

## *Undergraduate and Graduate Student Code of Conduct*

### INTRODUCTION

Clayton State University has established standards of conduct which are compatible with the academic mission of the institution. An educational approach to discipline is employed whenever possible.

Law, statutes and regulations at the national, state and local levels grant public institutions the authority to establish standards reasonably relevant to the lawful missions, processes, and functions of the institution. Such standards are not intended to prohibit the exercise of a right guaranteed by the Constitution or a law of the United States to a member of the university community.

Clayton State University shall take necessary and appropriate action to protect the safety and well-being of its community. Standards may apply to student behavior when such acts occur on institution property or at institution-sponsored or affiliated events, or otherwise violate the institution's student conduct policies at non-institution sponsored events. The institution may prohibit any action or omission, which impairs, interferes with, or obstructs the missions, processes and functions of the institution.

Institutional standards for scholastic attainments require superior ethical and moral behavior that exceeds that for the average population. In establishing standards of behavior, institutions are not limited to the standards or the forms of criminal laws ["General Order on Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax-Supported Institutions of Higher Education," 45 F.R.D. 133/145 (W.D. Mo. 1968)].

*The acceptance of these rights and responsibilities is a prerequisite for enrollment at Clayton State University. It is the responsibility of each student to know and understand established rules of conduct. Lack of awareness is not recognized as a legitimate reason for failure to comply.*

Violators may be accountable to both civil and criminal authorities and to the University for acts of misconduct, which constitute violations of this Code. Disciplinary action at the University may proceed during the pendency of other proceedings at the discretion of University officials. Sanctions may be imposed for acts of misconduct, which occur on University property or at any University sponsored activity. **As further prescribed in these rules, off-campus conduct may also be subject to discipline.**

"Clayton State University [provides] each student with an e-mail address through the Clayton State University electronic post office. The student will be responsible for monitoring this address on a regular basis for official communications from Clayton State University faculty and administrators." (*Clayton State University Handbook*)

The University maintains the right to amend its rules and to make such amendments effective immediately upon appropriate public notification of students. The most current version of the Student Code of Conduct may be found online at [www.clayton.edu/community-standards](http://www.clayton.edu/community-standards)

### INVESTIGATIVE AND DISCIPLINARY PROCEDURES

Section 4.6 of the Board of Regents' policies (effective August 2017) establishes minimum uniform, system-wide procedural standards for investigations and resolutions (including student conduct hearings) of alleged violations of Clayton State University's rules. In accordance with this responsibility, disciplinary sanctions shall be applied only after the requirements of due process, fairness, and reasonableness have been met. The aim of any disciplinary action is the redirection of student behavior toward the achievement of academic goals.

The President has delegated the function of student discipline to the Vice President for Student Affairs, who in turn designates the Office of Community Standards and its staff to direct the disciplinary processes.

The following disciplinary procedures are used to guide the fair and uniform enforcement of the Student Code of Conduct. These procedures are applicable to any student or student organization when charged with a violation of the Student Code of Conduct. Procedures allow for fact-finding and decision-making in the context of an educational community, and encourage students to accept responsibility for their own actions. The intent is to provide adequate procedural safeguards to protect the rights of the individual student and the legitimate interests of the University.

### **Overview of Options for Dealing with Disruptive Student Behavior In and Out of the Classroom**

**Informal Guidance.** If a faculty member determines that any improper classroom behavior is limited to a single event or is of a less serious nature, the faculty member may choose to address the infraction in the classroom, or may speak to the offending student individually outside of the class. An individual meeting outside of class presents an opportunity to explore the nature of the misconduct with the student, and to reiterate the faculty member's expectations for behavioral standards. The meeting with the student will be documented in writing, noting the specific guidelines and consequences that were communicated to the student. Depending upon the behavior, a referral to the Student Behavior Consultation Team (SBCT) [www.clayton.edu/student-affairs/sbct](http://www.clayton.edu/student-affairs/sbct) or the initiation of the "Conduct Process" may be appropriate.

**One-time Class Period Dismissal.** If the faculty determines that any improper behavior is of a recurring pattern, is of a serious nature or if the faculty member feels, threatened or if the misconduct is of an abusive nature, the student may immediately be dismissed from the actual classroom for the remainder of the current class period by the instructor. For example, a student who becomes physically or verbally aggressive will be dismissed from the classroom, and Public Safety may be called for any necessary assistance at the main number (678) 466-4050 or at the emergency number (770) 960-5151. The faculty member will, in instances of student's dismissal from a class period, immediately initiate the "Conduct Process" described below by contacting with the Office of Community Standards.

