement. However, in some circumstances, classroom student conduct may amount to violation of the Code which is adjudicated through the student conduct process.

Conduct Procedures

When a student(s) is reported to have allegedly violated the aforementioned conduct regulations, the disposition of the student's case shall be conducted according to the College's due process requirements in keeping with the procedures outlined below. The Dean of Students or her/his designee will adjudicate all alleged violations of the Student Code of Conduct as outlined in this document. The Director of Housing and Residence Life or her/his designee will adjudicate all alleged violation of the Highlander Guide for Community Living.

Reporting Violations

- a. Members of the College community who believe a violation of the Student Code of Conduct has occurred should submit a written complaint to the Dean of Students Office.
- b. To enable the Dean of Students to decide whether further fact-finding is necessary, the complaint should state sufficient facts, including specific name(s), the contact information of the Respondent and individuals with knowledge of the incident, date(s), time(s), location(s) description(s) of the alleged act(s) of misconduct, available evidence, and whether a criminal complaint has been made. Where appropriate, the complainant is encouraged to report the incident to the police in addition to reporting an alleged violation of the Student Code of Conduct.

Complainant = person submitting incident and/or complaint report.

Respondent = person(s) who has allegedly violated the Student Code of Conduct.

- c. Confidentiality: When a complainant request that his or her identity be withheld or the allegation(s) not be investigated, the Dean of Students will consider whether or not such request(s) can be honored while providing a safe and nondiscriminatory environment for the campus. The Dean of Students will inform the requesting party that the institution generally cannot guarantee confidentiality. Further, honoring the request may limit the institution's ability to respond fully to the incident and may limit the institution's ability to discipline the student.
- d. Retaliation: Retaliation for making good faith reports of student misconduct or for participating, cooperating or being associated with an investigation or student conduct process is prohibited. Anyone who believe she or he has been the target of prohibited retaliation should immediately contact the Dean of Students Office. Any person found to have engaged in prohibited retaliation shall be subject to disciplinary action pursuant to the Student Code of Conduct.
- e. False Complaints: Students who intentionally give false statements to an institution official or who submit false complaints or accusations, including during a hearing, shall be subject to disciplinary action pursuant to the Student Code of Conduct.
- f. Amnesty: Students are encouraged to come forward and to report misconduct despite their choice to consume alcohol or to use drugs. Information reported in good faith by a student during an investigation concerning personal use of drugs or alcohol will not be used against that student in a disciplinary proceeding and will not be voluntarily reported to the police; however, students may be required to meet with staff in regard to the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this amnesty procedure will not be considered a sanction.

Investigation

- a. If necessary to determine whether or not there is sufficient basis to believe that a violation of the Student Code of Conduct may have occurred, the Dean of Students or her/his designee may conduct a prompt, fair, and impartial initial investigation.
- b. Complaints that, if true, would not amount to a violation of the Student Code of Conduct will be dismissed preliminarily.
- c. The initial investigation of reported general misconduct will continue in a timely manner until the Dean of Students concludes that the initial investigation is complete.
- d. Any report that involves allegation(s) of conduct that could lead to the suspension or expulsion of the respondent(s) in an initial violation shall be promptly reported to the System Director by the institution. The System Director will work with the institution to determine whether any interim measure(s) are necessary, to assign an investigator and will collaboratively supervise the investigation with the appropriate institution professional (e.g., the Title IX Coordinator, Dean of Students). If an allegation is not initially identified as one that could lead to suspension or expulsion of the respondent(s), but facts arise during the course of the investigation that would require oversight from the System Director, then the institution shall report that case to the System Director or their designee prior to proceeding.

Charges

Based on a review of the initial report and investigation, the Dean of Students will determine whether to initiate charges or to dismiss a case administratively if there is insufficient support for the claim. Complaints that, if true, would not amount to a violation of the Student Code of Conduct will be dismissed. If the Dean of Students determines that there is sufficient basis to believe that a violation of the Code may have occurred, then the Dean of Students will initiate charges regarding the alleged Code violation.

