

Interim Suspension Policy

I. Policy Scope: East Georgia State College (EGSC) considers the safety and welfare of its students, faculty, and staff a top priority. When a student engages in behavior that violates East Georgia's rules of conduct, the behavior will be addressed as a disciplinary matter under the applicable Student Conduct Code. The Student Conduct Code defines prohibited conduct and outlines a process for conducting disciplinary proceedings.

This Interim Suspension Policy is intended to apply when a student's observed conduct, actions and/or statements pose a serious and immediate danger or threat to persons or property. There may be situations when both this Interim Suspension Policy and the Student Conduct Code apply.

II. Criteria: An interim suspension should only occur where necessary to maintain safety and should be limited to those situations where the student respondent poses a serious and immediate danger or threat to persons or property. In making such assessment, EGSC will consider (1) the existence of a significant risk to the health or safety of the alleged victim or the campus community; (2) the nature, duration and severity of the risk; (3) the probability of potential injury; and (4) whether less restrictive means can be used to significantly mitigate the risk. In addition, per USG Policy, interim suspension may be implemented when the student is charged with or indicted for a felony or crime involving moral turpitude, pending disposition of the charges.

III. Definition: Interim Suspension is the immediate and temporary ban of the student from campus due to the serious and immediate danger the student poses to persons or property.

IV. Procedure

A. Review, Notification and Approval of USG System Director

Upon receipt of a report of student misconduct, the Director of Student Conduct will review the complaint to determine whether the allegations describe conduct in violation of EGSC policies or Student Conduct Code. If the allegation describes conduct in violation of EGSC policies or the Student Conduct Code, the Director of Student Conduct will initiate charges against the student.

When the Director of Student Conduct, based on a student's conduct, actions or statements, has reasonable cause to believe that the student meets one or more of the criteria for interim suspension, he or she will initiate an assessment of the student's ability to safely participate in the College's program.

The Director of Student Conduct will promptly report all initial allegations of conduct that could lead to interim suspension and any allegations not initially identified but later discovered through the investigation, to the University System of Georgia System Director (USGSD). The USGSD will work with the Director of Student Conduct and/or Title IX Coordinator, where appropriate, to determine if interim measures are needed, to assign an investigator and collaboratively supervise the investigation. The Director of Student Conduct is responsible for the enactment, enforcement, and management of the interim suspension of the student.

B. Initial Opportunity for Student Meeting

Before an interim suspension is issued, The Director of Student Conduct will make reasonable efforts to give the student the opportunity to be heard on whether his or her presence on campus poses a serious and immediate danger. This will consist of a meeting with the student to (1) review available information regarding the behavior and/or incidents which have caused concern, (2) provide the student with a copy of this Interim Suspension Policy and Procedure and discuss its contents with the student, and (3) provide the student with an opportunity to explain his/her behavior and whether his or her presence on campus poses a serious and immediate danger.

Following this meeting, if the Director of Student Conduct's assessment is that the student cannot safely participate in the College's programs, the Director of Student Conduct will proceed with interim suspension. When an interim suspension is issued, the terms of the suspension take effect immediately.

Prior to imposing interim suspension, the Director of Student Conduct will seek consent of the student to interim suspension. If the student agrees to the interim suspension and waives any right to any further procedures available under this policy, the student will be placed on interim suspension as defined above, pending final resolution of the charges by the Student Conduct Office (SCO).

C. Hearing Opportunity by Request of Student

If the student does not consent to the interim suspension, the Director of Student Conduct will proceed with interim suspension and inform the student of his or her right to request an opportunity to be heard by the Judicial Committee as appropriate, within three business days in order to determine whether an interim suspension should continue. A student may request a hearing by submitting a written request to the Director of Student Conduct within three business days from receipt of the notice of the interim suspension. A hearing will be set as soon as possible. The student shall remain on interim suspension pending completion of the hearing.

The hearing will be before the Judicial Committee and will be informal and non-adversarial. During the hearing, the student may present relevant information and may be advised by an advisor. The role of the advisor is limited to providing advice to the student.

At the hearing, the student must demonstrate that his or her presence on campus does not pose a serious and immediate danger.

If the student is charged with or indicted for a felony or crime involving moral turpitude, the student must demonstrate that his or her continued presence on campus will not be detrimental to the health, safety, welfare or property of other students or members of the campus community or to the orderly operation of the college.

If the student does not consent to interim suspension and does not request a hearing within the three day period, the interim suspension will remain in place. The student will be notified of the continuance of the interim suspension and provided a copy of this policy. The student will remain on interim suspension pending final resolution of the charges by the SCO.

D. Hearing Outcomes

At the conclusion of the interim suspension hearing, the Judicial Committee will communicate its finding to continue or withdraw the interim suspension to the Director of Student Conduct. If the finding is that the student's continued attendance presents no serious and immediate danger to persons or property, interim suspension will not be continued. If the finding is that the student fails to meet the above standard, the interim suspension of the student will be upheld. The Director of Student Conduct will notify the student of the decision as soon as possible.

V. Appeal to the President

The student may appeal the interim suspension decision of the Judicial Committee to the President within 5 days of receipt. The President shall review the records of the Judicial Committee and make a final decision as to whether or not to uphold the interim suspension. The student may apply to the Board of Regents Office of Legal Affairs for a review of the President's decision in accordance with BOR Policy 8.6 Applications for Discretionary Review.

VI. Hearing Prior to Re-enrollment

Any student placed on interim suspension under this policy and whose suspension has been upheld is required to complete a hearing before the Judicial Committee to determine if he/she is eligible to return to campus. In order to be eligible for re-enrollment, the student must demonstrate he/she poses no significant risk to the health or safety of others or to the campus community.