**Dismissal from Course.** A student who fails to respond to reasonable faculty direction regarding classroom behavior and/or behavior while participating in classroom activities may be dismissed from a course for the remainder of the semester after "due process." A student is entitled to due process (see "Conduct Process") and will be afforded such rights as soon as possible. If found in violation of the Student Code of Conduct, a student may, in addition to other outcomes, be administratively withdrawn from the course and may receive a grade of WF.

**Student Behavior Outside of the Classroom.** If a faculty or staff member feels threatened by the behavior of a student outside of the classroom, the any member of the University community member may contact Public Safety, as needed, at the main number (678) 466-4050 or at the emergency number (770) 960-5151 and will consult with the Office of Community Standards for determination of any conduct charges to be filed.

### **Overview of the Conduct Process**

1. Action may begin upon notification to the Office of Community Standards of a complaint and/or alleged violation.
  - a. If the alleged complaint is related to academic misconduct, Procedures for Adjudicating Alleged Academic Conduct Infractions will be followed.

- b. If the alleged complaint is related to Sexual Misconduct, the Sexual Misconduct Policy will be followed.
2. The student, in conference with the conduct officer, will be informed of the complaint and/or alleged violation and, all rights and responsibilities related to—and the process and status of—any investigation. The accused student will enter a response to each charge and select a method for disposition of the case.
  3. When an investigation is complete, the student will be presented with a Specification of Charges form by the conduct officer or the instructor (if applicable) if evidence warrants charges.
  4. If the student denies responsibility for the alleged violation(s) and requests a hearing before a hearing officer or the University Hearing Panel, such hearing will be conducted in accordance with established procedures, and where a decision will be based on a preponderance of the information.
  5. *Confidentiality*: Where a complainant or alleged victim requests that his or her identity be Withheld or the allegation(s) not be investigated, the institution will consider whether Or not such request(s) can be honored while still providing a safe and nondiscriminatory Environment for the institution. If a determination is made to go forward, institution 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 respondent.
  6. *Retaliation*: An individual who, in good faith, reports what she or he believes to be student misconduct, participates or cooperates in, or is otherwise associated with any investigation shall not be subjected to retaliation. An Individual who believes he or she has been the target of retaliation for reporting, participating or cooperating in, or otherwise being associated with an investigation will immediately contact the appropriate department or individual(s) for that institution. Any person found to have engaged in retaliation in violation of the student conduct policy shall be subject to disciplinary action, pursuant to the institution’s policy.
  7. *False Complaints*: An individual who intentionally gives false statements to an institution official, or who submits false complaints or accusations, including during a hearing, in violation of policy, shall be subject to disciplinary action pursuant to institutional policy.

*Amnesty*: Clayton State University encourages students to report alleged behavior violations, especially for misconduct involving a victim and to offer help and assistance to others in distress. Students should be encouraged to come forward and report violations of the law and/or student code of conduct notwithstanding their own improper use of alcohol or drugs. Any student(s) who voluntarily and in good faith reports information to college or university faculty or staff prior to any investigation concerning use of drugs or alcohol will not be voluntarily reported to law enforcement; nor will information that the individual provides be used against the individual for purposes of conduct violations. Nevertheless, these students may be required to meet with staff members about 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.

8. *Student Records*: All student conduct (disciplinary) records are considered part of a student’s educational record and are considered confidential in accordance with the Family Education Rights and Privacy Act (FERPA) of 1974, except in limited circumstances as required by law.

Student conduct files will be held in the Office of Community Standards/Office of the Vice President of Student Affairs for a minimum of five (5) years after the student's graduation date or last date of attendance. Case files involving suspension or expulsion are kept indefinitely.

9. *Communication:* Clayton State University [provides] each student with an e-mail address through the Clayton State University electronic post office and email is the official method of communication for all University Conduct correspondence. The student will be responsible for monitoring this address on a regular basis for official communications from Clayton State University faculty and administrators. All student conduct correspondence will be sent to the Clayton State Student email address and will be considered received based on the delivery date of the email. In cases where a student does not respond in a reasonable time frame, other reasonable efforts will be made to locate the student through ordinary channels such as telephone or regular mail.
10. Information from complaints may be shared as necessary to investigate and to resolve the alleged misconduct. Complaints shall be investigated and resolved as outlined below. The need to issue a broader warning to the community in compliance with the Clery Act shall be assessed in compliance with federal law.

