



Last Approved 07/2024
Effective 08/2024
Last Revised 07/2024
Next Review 07/2025

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Area Division of Student Engagement and Success

References Policy

Student Code of Conduct Policy

I. POLICY PURPOSE

The University of North Georgia (the "University") strives to educate Students and develop leaders who are prepared for community, state and global service. Consistent with University System of Georgia policies, the University's Student Code of Conduct Policy seeks to protect the safety, rights and privileges afforded to Students and other members of the community. This policy serves to establish the expectations for student conduct, to prohibit unacceptable conduct, and to educate Students about Student Conduct process.

The University of North Georgia is dedicated not only to learning and the advancement of knowledge, but also to the development of ethical and responsible citizens. It seeks to achieve these goals through a sound educational program and policies governing Student conduct that encourage independent thinking and maturity. Each Student, as a citizen of the University Community, assumes an obligation to follow all rules and regulations.

Students are expected to be model citizens, and their actions and behavior should reflect the core values of the University. Students are expected to adhere to national, state and local laws; respect the rights and privileges of others; be forthright and honest in all their social and academic conduct; and in general, conduct themselves in a manner that brings credit to themselves and the University.

II. DEFINITIONS

- A. **Academic Misconduct Process** refers to the investigation and resolution of any alleged academic misconduct. This process may include both formal and informal resolution

processes, and may differ from processes used to resolve alleged violations of the Student Code of Conduct.

- B. **Administrative Hearing Officer** is an employee that makes decisions in the Formal Conduct Process regarding policy violations and sanctions.
- C. **Advisor** is a person who may attend any portion of the conduct process at the request of a Respondent and Complainant (where applicable), for the purpose of advising their advisee. The Student may have anyone serve as their Advisor, including an attorney (at the Student's expense). Please see the Hearing Rights section for more information on the role of Advisors during Hearings.
- D. **Complainant** means an individual who is alleged to have experienced conduct that violates this policy.
- E. **Conduct Conference** means a meeting in the Informal Conduct Resolution Process where the Conduct Officer provides notice of a Report to the Respondent, advises them of the process, takes a statement from the Respondent, and, at the conclusion, of the conduct conference, makes a determination whether the student is responsible for the allegations contained in the Report.
- F. **Conduct Officer** means the decision-maker in a case utilizing the Informal Conduct Resolution Process.
- G. **Conduct Standards** describe specific behaviors that are prohibited within the University Community.
- H. **Formal Conduct Resolution Process** which occurs if the Respondent disputes that a violation of conduct has taken place, rejects the informal resolution, or does not agree with the sanctions resulting from the informal resolution. A formal conduct resolution will result in the case being heard by a Conduct Administrator or a Student Conduct Hearing Panel.
- I. **Honor Code** is a statement of how we act as a University Community. This is a philosophic ideal and helps us live out the University's core values. The Honor Code should guide individual behavior and remind each person of the expectations within the University Community.
- J. **Informal Conduct Resolution Process** which occurs if the Respondent agrees that the violation of conduct has taken place and accepts the outcome offered by the Conduct Officer (either during a Conduct Conference or the investigation outcome report). Accepting informal resolution waives a student's right to a formal hearing and/or an appeal.
- K. **Interim Measures** may be issued by the Assistant Dean of Students over Student Conduct & Integrity, Title IX Coordinator, or a designee, at any point after the University becomes aware of an allegation of misconduct in order to protect any student or other individual in the University Community.
- L. **Investigator** is the individual assigned by the Student Conduct Administrator to conduct an impartial investigation and prepare an investigation report as a part of the Formal Conduct Resolution Process.
- M. **Preponderance of the Evidence** is the standard of review for all allegations of violations of the Student Code of Conduct. This standard requires that the evidence shows that it is more likely than not that the alleged incident, act, or behavior did occur.
- N. **Registered Student Organization (RSO)** means any number of University students who have (i)

formed a student organization or group, (ii) complied with University requirements for such organization or group to become a registered student organization, and (iii) obtained University recognition as a Registered Student Organization. RSOs are formed around a shared interest or activity. RSOs include but are not limited to fraternities, sororities, student groups, sports clubs, and co-curricular organizations and clubs.