Administrative Conference

- a. The Dean of Students will promptly send the Respondent a charge letter identifying all charges against the Respondent for alleged violations of the Code. The charge letter will specify allegations of misconduct in sufficient detail to enable the Respondent to respond.
- b. The Respondent will be required to attend an Administrative Conference with the Dean of Students within five (5) Business Days from the date of the charge letter from the Dean of Students. If the Respondent fails to schedule or attend the required Administrative Conference with the Dean of Students, the case may proceed in the Respondent's absence, which may include making an administrative decision about the Respondent's responsibility regarding the charges.
- c. At the Administrative Conference, the Dean of Students will review the Code of Conduct with the Respondent and provide the following:
 - 1) an explanation of charges;
 - 2) a copy of the Code, upon request;
 - 3) a copy of the complaint, upon request;
 - 4) a review of the Respondent's due process rights:

- the right to a notice In Writing of all charges; and
 - the right to a fair and impartial hearing resolution which may not include the person(s) who brought the charges;
- 5) an explanation of the General Conduct process including:
- the opportunity to admit responsibility for the alleged violation and have the Dean of Students resolve the case administratively;
 - the opportunity to deny responsibility for the alleged violation and choose between having the Dean of Students resolve the case administratively or having a formal hearing (only if case involves possibility of sanctions to include suspension or expulsion from the institution);
 - the opportunity to appear in person at a hearing or not to appear with assurance that the failure to appear shall not be construed as indicative of responsibility;
 - the opportunity to select an Advisor of his or her choice to accompany and advise the Respondent during a hearing or administrative resolution process;
 - the opportunity to call witnesses to present information on behalf of the Respondent;
 - the right to a list of witnesses who will appear against him or her;
 - the opportunity to ask the hearing board to pose specific questions to any witness; •
 - the opportunity to receive a copy of the record of a hearing; and
 - the opportunity to appeal the decision as provided in the Code.
- d. If, during the course of an administrative resolution or a hearing, new information is introduced which indicates that additional alleged violations of the Code may have occurred, the Dean of Students will conduct a separate investigation to determine whether or not to initiate charges.
- e. All separate charges will be adjudicated separately.
- f. At the Administrative Conference the Respondent must choose to:
- 1) waive a hearing and have the Dean of Students administratively resolve the case; or
 - 2) have case formally resolved before a hearing board (only if case involves possibility of sanctions to include suspension or expulsion from the institution).

Interim Measures

Interim measures may be provided by the institution at any point during an investigation and student conduct process. Interim measures should be designed to protect the parties and larger campus community. To the extent interim measures are imposed, they should minimize the burden on both the alleged victim and the respondent, where feasible. Interim measures may include, but are not limited to:

- Change of housing assignment;
- Issuance of a “no contact” directive;
- Restrictions or bars to entering certain institution property;
- Changes to academic or employment arrangements, schedules, or supervision;
- Interim suspension; and
- Other measures designed to promote the safety and well-being of the parties and the institution’s community.

Under the circumstance described below, the College may impose an interim measure upon a student when initiating the conduct process in connection with reported Code violations by the student.

- a. If the College believes a student poses a serious and/or immediate threat to the safety and wellbeing of the College community or to College property, then the student may be immediately excluded from one or more classes, denied access to College housing and/or denied access to campus as a whole (including all College property and facilities).
- b. The student will be notified in writing of the interim measures, the reasons for the interim measures, and the related Code violations the student was reported to have violated. The Dean of Students will make all reasonable effort to give the student the opportunity to be heard on whether his or her presence on campus poses a danger. The interim measures will become effective immediately as of the date of the written notice and will remain in effect until the general conduct process has been concluded (by dismissal of or final decision on Code charges) or until the Dean of Students determines that the interim measures are no longer warranted, whichever occurs first.
- c. Upon request, the student shall have the opportunity to respond to the reasons for interim measures stated in the notice and to show that the student does not pose a significant threat to the safety and well-being of the college community no later than three (3) Business Days following the effective date of the interim measures.