### **Initiation of Charges and Resolution and Adjudication Options**

1. Disciplinary charges shall be initiated by submission of a written referral by letter, email, or police report to the Office of Community Standards.
2. Referrals must be submitted within fifteen (15) business days after detection of an alleged violation unless special conditions for delay can be documented.
3. Complaints should include as much information as possible – such as: (1) the type of misconduct alleged; (2) the name and contact information of the respondent; (3) the date(s), time(s), and place(s) of the misconduct; (4) the name(s) and contact information of any individual(s) with knowledge of the incident; (5) whether any tangible evidence has been preserved; and (6) whether a criminal complaint has been made. The complainant must sign the referral. Any member of the University community may file a complaint. Where appropriate, complainants may file a law enforcement report along with an institutional report.
4. Where the alleged misconduct is related to sexual misconduct or discrimination, the conduct officer will refer to the Title IX Officer to determine whether such an investigation is warranted.
5. The conduct officer will review the complaint and make an initial determination as to whether there is a sufficient basis to believe that a violation of the Code of Conduct may have occurred and the possible sanctions for the alleged violation. If the reported conduct would not be a violation of the institution's policies and/or code of conduct, then the report will be dismissed.
6. If it is determined that sufficient evidence exists to warrant charges or a formal investigation, the student will be notified in writing of the alleged violation and/or possible investigation and will be required to meet with the Instructor/Conduct Officer. Such notification will be sent via the students' CSU email account.
7. At this meeting, the student will be provided with the following:
  - a. An explanation of the complaint or charges which have been made;
  - b. A review of all information on which the complaint or charges are based and the name of the Complainant;

- c. A review of all due process rights and disciplinary procedures;
  - d. A reasonable opportunity to review charges and information in order to respond to the charges.
8. Once the student is presented with the charge(s)/finding(s) of an investigation in writing by the instructor/conduct officer, the student will respond in one of the following ways to the charge(s):
- a. Admit responsibility for the charge(s) and waive his/her right to a hearing and appeal; in which case a sanction may be determined by the conduct officer or one of the hearing authorities.
  - b. Deny responsibility for the charge(s) and request a hearing before a University Hearing Authority.

### **University Hearing Authority**

The University Hearing Authorities are comprised of an established pool of students, faculty, and staff who have received training in properly adjudicating misconduct cases. (Cases of sexual misconduct may be heard only by a panel of staff and/or faculty).

- a. Hearing Officer – A faculty or administrative staff member designated by the Director of the Office of Community Standards.
- b. University Hearing Panel – A faculty/staff/student committee designated by the Director of the Office of Community Standards.

*One faculty member, one staff member, and two students must be present to hear cases of non-academic student misconduct.*

*Two faculty members must be present in addition to one staff member and two students to hear cases of academic misconduct.*

*In cases involving graduate students accused of academic misconduct, all faculty and student panelists must be graduate level.*

Any conduct case that does not involve university suspension or expulsion will be referred to a University Hearing Officer.

### **Procedures for Adjudicating Alleged General Misconduct Infractions Which Could Result in Disciplinary University Suspension/ Expulsion:**

Where the potential sanctions for the alleged misconduct may involve a University Disciplinary Suspension or Expulsion, the institution's investigation and resolution procedures must provide these additional, minimum safeguards:

1. The alleged victim and respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice will also include the identity of any investigator(s) involved. notice will be provided via institution email to students Clayton State University email address.
2. Upon receipt of the written notice, the respondent shall be given at least three (3)

business days to respond in writing. In that response, the respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A non-response will be considered a general denial of the alleged misconduct, and the investigation will proceed without the respondent's statement/information. Any alleged victim shall also be provided three (3) business days to respond to or supplement the notice.

3. If a student admits responsibility, the process may proceed to the sanctioning phase. If at any point, the investigator determines there is insufficient evidence to support a charge, then the complaint should be dismissed.

4. An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any witnesses not interviewed, along with a brief, written explanation of why the witness were not interviewed. If any charge, or the entire complaint, is dismissed by the investigator due to insufficient evidence, the victim, if applicable, may appeal (see appeals) the decision to dismiss to the Vice President for Student Affairs, or his/her designee.

5. The investigation report shall be provided to the respondent and the alleged victim (where applicable) This report should clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions. A charge is not a finding of responsibility, but indicates that there is sufficient evidence to warrant further consideration and adjudication.