- O. **Report** means a report of an alleged violation of the Student Code of Conduct.
- P. **Reporter** is an individual who reports an allegation of conduct that may violate the Student Code of Conduct. A reporter may, in some instances, be a Complainant, but can also be another individual.
- Q. **Respondent** means any Student alleged to have engaged in conduct that violates this Policy.
- R. **Student** includes all persons registered at the University and all affiliated campuses pursuing undergraduate, graduate, or professional studies, individuals admitted to the University and all affiliated campuses that have been cleared to register, and individuals who are not registered but are eligible to register without applying for readmission. An individual who registers for a semester and then withdraws, or is withdrawn, is considered a student for the semester.
- S. **Student Conduct Administrator** means the employee authorized to oversee the Student Code of Conduct process, including receiving Reports, conducting the initial case assessment, assigning cases to investigators, and sending notices and information to the parties. .
- T. **Student Conduct Hearing Panel** means faculty, staff, and students authorized by the Vice President of Student Engagement and Success to determine whether a Student violated the Student Code of Conduct and to determine sanctions that will be imposed when a violation has occurred. Based on the needs and resources of each campus, a Student Conduct Hearing Panel will consist of at least three members, but no more than seven total members.
- U. **University Community Member** includes any persons enrolled or employed by the University, including faculty, staff, administrators and employees, and recognized University affiliated entities including University Foundations, Student Organizations, and Structured Volunteers.
- V. **University Official** means any person (faculty or staff) who is employed by the University, and who performs assigned administrative or professional responsibilities.
- W. **University Premises** includes all land, buildings, facilities, and other property in the possession of or owned, used, contracted with, or controlled by the University (including adjacent streets and sidewalks).
- X. **Witness** is defined as an individual who has direct knowledge of an incident and has had direct contact with an individual involved in the incident, before, during or after an incident. Students can submit written character witness statements to the Student Conduct Administrator for consideration during the conduct process.

III. POLICY STATEMENT

A. Jurisdiction and Scope

1. The Student Code of Conduct shall apply to the conduct of all Students at the University from the time of admission through the actual awarding of a degree. This includes conduct that occurs (i) on University Premises, (ii) at University-sponsored activities or affiliated events, (iii) off-campus, if the conduct adversely affects the

University community and/or the pursuit of its objectives, (iv) before classes begin or after classes end, and (v) during periods between terms of actual enrollment. Examples include: class-related outings and field trips, off-campus University athletic events, study abroad programs, co-ops, internships.

2. The Student Code of Conduct includes Conduct Standards that the University and local communities can expect Students to uphold upon admission to the University of North Georgia and through graduation, including terms where the Student is not enrolled; an explanation of the Student Conduct process and rights of Students as they pertain to the conduct process; a list of possible sanctions; and the appeal process.
3. The Student Code of Conduct is not intended to infringe or restrict rights guaranteed by the United States Constitution, including free speech under the First Amendment or the due process clauses of Fifth and Fourteenth Amendments.
4. Members of the Corps of Cadets are subject to the University Student Code of Conduct. As a military organization, a high standard of military discipline is expected. Participation in the Corps of Cadets is also governed by additional regulations from the Corps of Cadets Blue Book.
5. The Student Code of Conduct process will continue if the Student withdraws from school while a conduct matter is pending.
6. The Student Code of Conduct procedures apply to all Student conduct. Violations of the [Sexual Misconduct Policy](#) will be handled in accordance with the [Sexual Misconduct Grievance Procedures](#).
7. Student Conduct proceedings may be initiated and pursued for conduct that potentially violates both criminal law and the Student Code of Conduct, without regard to the pendency of civil or criminal cases.
8. All notices and other communications from the Office of Student Integrity, Student Conduct Administrator or Investigators, regarding the Student Code of Conduct will be sent via University email.
9. The Vice President of Student Engagement and Success or their designee shall decide whether the Student Code of Conduct shall be applied to events occurring off campus, other than University-sponsored activities, on a case-by-case basis.