Resolution Options

Administrative Resolution:

A student may waive the right to a formal hearing and have the case resolved administratively by the Dean of Students. The Dean of Students, in his or her sole discretion, may decide to personally resolve the case or designate another impartial adjudicator to resolve the matter.

- 1) The Dean of Students will meet with the Respondent who will have the opportunity to provide a statement regarding the alleged misconduct along with any other supporting Information including the names of witnesses to be interviewed. The Respondent may bring an Advisor to their meeting(s) with the Dean of Students, however the Advisor may only confer with the Respondent and may not participate directly in the proceedings.
- 2) The Dean of Students will also meet separately, as necessary, with the Complainant as well as with any witnesses to gather additional Information. A good faith effort will be made to contact witnesses (including faculty or staff) who may have relevant information to obtain a statement from them.
- 3) At the conclusion of all meetings, using a standard of the preponderance of evidence, the Dean of Students will determine whether it is more likely than not that a violation of the Code occurred and, if so, the appropriate disciplinary sanction(s) to apply. A decision to suspend or expel will be supported by substantial evidence. In determining the sanction(s), the Dean of Students will consider any mitigating or aggravating factors, including prior violations of the Code.

- 4) The Dean of Students will inform the Respondent of the decision in writing. The written decision will include a statement of the charges, the determination of responsibility, the sanction(s) to be imposed, if any, the evidence in support of the sanction, and will list the factors for determining sanctions. In cases of crimes of violence, the Complainant will also receive written notice of this information.

Formal Resolution: Student Judicial Board (SJB) Hearing:

If the Respondent does not accept responsibility for the alleged violation(s) and if the outcome of the case could result in suspension or expulsion from the institution, the student can elect to have a formal hearing in front of the Student Judicial Board (SJB). SJB hearings will be conducted by a hearing panel composed of five community members: four students and one staff/faculty member. As one of the four student members, the Chief Justice of the Student Government Association will serve as the presiding officer of SJB hearings. The Dean of Students will advise the SJB and direct the selection process for hearing panel members. The Dean of Students will provide annual training for members of the SJB.

Student Judicial Board Hearing Procedures

Pre-Hearing Procedures:

- 1) SJB Hearing Panel members will be notified in writing of their selection.
- 2) The Chief Justice will convene the hearing panel as soon as possible following receipt of the Respondent's selection of a SJB hearing.
- 3) The SJB Chief Justice, who may be assisted by the Dean of Students, will prepare and send a written notice to the Respondent and the Complainant no less than five (5) Business Days prior to the date set for the hearing. The notice will be sent to the Respondent's and the Complainant's official College email addresses. The notice will include:
 - A statement of the date, time, location and nature of the hearing;
 - A copy of the charges; and
 - A list of the names of all SJB Hearing Panel members, and the College address of the chairperson.
- 4) If the Respondent or the Complainant cannot attend the scheduled hearing date due to extraordinary circumstances, he/she must notify the Dean of Students with a written request to reschedule, including reasons for the request, no later than three (3) business days prior to the hearing. The Dean of Students will determine whether to approve or deny the request to reschedule the hearing.
- 5) If the Respondent, the Complainant or witnesses, for a valid basis, cannot attend the hearing on the date scheduled for the hearing due to extraordinary circumstances, the Dean of Students may establish special procedures for him or her to be heard from a separate location that ensures proper sequestration in a manner that prevents the tainting of his or her statement and make a determination that such an arrangement will not unfairly disadvantage either the Complainant or Respondent.
- 6) No later than three (3) business days prior to the hearing, the parties will exchange the following Information in writing:

- A list of the names of the witnesses who may be called to speak at the hearing;
- A concise summary of the anticipated statement of each witness;
- Copies of all documents or statements to be presented at the hearing;
- The name and title (if any) of the Complainant; and title of Complainant's advisor, if any.
- The name of the Respondent and the name and title of the Respondent's advisor, if any.