6. The final investigative report will be provided to the Hearing Authority or for consideration in adjudicating the charges brought against the respondent. A copy shall also be provided to the respondent and alleged victim (where applicable) before any hearing. The investigator may testify as a witness regarding the investigation and findings, but shall otherwise have no part in the hearing process and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing.

### **Procedures for Adjudicating Alleged Academic Conduct Infractions**

Academic misconduct strikes at the heart of the educational process. Faculty members have the right and responsibility to demand honesty in all academic pursuits and will file all alleged cases of academic misconduct with the Office of Community Standards. This protects the academic integrity of the institution and guarantees that the due process rights of all students are protected. Students accused of academic misconduct have the right to have their case handled in a fair and impartial manner with all the safeguards available within the normal disciplinary processes. The following procedures are designed to adjudicate situations involving alleged academic misconduct, recognizing the interest of each of the parties involved:

1. When an instructor has decided that a case for academic misconduct can be made, he or she should consult with the conduct officer to determine if available evidence is sufficient to support a charge and if the student has a prior Academic Misconduct violation at Clayton State University.
2. If it is determined that the evidence is sufficient to warrant a charge and the student has no previous academic misconduct violation(s) on record Academic Misconduct offense, one of the following steps will occur:
  - (a) When presented with the evidence by the instructor, the student will accept responsibility for the charge(s) and allow the instructor to levy a sanction OR the student will deny the responsibility and request a formal hearing, or;

- (b) Alternatively, the instructor may forward all materials to the Office of Community Standards for adjudication with the student. The student will be contacted to continue with the adjudication process.
3. In Academic Misconduct matters adjudicated by an instructor when the student admits the violation, all materials should be forwarded to the Office of Community Standards for inclusion in the student's disciplinary file.
  4. Upon admission or finding of responsibility for a first violation of Academic Misconduct, the recommended sanctions are:
    - a. A zero on the assignment.
    - b. Disciplinary Probation (imposed through the Office of Community Standards).
  5. Upon admission or finding of responsibility of academic misconduct as a repeat offense, the recommended minimum sanctions are:
    - a. An "F" in the course, and
    - b. Suspension from the University for one (1) full (fall or spring) academic semester.

NOTE: Modification of the recommended sanctions can be made for mitigating/aggravating circumstances at the discretion of the hearing/sanctioning authority.
  6. A student who receives a grade sanction of failure of the course will have their subsequent access to the course restricted.
  7. If a student is found to be not in violation of academic misconduct, by a hearing authority, the hearing authority will refer the paper, assignment, or test to the appropriate department head who will facilitate a resolution concerning a fair grade for the work in question.
  8. When disciplinary action is initiated for Academic Misconduct in a course, a student may not withdraw from the course pending the resolution of the academic misconduct matter.

The resolution outcome of the misconduct matter will dictate whether the student is eligible to initiate a withdrawal:

- Course Grade Sanction NOT Issued—Student is eligible to initiate a course withdraw

NOTE: When the timing of the adjudication process overlaps with the withdrawal period deadline, upon resolution of the misconduct matter, the student may within five (5) business days request a withdraw to be applied retroactively to the date of initial disciplinary action. The withdraw designation (W or WF) will be determined based on the standing withdraw period deadline. Refunds for tuition and fee will be made in accordance with University Refund Policy.

- Course Grade Sanction Issued—Student is not eligible to initiate a withdrawal for course in question and course grade sanction stands.

## **Due Process and Student Rights**

When a student is charged with violating the rules and regulations of the University, disposition of the case will be according to the Constitutional requirements of due process. These rights include entitlement to:

1. A written copy of the charge(s).
2. A fair and impartial hearing and to be considered not responsible until proven responsible by a preponderance of the information.
3. Know the nature of the information against them and names of witnesses scheduled to appear.
4. Present information and witnesses in his/her behalf.
5. Choose an advisor of his/her choice. The advisor cannot participate directly in the hearing but may actively support his or her advisee.
6. Be present at the hearing during the presentation of any information or material on which a decision will be made. If the student fails to attend the hearing, it will be held in the student's absence.
7. Remain silent and refrain from answering questions without inference of guilt.
8. Ask questions of witnesses.
9. A copy of the hearing recorded by The Office of Community Standards will be provided to the student upon written request to the Office of Community Standards within 3 business days.
10. A decision based solely on the preponderance of the information presented.
11. A written notice of the results of the hearing and an explanation of the decision and any sanctions assessed, if applicable.
12. Appeal any decision made by a hearing authority or conduct official on appropriate grounds based upon established appeals procedures.