B. Honor Code and Conduct Standards

- The Honor Code at the University is: A Student will not lie, cheat, steal, plagiarize, evade the truth, conspire to deceive, or tolerate those who do.
- The Conduct Standards below identify behavior that is prohibited:

1. **Academic Misconduct**

The University of North Georgia recognizes honesty and integrity as being necessary to the academic functioning of the University. The following regulations are disseminated in the interest of protecting the equity and validity of the University's grades and degrees, and to assist Students in developing standards and attitudes appropriate to intellectual life.

- a. Receiving or giving assistance (cheating) in preparation of any

graded assignment without prior authorization from the class instructor.

- b. Taking, attempting to take, or otherwise procuring intellectual property in an unauthorized manner.
- c. Selling, giving, lending, or otherwise furnishing to any unauthorized person by a Student enrolled in that course material that can be shown to contain the questions or answers to any examinations scheduled to be given at any subsequent date in any course of study.
- d. Plagiarism – Use of another person or agency’s (to include Artificial Intelligence) ideas or expressions without acknowledging the source. Themes, essays term papers, tests and other similar requirements must be the work of the Student submitting them. When direct quotations or paraphrase are used, they must be indicated, and when the ideas of another are incorporated in the paper they must be appropriately acknowledged. All work of a Student needs to be original or cited according to the instructor’s requirements or is otherwise considered plagiarism. Plagiarism includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency in the selling of term papers or other academic materials.
of term papers or other academic materials.
- e. Signing class rolls for another Student.
- f. Fabricating, forging, or falsifying laboratory results or reports.
- g. Using work from other courses, or from previous assignments, for current assignment without permission from the instructor.
- h. Violations of the University Honor Code when affiliated with an academic course requirement.
- i. Unauthorized use of electronic devices during or in preparation for a graded assignment.

2. Alcoholic Beverages

- a. Consumption, possession, or transportation of alcoholic beverages by any Student under the legal drinking age. In Georgia, the legal age as of the date of this policy’s implementation is twenty-one (21).
- b. Consumption or possession of alcoholic beverages on University Premises or at university-sponsored activities, except at authorized social functions in designated areas. This includes, but is not limited to, residence hall kitchens, living rooms, bathrooms, group study/lounge spaces, laundry rooms,

- elevators, staircases, computer rooms, etc.
- c. Selling, furnishing, and/or distributing alcoholic beverages to any Student under the legal drinking age.
- d. Being in an intoxicated condition as made manifest by disorderly, obscene, or indecent conduct or appearance.
- e. Operating a motor vehicle while under the influence of alcohol or while impaired by the consumption of alcohol.
- f. Any other activity or conduct involving the use of alcohol that is in violation of law or the defined UNG [Alcohol and Other Drugs \(AOD\) Policy](#).

3. Animals

- a. Bringing an unauthorized animal into any building owned, leased, or controlled by the University of North Georgia.
- b. Failure to properly clean up after an animal.
- c. Failure to properly maintain control of an animal.
- d. Any other activity involving an animal that violates UNG's [Animals on Campus Policy](#).

4. Damage to Property

- a. Damaging or destroying property belonging to the University, a University Community member, or a visitor to the University.
- b. Any damage or destruction of property that is caused by a Student (including property not owned or leased by the University).

5. Disorderly Assembly

- a. Assembling on campus in a manner inconsistent with the Expressive Activity Policy and which creates a riot or disorderly diversion that interferes with the normal operation of the University and/or infringes on the rights of other Members of the University Community.
- b. Obstructing the free movement of other persons about the campus, interfering with the use of University facilities, or materially interfering with the normal operation of the University.
- c. Unauthorized use of sound amplification equipment indoors or outdoors. Note: Any use of sound amplification equipment must be approved through the Office of Student Involvement.