7) Both the Respondent and the Complainant may challenge the participation of any member of the hearing panel on the grounds of personal bias by submitting a written statement to the Dean of Students setting forth the basis for the challenge no later than three (3) business days prior to the hearing. The Dean of Students will determine whether to sustain or deny the challenge. If the challenge is sustained, a replacement member will be appointed to serve on the hearing panel. If a challenge is filed against the chairperson, the Dean of Students will determine whether to uphold or deny the challenge.

8) Members of the College community will be expected to comply with any request or directive issued by the chairperson in connection with a SJB proceeding, unless compliance would result in significant personal hardship or substantial interference with normal College functions.

Hearing Procedures:

1) Absent extenuating circumstances, all hearings regarding charges against individual students will be closed in accordance with FERPA to maintain the confidentiality of student educational records.

2) Where the hearing officer or panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the Chief Justice may establish special procedures for providing testimony from a separate location. In doing so, the panel must determine whether there is a valid basis for the unavailability, ensure proper sequestration in a manner that ensures testimony has not been tainted, and make a determination that such an arrangement will not unfairly disadvantage any party. Should it be reasonably believed that a party or witness who is not physically present has presented tainted testimony, the panel will disregard or discount the testimony.

3) The Chief Justice will preside at the hearing and will rule upon all procedural matters. The formal rules of evidence will not apply, although challenges to the introduction of specific statements or documents may be considered by the chairperson on the basis of relevance to the charges. At the determination of the chairperson, the questioning may take place through the submission of written questions from each party to the chairperson who will then review for consideration to be asked. The panel shall ask the questions as written and will limit questions only if they are unrelated to determining the veracity of the charge(s) against the Respondent. The panel should ask all submitted questions and must document the reason for not asking any particular questions. Information regarding prior misconduct will not be considered for the purpose of determining responsibility but may be considered after a finding of responsibility has been made, for purposes of determining appropriate sanctions. The Chief Justice may

establish reasonable limits upon the time allotted to the Respondent and the Complainant for oral presentation and examination of witnesses.

4) The Complainant will present Information (e.g., Complainant's description of the incident, witness statements and documentation) which supports the Code charge(s).

6) The Respondent will present Information (e.g., the Respondent's description of the incident, witness statements and documentation) on his/her own behalf which supports the denial of responsibility for the alleged Code violation(s).

7) All information, including hearsay, may be considered by the hearing panel, however the hearing panel may exclude information during the hearing if it is not reasonably linked to the alleged Code violation(s).

8) Both the Respondent and the Complainant may be assisted throughout the proceeding by an Advisor. The Advisor may only communicate with his or her respective party and not directly to the hearing panel or other parties involved.

9) Each party is responsible for insuring the appearance of their witnesses at the hearing whenever possible or obtaining written, signed statements from their witnesses if the witnesses are unable to attend.

10) Witnesses will be present in the hearing only during their specific witness testimony.

11) Witnesses may only be questioned by the hearing panel.

12) A record shall be made of the hearing and kept by the Dean of Students. A copy of the record is available to the Respondent and the Complainant upon payment of the cost of the reproduction.

13) Student cases may be combined and heard jointly for matters arising from the same set of circumstances or events.

14) Any falsification of information or false testimony by any party or witness may subject that party or witness to disciplinary action in accordance with the Code.

15) If, during the course of the hearing, new information is introduced which indicates that additional alleged violations of the Code may have occurred, the Dean of Students will conduct a separate investigation to determine whether to initiate charges.

16) Upon the conclusion of the Information stage of the hearing, the hearing panel will adjourn to review the information to determine whether it is more likely than not that the Respondent is responsible for having violated the Code and appropriate sanctions, if any. During deliberations, the hearing panel will determine the weight and credibility of the information presented by the parties. The deliberation stage of all hearings shall be closed to all expect hearing panel members.

17) After deliberating, the hearing panel, using a standard of the preponderance of evidence, shall make a non-binding recommendation to the Vice President for Enrollment Management and Student Affairs (Vice President) within five (5) business days of the hearing regarding the responsibility for the violation(s) and appropriate

sanction(s). A recommendation to suspend or expel must be supported by substantial evidence.