### **Interim Measures**

1. At any time following the submission of a written referral/complaint, the Vice President of Student Affairs or his/her designee may impose measures on a student for an interim period prior to resolution of the disciplinary proceeding. Interim measures are designed to protect the alleged victim and the campus community.
2. Interim Measures may include but are not limited to: change of housing assignment, issuance of a no contact directive; restrictions to entering certain institution property, changes to academic or employment arrangements, schedules or supervision, and interim suspension.
3. Before any interim measure is issued, the institution will make all reasonable efforts to give the respondent the opportunity to be heard. During this meeting, the administrative officer will consider the following criteria with respect to whether the interim measure(s) should be imposed; existence of a significant risk to the health or safety of the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.
3. The decision to impose an interim measure, including suspension, student for an interim period shall be communicated in writing to the student and shall become effective immediately upon



sending the notice.

4. The interim measures shall remain in effect until a final decision has been made on the pending charges or until the Vice President determines that the reasons for imposing the interim suspension no longer exist.
5. Upon request, the respondent will have an opportunity to be heard by the respective conduct officer, Title IX Coordinator, or System Director, as appropriate, within three business days in order to determine whether the interim suspension should continue.

### **Absence of Accused or Lack of Cooperation**

Throughout any investigation and resolution proceedings, a respondent shall receive written notice of the alleged misconduct and will be provided an opportunity to respond. If the student is, absent from the University community while a disciplinary case is pending or if a student declines to participate in the disciplinary process, the student is not absolved of responsibility. As such:

1. A reasonable effort will be made to locate the student through customary channels such as CSU email, telephone, or regular mail. If the student does not respond to the request to return for a conduct meeting within three (3) business days, a hearing may be scheduled in absentia and action will be taken as warranted by the facts of the case.
2. Students who choose an option for disposition of their case, have a hearing scheduled, and who fail to appear at such a hearing after proper notice has been given, will have their cases adjudicated in absentia at the scheduled hearing time.
3. A student may choose to remain silent during the investigation and resolution process without any adverse inference resulting.

### **Multiple Defendants**

Two or more accused students may be required to participate jointly in a hearing if they are alleged to have participated in the same incident, act, events, or series of related acts. The charge(s) or factual circumstances need not be identical for the accused students in hearings held jointly.

An accused student may make a written request to the conduct officer for a separate hearing, citing specific reasons why a joint hearing would unfairly prejudice his/her case. This request must be received in the Office of Community Standards within two (2) business days of the accused student's receipt of the hearing notice. A decision will be communicated within two (2) business days of receipt of the request.

### **Witness Participation**

Each party shall arrange for the attendance of his/her own witnesses, if appropriate. The conduct officer will assist in securing the attendance of witnesses if a written request for assistance is made to the Office in a reasonable amount of time in advance of the hearing date.

The respondent shall have the right to present witnesses and evidence to the hearing authority as well as to ask questions to any witnesses. At the determination of the hearing authority, this questioning this questioning may take place through the submission of written questions to the hearing authority for consideration; however, the parties' advisors may still actively advise and assist in drafting those questions. The hearing authority shall ask the questions as written and will limit questions only if they are unrelated to determine the veracity of the charge levied against the respondent(s). The hearing officer or panel shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.

Where the conduct officer or hearing authority determines that a party or witness is unavailable and/or unable to be present due to extenuating circumstances, the hearing authority may establish special procedures for providing testimony from a separate location. In doing so, the conduct officer or hearing authority must determine 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. Will it be reasonably believed that a party or witness who is not physically present has presented tainted testimony, the hearing authority will disregard or discount the testimony.

In sexual misconduct cases, the Office of Community Standards and/or Hearing Authority reserves the right to allow a party to testify in a separate room, when determined to be necessary. Where such a determination is made, special measures must be in place to ensure no party is unfairly disadvantaged by this procedure. A party must still give testimony in the presence of the panel and the opposing party must have opportunity to view the testimony remotely and submit follow-up questions.

### **Role of the Witness**

The role of a witness is not that of an advocate or helper for one side; a witness is required to share truthful information at the proceeding about matters directly or indirectly related to the situation in question.

Character witnesses may only be called to attest to the character of the accused, not to assail the character of the complainant, victim, or witnesses brought by the conduct officer.