6. Disorderly Conduct

- a. Disruptive behavior in an academic setting that interferes with the learning environment.
- b. Disorderly, lewd or indecent conduct; breach of the peace; or

aiding, abetting or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by the University.

- c. Physical abuse, threats, intimidation, harassment, coercion, or other conduct that threatens or endangers the health or safety of another person.
- d. Bullying, which includes, but is not limited to, engaging in conduct, including any gesture, written, verbal or physical act, or any electronic communication (emails, text messages, or Internet postings on websites or social media), that is sufficiently severe, persistent or pervasive to objectively interfere with one's work or educational performance by substantially disrupting the orderly operation of the University or the rights of any Student or other Member of the University Community.
- e. Conduct on University Premises, or at functions sponsored or supervised by the University or any recognized University Organization, that interferes with the normal operation of the University.
- f. Entering or attempting to enter any event sponsored or supervised by the University or any Registered Student Organization without credentials for admission, (i.e., ticket, identification card, invitation, etc.) or in violation of any reasonable qualifications established for attendance.
- g. Threatening or disruptive behavior toward University Officials.
- h. Influencing or attempting to influence another person to commit an abuse of the Student Conduct process.

7. Drugs

- a. Possession, use (without valid medical or dental prescription), manufacture, furnishing, or sale of any Controlled Substance, Dangerous Drug, or Illegal Drug controlled by Federal or Georgia law (as defined in the UNG [Alcohol and Other Drugs Policy](#)).
- b. Possession of equipment that is used to produce, conceal, and consume illicit drugs. It includes but is not limited to items such as bong, roach clips, miniature spoons, and various types of pipes.
- c. Being under the influence of any Controlled Substance, Dangerous Drug, or Illegal Drug, except as permitted by law or valid medical prescription.
- d. Any activity or conduct involving Controlled Substances, Dangerous Drugs, or Illegal Drugs that is in violation of local, state, or federal law, or defined in the UNG [Alcohol and Other Drugs Policy](#).

8. Failure to Comply

- a. Failing to respond to a lawful request by properly identified University Officials or law enforcement officials in the performance of their duties.
- b. Failing to comply with any disciplinary condition imposed on a person by any Student Conduct body or administrator.
- c. Fleeing from law enforcement or University Officials.
- d. Failing to follow established University policies or guidelines.

9. Tobacco and Vaping

- a. Use of tobacco or tobacco products, as defined in the [Tobacco and Smoke Free Campus Policy](#), on University property.
- b. Use of vaping products on University property, including electronic cigarettes.

10. Falsification of Records/False Statements/Dishonesty

- a. Altering, counterfeiting, forging, or causing to be altered, counterfeited, or forged, any record, form, or document used by the University.
- b. Intentionally furnishing false information, complaints or accusations to a University Official or law enforcement officer acting in the performance of his/her job responsibilities or who submit false complaints or accusations. This includes Student conduct investigations and hearings and any proceedings or University processes.
- c. Failing to identify oneself to a University Official or law enforcement officer acting in the performance of his/her job responsibilities.
- d. Violations of the University Honor Code.
- e. Manufacturing, selling, distributing, possessing, or sharing any form of false identification.
- f. Failing to report an arrest, other than minor traffic arrests, to the University via the Dean of Students Office.

11. Explosives/Fireworks

- Unauthorized possession, use, furnishing or sale of explosives on University Premises or at University-sponsored activities, including the unauthorized use or possession of fireworks.

12. Fire and Emergency Safety

- a. Tampering with fire or other safety equipment.
- b. Setting or causing to be set an unauthorized fire on University property.

- c. Failing to participate in any emergency-related drill or alarm.
- d. Making or causing a false alarm.
- e. Unauthorized possession, sale, furnishing, or use of an incendiary device.