18) Using a preponderance of the evidence standard, the Vice President shall make a final decision whether it is more likely than not that a violation(s) of the Code occurred and, if so, the appropriate disciplinary sanction(s) to apply, within five (5) business days of the receipt of the hearing panel's recommendation. A decision to suspend or expel must be supported by substantial evidence.

19) The Dean of Students will inform the Respondent and alleged victim (where applicable) of the Vice President's decision in writing. The written decision will include a statement of the charges, the determination of responsibility, and the sanction(s) to be imposed, if any, the evidence in support of the sanction, and will list the factors for determining sanctions. In cases of crimes of violence, the Complainant will also receive written notice of this information.

Possible Sanctions

In determining the severity of sanctions or corrective actions the following should be considered: The frequency, severity, and/or nature of the offense, history of past conduct, and the Respondent's willingness to accept responsibility, previous institutional response to similar conduct, and the institution's interests.

The following are possible disciplinary measures which may be imposed upon a student for an infraction(s) of the Conduct. This list shall not be taken to be exhaustive and may be enlarged or modified to meet particular circumstances in any given case.

1. **Expulsion** – Permanent, forced withdrawal from the College constitutes the maximum disciplinary penalty. Although expulsion may be imposed on the first offense, it is usually administered after other methods of discipline have been exhausted. Expulsion from the College is indicated on the student's transcript, and he/she may not re-enter or visit the College.
2. **Disciplinary Suspension** – Forced withdrawal from the College for a specified time. Suspension is for a period of not less than one full semester. During any period of suspension, a student may not visit the campus for reasons other than clarification of academic or conduct record. No transfer credit from another institution which is earned, while the student is under suspension from the College, will be accepted for credit toward a degree at the College.
3. **Disciplinary Probation** – Notice to the student that any further disciplinary violation may result in more significant sanctions including, but not limited to, suspension or expulsion. Disciplinary Probation can range from one full semester to the duration of the student's enrollment at the College.
4. **Restrictions** – Exclusion from participating in:
 - a. Co-Curricular Activities (e.g., Student Life/Residence Life events, SARC activities, Athletic events, etc.);
 - b. Parking Areas;
 - c. Other.

5. **Reprimand** – an oral and/or written statement of disapproval issued to the student.
6. **Restitution** – Reimbursement for damages to or misappropriation of property, which may take the form of appropriate service or other compensation.
7. **Discretionary Sanctions** – Service to the College, counseling, alcohol/drug evaluation, and/or other related discretionary assignments.
8. **Housing Penalties** – Sanctions relating to student housing including:
 - (a) Expulsion from Gordon State College housing;
 - (b) Suspension from housing;
 - (c) Housing relocation;
 - (d) Residence Hall restrictions;
 - (e) Other.

Appeals

The Respondent shall have the right to appeal the outcome accordingly:

- a. To the Vice President for Enrollment Management and Student Affairs

Appeals of the decisions of the Dean of Students including the dismissal of complaints for lack of sufficient Information, may be made by submitting a letter to the Vice President within five (5) business days after the decision is made. Grounds for an appeal are: (1) to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing; (2) to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by bias; or (3) to allege that the finding was inconsistent with the weight of the information. The appeal shall be a review of the record only, and no new meeting with the respondent or any alleged victim is required. The Vice President, may affirm the original finding and sanction, affirm the original finding but issue a new sanction of lesser severity, remand the case back to the decision-maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The Vice President shall then issue a decision in writing to the respondent within a reasonable time period.

- b. To the President

The decision of the Vice President may be appealed in writing within five (5) business days (as determined by the date of the decision letter) to the President. Grounds for an appeal are: (1) to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing; (2) to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were

improperly excluded or whether the decision was tainted by bias; or (3) to allege that the finding was inconsistent with the weight of the information. The President may affirm the original finding and sanction, affirm the original finding but issue a new sanction of greater or lesser severity, remand the case back to the decision maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The President's decision shall be the final decision of the institution.

c. To the Board of Regents

Should the Respondent wish to appeal the President's decision, he or she may request review by the Board of Regents in accordance with the Board of Regents' Policy on Discretionary Review.