### **Role of the Advisor**

The respondent and alleged victim (where applicable), as parties to these proceedings, shall have the right to use an advisor (including an attorney) of his or her choosing, and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The advisor may advise his or her advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions of the advisee, but shall not participate directly. The institution shall not prohibit family members of a party from attending if the party requests such attendance, but may limit each participant to two family members. Space will be made available for the advisor to sit with the accused at the hearing.

### **Hearing Procedures**

1. In no case involving suspension or expulsion, shall a hearing to resolve charge(s) of student misconduct take place before the investigative report has been finalized or before the respondent has had an opportunity to respond in writing, unless the respondent has chosen to go through an informal resolution process or otherwise has waived his or her of rights to these procedures.
2. Notice of the date, time, and location of the hearing, shall be provided to the respondent and alleged victim (where applicable) at least five (5) business days prior to the hearing. Notices shall be provided via institution email.
3. All hearings are closed unless the accused student requests an open hearing in writing. However, the Office of Community Standards has the authority to make the final decision regarding access of spectators to the hearing to the extent permitted by law.
4. The party charging a violation of the *Student Code of Conduct* has the right to be informed of hearing procedures and the right to be present throughout the presentation of witnesses and evidence. The conduct officer will inform the charging party of these rights prior to the hearing.

5. The accused student will enter a response to all charges before the hearing authority.
6. The hearing officer or the Chair of the Hearing Panel will remind the accused student and each witness presented of the importance of providing truthful and accurate information during the hearing process. If a witness fails to tell the truth during conduct proceedings, disciplinary action may result.
7. At the hearing, the conduct officer and/or complainant will present the evidence and facts of the case to the hearing officer or to the Hearing Panel. If appropriate, witnesses will be presented in support of the case against the accused student. See “Witness Participation”
8. The hearing officer or members of the Hearing authority may question all witnesses or ask for clarification from the conduct officer or any witness.
9. The accused student may question all witnesses, at the discretion of and through the hearing authority. Upon approval by the hearing authority, witnesses will be asked to answer questions posed by the accused student.
10. When the case against the accused student has been presented, opportunity will be given for the accused to make a statement regarding the charges. The hearing officer, members of the Hearing Panel, or the conduct officer may question the accused student if he or she chooses to make a statement. The accused student has the option of remaining silent and is not required to respond to questions from the hearing authority or the conduct officer. No inference of responsibility will be drawn from such silence.
11. The accused student will present any information or witnesses in his or her behalf. Such witnesses are subject to questioning by the complainant, at the discretion of the hearing authority.
12. The hearing authority may recall any witness if clarification is needed.
13. After hearing both sides of the case, the hearing authority will, in a closed session, deliberate and reach a decision based upon the preponderance of the information presented. Any decision to suspend or to expel a student must also be supported by substantial evidence at the hearing. A decision will indicate findings regarding responsibility for the charge(s) and appropriate sanctions.
14. A student’s prior disciplinary record is not admissible to prove responsibility for a violation, but may be used for determining appropriate disciplinary measures.

### **Findings of the Hearing Authority**

1. If the hearing is before a Hearing Panel, and the members of the panel are divided after deliberation, a majority vote is necessary to reach a decision.
2. Written findings of the Hearing Authority must be submitted to the conduct officer and to the accused student within five (5) business days after the conclusion of the hearing. The decision will include details on how to appeal, as outlined below. Additionally, the written decision must summarize the evidence in support of the sanction.
3. These findings are considered final unless appealed by the accused or overridden by the Vice President of Student Affairs or the President of the University.

4. In cases where no decision can be reached, the case will revert to the Vice President of Student Affairs. The Vice President may appoint another hearing authority, drop the charges, or otherwise determine a fair and equitable method for disposition of the case.

## **Disciplinary Sanctions**

Disciplinary sanctions are administered through the Office of Community Standards by the Hearing Authority and/or the Conduct Officer involved in the adjudication process. In determining the sanction(s) for a violation, the frequency, severity, and/or nature of the offense, history of past conduct, an offender's willingness to accept responsibility, previous institutional response to similar conduct, strength of the evidence and the general safety and security of the campus community will be considered. Upon imposition of a sanction, the student is notified by email as well as through individual conference with the Conduct Officer, if possible. In cases of suspension or expulsion, the parents of a minor may be notified by mail.

The following are disciplinary sanctions which may be imposed upon the student who is found to be in violation of the Student Code of Conduct. These sanctions are not inclusive and may be modified depending on the nature and severity of the violation(s).