13. Weapons

- a. Unauthorized possession of firearms on University Premises or at events sponsored or supervised by the University or any Registered Student Organization, except as permissible by state law. See the Official Code of Georgia Annotated sub-section (c) O.C.G.A 16-11-127.1.
- b. Unauthorized possession or use of any other weapon. "Weapon" means any object or substance designed or used to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms and other weapons prohibited under Georgia Statute 16-11-127.1, including pellet guns, BB guns, bludgeons, chemicals, explosives, metal knuckles, and knives with blades longer than two inches.
- c. For the purposes of this policy, the University prohibits possession of ammunition for weapons, as defined in Weapons 13(a) and 13(b).

14. Hazing

- Any violation of the University's [Hazing Policy](#).

15. Joint Responsibility

- Acting with others and/or providing an opportunity to violate University regulations or policies.

16. Student Identification Cards

- a. Lending, selling, or otherwise transferring a Student identification card.
- b. Use of a Student identification card by anyone other than its original holder.
- c. Failure to present a Student identification card when it is requested by a University Official while in the performance of his/her duties.

17. Theft

- a. Selling a textbook that is not one's own without permission of the owner.
- b. Unauthorized taking, possession, or use of property or services belonging to the University, another person, or any other entity.

18. Unauthorized Access and Improper Use of Technology

- a. Conduct that violates the University's Information Technology [Acceptable Use Policy](#).
- b. Using automated means, such as creating scripts or using recorded macros, to register via Self Service Banner.

19. Unauthorized Entry or Use of University Premises

- a. Unauthorized entry into or onto any University building, office or other facility or remaining without authorization in or on any building after normal closing hours.
- b. Unauthorized use of any University Premises.
- c. Unauthorized possession, duplication or use of keys or access cards to any University Premises.
- d. Tampering with locks or locking devices on any University Premises.

20. Gambling

- Conducting, organizing, or participating in any activity involving games of chance or gambling, except as permitted by law and University policy.

21. Residence Hall Regulations

- Violation of policies and procedures published by the [Office of Residence Life](#).

22. Corps of Cadets Regulations

- Violation of policies and procedures published by the Office of the Commandant for the orderly operation of the Corps of Cadets.

23. Motor Vehicle/Parking Regulations

- Violation of Motor Vehicle/Parking Regulations published by the University.

24. Violation of any professional and/or ethical standard related to any academic program

- A professional is one who willingly adopts and consistently applies the knowledge, skills and values of a chosen profession. Students shall not violate the provisions of the professional or ethical standards adopted by the relevant academic programs. Students shall comply with the policies and regulations of the program and any agency for which the Student is conducting an internship, clinical experience, etc. For further information, refer to the program handbooks for specific academic programs.

25. Other Published University Regulations and Campus-Specific Policies

- Violation of University regulations and policies as approved and

published by various units of the University.

26. Violation of Conduct Sanctions

- Failure to abide by conduct sanctions.

27. Violation of Law or Failure to Report a Violation of Law

- Violation of local, state or federal law, on or off the campus, that constitutes a danger or material interference with the normal, orderly operation and processes of the University, or with the requirements of appropriate discipline. All Students must report any arrests to the Dean of Students within 72 hours of the incident, except for those involving minor traffic offenses.

28. Sexual Misconduct

- Any violation of the [Sexual Misconduct Policy](#). All allegations of Sexual Misconduct will be handled in accordance with the Sexual Misconduct Grievance Procedures.