### **1. Academic Sanctions:**

The following sanctions are possible for Academic Misconduct Violations:

- Zero on Assignment
- Re-write assignment for no credit
- Final Letter Grade Reduction in course
- Failure of the Course

### **2. Disciplinary Warning:**

A Disciplinary Warning is an official written and/or verbal reprimand.

### **3. Disciplinary Probation:**

Disciplinary Probation is a period of time during which further violations of the rules and regulations of the University may result in suspension or expulsion. Probation may be imposed for a period of time ranging from the remainder of the semester in which the violation occurred to the remainder of the student's enrollment at the University.

### **4. Fines:**

Conduct fines are used to assist in educational programming and/or restitution of damages.

### **5. Developmental Sanctions:**

Community Service Hours – Students may be required to complete work at a designated location for a specified number of hours.

Educational Programs – Students may be required to attend programs offered on special topics related to the offense. This does not include academic courses for credit. Students may be required to pay for courses.

Presentations – Students may be required to present programs or create bulletin boards on topics related to the offense.

Parental Notification Letter – A letter may be sent to the parents/legal guardians of students under 21 years of age who have been found in violation of the Clayton State University Drug and Alcohol policy.

Substance Abuse Assessment – Students may be required to submit to an assessment for substance abuse. *Periodic drug testing, not to exceed two random tests per semester for a minimum of three semesters, may be required.*

Counseling Screening – Students may be required to undergo a counseling screening, based on the reported behaviors and/or recommendations of the adjudicating authority or official.

Writing Assignments – Student may be required to complete a book review, research paper, reflection paper or letter of apology related to offense.

Online Educational Course – Students may be required to complete an online education course for drug or alcohol education. Students may be required to pay for course.

**6. Restricted Access:**

Students may be restricted from certain areas of campus or from the entire campus except to attend classes or use the Library.

**7. No Contact Orders:**

Temporary or permanent separation of the parties (e.g. change in classes, reassignment of residence, No contact with specified members of the University community).

**8. Loss of Institutional Privileges:**

Delays in administrative services and benefits from the institution (e.g. holding transcripts, delaying registration, graduation and diplomas).

**9. Disciplinary Housing Suspension:**

A decision of Housing Suspension terminates the student's status as a residential student for a specific period of time and prohibits the student from entering any university housing facility without specific authorization from the Vice President of Student Affairs or Dean of Students. A violation of the terms of suspension may result in an extension of the period of suspension which may be imposed summarily by the Vice President of Student Affairs or Director of Community Standards. Students suspended from housing will not receive a refund of their housing cost.

**10. Disciplinary University Suspension:**

A decision of University Suspension terminates the student's status as an enrolled student for a specific period of time and prohibits the student from attending classes. A suspended student may not enter any part of the campus without specific authorization from the Vice President of Student Affairs or Dean of Students and student is subject to arrest for trespassing. A violation of the terms of suspension may result in an extension of the period of suspension which may be imposed summarily by the Vice President of Student Affairs or Dean of Students

**11. Disciplinary Housing Expulsion:**

A decision of housing expulsion permanently terminates the student's status as a residential student. A student expelled from housing may not enter any University housing facility without specific authorization from the Vice President of Student Affairs or the Dean of Students. Students expelled from housing will not receive a refund of their housing cost.

**12. Disciplinary University Expulsion-** A decision of expulsion permanently terminates the student's status as an enrolled student at the University. An expelled student may not enter any part of the campus without specific authorization from the Vice President of Student Affairs or his/her designee and is considered trespassing without such permission.

## Appeal Process

The purpose of an appeal is to review the procedures and findings of the hearing authority of original jurisdiction and to determine if there is a basis for appeal in a conduct hearing or decision. Students found in violation of the Student Code of Conduct as well as the alleged victim in cases involving sexual misconduct, have the right to appeal decisions of the Hearing Panel or Hearing Officer, provided specific relevant grounds for appeal can be cited. Students who accept responsibility for violations of the Student Code of Conduct waive their right to a hearing and to an appeal.

The Vice President of Student Affairs and/or the University President may, at their discretion, review any student discipline case and take such action as they deem appropriate with respect thereto.

## Grounds for Appeal

A student, the alleged victim in cases involving sexual misconduct, may appeal a conduct decision on one or more of the following grounds:

1. New information or other relevant facts, sufficient to alter the decision, is available or was 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. 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.
3. Evidence of prejudicial treatment or bias by the original hearing authority.
4. Finding and/or sanction was inconsistent with the weight of the information presented.