C. Reporting Alleged Violations of the Student Code of Conduct

1. Where appropriate, a Reporter may file a law enforcement report along with a Report to the University.
2. The University cannot guarantee confidentiality for information related to an incident and/or included in a Report, as doing so may limit the institution's ability to respond fully to the incident. Therefore, information from Reports may be shared as necessary to investigate and to resolve the alleged misconduct. If a request for confidentiality has been granted, it shall not prevent the University from reporting information or statistical data as required by law, including the Clery Act.
3. Anyone, who in good faith, reports what he or she believes to be Student misconduct, participates or cooperates in, or is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes he or she has been the target of retaliation for reporting, participating or cooperating in, or otherwise being associated with an investigation should immediately contact the Office of Student Integrity or the Dean of Students. Any person found to have engaged in retaliation shall be subject to disciplinary action pursuant to the Student Code of Conduct.
4. Individuals who are found to have knowingly submitted false complaints, accusations, or statements to a University Official, including during a hearing, shall be subject to disciplinary action under Section III (B) above.
5. The University's [Amnesty Policy](#) provides amnesty for potential violations of the Code of Student Conduct for Students who seek medical intervention, in certain circumstances, for themselves or their peers. For a full explanation of the University's amnesty policy for students, including its' limitations, visit <https://policy.ung.edu/policy/amnesty-for-students>.
6. Not all matters covered under this policy will necessarily involve Complainants; however, where they are involved, it should be noted that a Reporter will not always

be the Complainant, but instead may be a third-party witness. The University may also respond to issues raised by third-party complaints (such as referrals by police) or discovered by staff or through its own investigations.

D. Investigating and Resolving Disputed Student Conduct Reports

1. Regardless of how the University becomes aware of alleged misconduct, it shall ensure a prompt, fair, and impartial review and resolution of complaints alleging Student misconduct. Upon receipt of a Report, the Student Conduct Administrator shall review the Report to determine whether the allegation(s) describes conduct in violation of University policy or the Student Code of Conduct. If the reported conduct is not a violation of University policy or the Student Code of Conduct, then the Report should be dismissed. Otherwise, a prompt, thorough, and impartial investigation and review will be conducted into each complaint received to determine whether charges should be brought against the Respondent.
2. Throughout any investigation and resolution proceeding, the Respondent shall receive notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent during the investigation and resolution process, without an adverse inference ruling. If the Respondent chooses to remain silent, the investigation may still proceed and policy violation charges may still result and may be resolved against the Respondent. Additional unrelated charges and cases shall be investigated separately, unless the Respondent consents to having them aggregated.
3. The Respondent and Complainant (where applicable), as parties to the proceedings, shall have the right to use an Advisor of the party's choosing, and at their 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 their advisee in any manner, including providing questions, suggestions and guidance on responses to any questions of the advisee, but shall not participate directly during the investigation or hearing process.
4. If the Respondent admits responsibility and agrees to the sanctions of the Conduct Officer, the case will be resolved informally.
5. If a Student has admitted responsibility and accepts the sanctions or has voluntarily decided to participate in the Informal Conduct Resolution Process, the applicable procedures identified in the Formal Conduct Resolution Process do not apply.

E. Interim Measures

1. Interim measures may be implemented at any point after the University becomes aware of the alleged Student misconduct and should be designed to protect any Student or the community. To the extent interim measures are imposed, they should minimize the burden on both the Complainant (where applicable) and the Respondent, where feasible.
2. 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 University 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 University's community.

3. An interim suspension will only occur where necessary to maintain safety, and will be limited to those situations where the Respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the University should consider the existence of a significant risk to the health and safety of the Complainant (where applicable) or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.
4. Before an interim suspension is issued, the University will make all reasonable efforts to give the Respondent the opportunity to be heard on whether the Respondent's presence on campus poses a danger. If an interim suspension is issued, the terms of the suspension shall take effect immediately. The student will have three business days to appeal (in writing) the interim suspension to the Vice President of Student Engagement and Success or their designee.

F. Hearing Rights and Hearing Guidelines

Where a case is not resolved through informal resolution, the Respondent will have the option of having the charges heard by either an Administrative Hearing Officer or a Student Conduct Panel. For academic misconduct violations, all cases that cannot be resolved informally will be heard before a Student Conduct Panel. The following standards will apply to hearings before an Administrative Hearing Officer and a Student Conduct Panel, hereafter referred to as "Conduct Panel":

1. Formal judicial rules of evidence do not apply to University investigations or hearings.
2. Notice of the date, time and location of the hearing will be provided to the Respondent and Complainant (where applicable) within five business days. All communication during the conduct process will be between the University and the student(s) and not the advisor.
3. Hearings will be conducted in person or via conferencing technology as reasonably available based on the Respondent's schedule. Hearings will not be scheduled based on the availability of parties' advisor and/or witnesses.
4. The Respondent and Complainant (where applicable) shall have the right to present witnesses and evidence to the Administrative Hearing Officer or the Conduct Panel, as well as the right to ask questions to any witnesses. The Respondent and Complainant (where applicable) will have the right to ask questions of any witnesses by submitting written questions to the Administrative Hearing Officer or the chair of the Conduct Panel for consideration. The parties' Advisors may actively advise and assist in the drafting of those questions. The Administrative Hearing Officer or the chair of the Conduct Panel will ask the questions as written and will limit questions only if they are unrelated to determining the veracity of the charge leveled against the Respondent. In any event, the Administrative Hearing Officer or chair of the Conduct Panel should err on the side of asking all submitted questions, and must document the reason for not asking any particular questions.

5. Where the Administrative Hearing Officer or the chair of the Conduct Panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the Administrative Hearing Officer or the chair of the Conduct Panel may establish special procedures for providing testimony from a separate location. In doing so, the Administrative Hearing Officer or chair of the Conduct Panel 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. Should it be reasonably believed that a party or witness who is not physically present has presented tainted testimony, the Administrative Hearing Officer or chair of the Conduct Panel will disregard or discount the testimony.
6. The standard of review for determining whether a policy violation has occurred shall be a preponderance of the evidence.
7. Deliberations of the Conduct Panel will be conducted in private.
8. In hearings involving more than one Respondent, the Student Conduct Administrator, in their discretion, may permit the hearings concerning each Respondent to be conducted either separately or jointly.
9. Relevant records, exhibits and written statements may be accepted as information for consideration during the hearing at the discretion of the Administrative Hearing Officer or chair of the Conduct Panel.
10. The Administrative Hearing Officer or chair of the Conduct Panel shall resolve any procedural questions identified in the hearing.
11. The University will maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings, and/or video recording.

G. Recusal/Challenge for Bias

- Any party may challenge the participation of any University employee or any Conduct Panel member in the process on the grounds of personal bias by submitting a written statement to the Student Conduct Administrator setting forth the basis for the challenge. If the Student is alleging bias on the part of the Student Conduct Administrator, the request should be submitted to the University's General Counsel. The written challenge should be submitted within a reasonable time after the individual reasonably should have known of the existence of the bias. The Student Conduct Administrator will determine whether to sustain or deny the challenge, and, if sustained, the replacement to be appointed.

H. Possible Sanctions

1. In determining the severity of the sanctions or corrective actions, the following will be considered: the frequency, severity, and/or nature of the offense, history of past conduct; the Respondent's willingness to accept responsibility; previous University response to similar conduct; the strength of the evidence; and the well-being of the University community. The Administrative Hearing Officer or the Panels will determine sanctions and issue the decision.
2. The following are possible disciplinary sanctions that may be imposed upon a Student for a violation of the Student Code of Conduct. This list is not exhaustive

and may be modified to meet particular circumstances in any given case.

a. Disciplinary Condition

- i. Verbal or Written Warning – A verbal or written statement of disapproval of the Student's behavior.
- ii. Conduct Probation - Notice to the Student that any further conduct violation may result in suspension or expulsion. Conduct Probation might also include one or more of the following: the setting of restriction, the issuing of a reprimand, or restitution. Conduct Probation can affect Students' ability to participate or hold office in certain Registered Student Organizations and/or University activities.
- iii. Conduct Suspension - Forced withdrawal from the University for a specified time. Suspension is for a period of not less than one full semester. During any period of suspension or withdrawal associated with conduct reasons, a Student should have permission from the Dean of Students prior to visits to campus.
- iv. Expulsion - Permanent, forced withdrawal from the University 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.