## Appeal Decisions

The appeal authority may:

1. Affirm the original decision and deny the appeal.
2. Affirm the findings of responsibility and modify the sanction. The appeal authority may, at its discretion, change, increase or reduce the sanction imposed. If the sanction is modified, the appeal authority must state in writing the justification for the modification.
3. Refer the case for rehearing before another hearing authority.
4. Refer the case to the original hearing authority for reconsideration of specific points deemed important by the appeal authority.
5. Reverse the finding of "In Violation" and affirm the appeal. If the original finding is modified, the appeal authority must state in writing the justification for the reversal.

## Filing an Appeal:

All appeals must be submitted online via the electronic appeal form within five (5) business days after the written findings and decision is communicated to the student, as indicated in a student's original disciplinary decision letter. All responses to appeals will be communicated in writing.

### **Appeals Not Involving Housing or University Suspension or Expulsion**

The Dean of Students will constitute the first and final point of appeal in all disciplinary decisions not involving Housing Suspension or Expulsion or University Suspension or Expulsion.

The Dean of Students will communicate his or her decision to the student within seven (7) business days after an appeal is filed.

**Note:** The Dean of Students may decline to act in the appeal process and refer to another authority if, because of personal involvement or knowledge of the case, he/she feels unable to render an impartial decision.

### **Appeal of Housing or University Suspension or Expulsion**

The Vice President of Student Affairs will review all appeals involving Housing or University Suspension or Expulsion.

The Vice President of Student Affairs will communicate his or her decision to the student within seven (7) business days after an appeal is filed.

**Note:** The Vice President of Student Affairs may decline to act in the appeal process if, because of personal involvement or knowledge of the case, he/she feels unable to render an impartial decision. In such cases, the Assistant Vice President of Student Affairs or his or her designee will hear the appeal.

The Vice President of Student affairs will constitute the final point of appeal in all disciplinary decisions involving housing suspension or expulsion.

### **Appeal to University President**

Students who have appealed a university suspension or expulsion to the Vice President of Student Affairs and feel that further action is warranted following a decision may appeal to the President of the University.

The appeal must be submitted in writing to the Office of Community Standards within five (5) business days after the Vice President of Student Affairs' decision is communicated to the student. Students appealing decisions involving suspension or expulsion may have their movements on campus restricted to academic endeavors or other restrictions deemed appropriate during the period of appeal. Otherwise, no sanction will be enforced until a final decision is reached.

The President may appoint an Appeals Committee to review the case. The Committee will be composed of three members selected from the faculty and administrative staff. After reviewing the case, the committee will make recommendations to the President. The President will review the recommendations submitted by the Committee and render a decision.

The President will communicate his or her decision to the student within fifteen (15) business days after an appeal is filed. This is the final appeal at the institutional level. Therefore, any sanction imposed will be in effect immediately.

If applicable, the President will communicate to the student the process for appealing the decision to the Board of Regents.



## **Appeal to Board of Regents**

In cases involving University Suspension or Expulsion, and when all institutional appellate procedures have been exhausted, the student or the alleged victim in cases involving sexual misconduct may appeal to the Board of Regents under conditions described in the [Board of Regents Policy Manual 4.6.5.6](#), and [Board of Regents Policy Manual 6.26](#), per the following are excerpts:

“...An application may be reviewed if (1) the record suggests that a miscarriage of justice might reasonably occur if the application is not reviewed; or, (2) the record suggests that the institutional decision, if not reviewed, might reasonably have detrimental and system-wide significance...”

“...Each application for review shall be submitted in writing to the University System Office (USO) of Legal Affairs within twenty (20) calendar days following the final institutional decision. Review of a decision is not a matter of right but is within the sound discretion of the USO Legal Affairs...”

“...The decisions of the USO Legal Affairs and the Committee shall be final and binding for all purposes...”

### **Recusal/Challenge for Bias**

Any party may challenge the participation of any institution official, employee or student panel member in the process on the grounds of personal bias by submitting a written statement to the institution’s designee (the Assistant Vice President for Student Affairs, or alternatively, the Assistant Vice President for Academic Planning and Assessment) setting forth the basis for the challenge. The written challenge will be submitted within a reasonable time after the individual reasonably will have known of the existence of the bias. The institution’s designee will determine whether to sustain or deny the challenge, and if sustained, the replacement to be appointed.