b. Restrictions

- i. Exclusion from participating in University activities and/or Registered Student Organizations.
 - ii. Limiting University privileges including, but not limited to, residence hall visitation, driving/parking on campus and access to University facilities.
- c. Restitution – Reimbursement for damages or loss of property.
- d. Educational – Work or service assignments or other related educational assignments.
- e. Temporary or Permanent separation of the parties (e.g., change in classes, reassignment of residence, No Contact Orders, limiting geography of where parties can go on campus) with additional sanctions for violating No Contact Orders.
- f. Forced Withdrawal from the academic course within which the offense occurred.
- g. Change in Course Grade – This sanction may be imposed only for cases involving Academic Misconduct. This recommendation must be approved by the Provost or his/her designee.
- h. Removal from an Academic Program or Experience – This recommendation must be approved by the Provost or his/her designee.

3. If a Conduct Panel recommends a sanction that would result in an academic penalty including, but not limited to, grade changes, removal from academic programs, or removal from academic experiences, recommendations must be approved by the Provost or his/her designee.

I. Appeal Rights

The appeals process applies to decisions that result in suspension or expulsion or removal from a professional program that are made through the Formal Conduct Resolution Process.

1. Appeals must be based on one of the following circumstances and should be addressed in the written appeal:
 - a. Procedural errors – 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;
 - b. Substantive errors – to allege that the finding was inconsistent with the weight of the information; or
 - c. New evidence – 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. The Office of Student Integrity will forward written appeals to the Vice President of Student Engagement and Success (or their designee), who has been designated by the President to consider appeals. The appeal should be a review of the record only, and no new meeting with the Respondent or any Complainant is required.
3. The Vice President of Student Engagement and Success 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.
4. The Vice President of Student Engagement and Success will then issue a decision in writing to all parties within a reasonable time period. The decision of the Vice President of Student Engagement and Success shall be the final decision of the University.
5. A Student who is appealing a hearing decision has the right to attend classes and University functions until he/she is notified of the appeal decision. Exceptions would be made when the Student's presence would create a serious and immediate danger or threat to persons or property. In such cases, the University may impose temporary protective measures, including interim suspension, pending a hearing.
6. Should the Respondent or Complainant (where applicable) wish to appeal the final University decision, they may request review by the Board of Regents in accordance with the Board of Regents' Policy on Discretionary Review.
7. Appeals received after the designated deadlines above will not be considered unless the University or the Board of Regents has granted an extension prior to the

deadline. If an appeal is not received by the deadline, the last decision on the matter will become final.

J. Student Conduct Hearing Panel – Composition of Members

1. The Student Conduct Hearing Panel is made up of faculty, staff, and student members. Faculty members are appointed by Faculty Senate, while Staff and Student members apply with and are interviewed by the Office of Student Integrity. Selected Staff and Student members are confirmed by the Vice President of Student Engagement and Success or their designee. All members are trained in the Student Code of Conduct hearing process. Each Student Conduct Hearing Panel will have three members (one faculty, one staff, and one student).
2. In cases involving graduate students, the Student Conduct Hearing Panel will be comprised of graduate faculty and graduate student members, in addition to one Staff member.

IV. PROCEDURES

- A. See the Student Code of Conduct Procedures for the steps related to each of the resolution processes.
- B. Any related operating procedures must comply with and should reference this policy.

Approval Signatures

Step Description	Approver	Date
Policy Office - Final Approval/ Posting	Wesley Burnett: Policy & Procedure Coordinator	07/2024
General Counsel	Elene Garrison: General Counsel	07/2024
Vice President for Student Engagement & Success	Alyson Paul: Vice President of Student Engagement and Success a	07/2024
Policy Office/Technical Review	Wesley Burnett: Policy & Procedure Coordinator	07/2024
	Alyson Paul: Vice President of Student Engagement and Success a	07/2024