

Student Conduct Code and Disciplinary Procedure

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STUDENT AFFAIRS

Student Affairs at East Georgia State College are dedicated to the promotion of the physical, cultural, and personal development of the individual student. The Student Life program is designed to involve the student in co-curricular and extra-curricular activities of the college, so as to make them an integral part of the total college experience of the student. The function of Student Affairs are to meet the needs of the individual students; to promote good communication and working relationships among students, faculty, and staff; and to heighten awareness of civic responsibility.

All East Georgia State College students, regardless of their location in attending classes, are required to be conscious of and abide by the policies and procedures outlined in this handbook. Information contained herein applies to all students with regards to rights, privileges, and constraints against certain actions. If you have questions or concerns with any of the information contained in this handbook, please contact the Vice President for Student Affairs for clarification.

Student Conduct Code

One of the primary purposes for this publication is to set forth the minimal requirements for student conduct while on and off the campus of East Georgia State College or in association with any event acknowledged by EGSC. Below you will find guidelines set forth via the East Georgia State College Student Conduct Code. Please read this information carefully. Illustrated in this Student Conduct Code you will find actions on your part which EGSC has determined to be conduct detrimental to yourself and possibly the institution as a whole. It is not to be regarded as all-inclusive. In the event that there arises ambiguity, inconsistency, or a need for further clarification regarding what constitutes a violation of the Student Conduct Code, the Director of Student Conduct shall make the final determination. Any student or student organization found to be responsible for misconduct on and off East Georgia State College is subject to College sanctions. When a student organization engages in an act of misconduct, EGSC reserves the right to take action not only against the organization but also against the individual student members of the organization. Violation of these policies can have impact for your continued participation as a student at East Georgia State College.

Academic Misconduct

Academic Honesty

In an academic community, honesty and integrity must prevail if the work done and the honors awarded are to receive respect. The erosion of honesty is the academic community's ultimate loss. The responsibility for the practice and preservation of honesty must be equally assumed by all of its members. For the complete Academic Honesty Policy, please view the Academic Honesty Policy in the Institutional Policy and Procedure Section on the President's Website at: <http://www.ega.edu/policy/03-academic-honesty-policy.pdf>.

Non-Academic Misconduct

Alcohol

For the complete policy, please view the Drug and Alcohol Policy in the Institutional Policy and Procedure Section on the President's Website at: <http://www.ega.edu/policy/04-drug-and-alcohol-policy.pdf>.

Possible Disciplinary Sanctions for Alcohol Code of Conduct Violation

For complete policy, please view the Disciplinary Sanctions for Alcohol and Drug Code of Conduct Violations on the Policy and Procedure of the President's Website at: <http://www.ega.edu/policy/04-code-of-conduct-alcohol-and-drug-sanctions.pdf?2102016>

Assault

No student shall push, strike, or physically contact any member of the faculty, administration, staff, student body or any visitor to the campus in an insulting or provoking manner.

Civility

In order to keep a safe learning environment, students must engage in civil communication. This includes, but is not limited to, not yelling or screaming, not using profane language, not touching/using items that do not belong to you, not bullying or demeaning, including using electronic means (Facebook, Twitter, texting, etc.), not using cultural or racial slurs and not spreading rumors or gossip.

Disorderly Assembly

1. No student shall assemble on campus for the purpose of creating a riot, or destructive, or disorderly diversion, which interferes with the normal operation of EGSC.
2. No student or group of students shall obstruct the free movement of other persons about the campus, interfere with the use of college facilities, or materially interfere with the normal operation of EGSC.

Disorderly Conduct

1. Any classroom behavior that interferes with the instructor's ability to conduct class or the ability of other students to learn is prohibited.
2. Any conduct which materially interferes with the normal operation of EGSC or with the requirements of appropriate discipline, including pranking, is prohibited.
3. The abuse or unauthorized use of sound amplification equipment indoors or outdoors during classroom hours is prohibited (use of sound amplification equipment for events must be cleared through the Student Life office).
4. No student shall enter or attempt to enter any dance, social, athletic or any other event sponsored or supervised by EGSC or any recognized college organization without proper credentials for admission. This includes a ticket, student identification card, invitation or any reasonable qualifications established for attendance, such as a costume or proper evening attire.
5. Conduct and/or expressions which are lewd, obscene or which are patently offensive to the prevailing standards of the academic community are prohibited.
6. No student shall incite others to partake in violations of the East Georgia State College Student Conduct Code.

Drugs

For the complete policy, please view the Drug and Alcohol Policy in the Institutional Policy and Procedure Section on the President's Website at: <http://www.ega.edu/policy/04-drug-and-alcohol-policy.pdf>.

Possible Disciplinary Sanctions for Drug Code of Conduct Violation

For complete policy, please view the Disciplinary Sanctions for Alcohol and Drug Code of Conduct Violations on the Policy and Procedure of the President's Website at:

<http://www.ega.edu/policy/04-code-of-conduct-alcohol-and-drug-sanctions.pdf?2102016>

Failure to Comply

For the complete policy, please view the Failure to Comply policy under the Policies and Procedures of the College on the President's Office website at

<http://www.ega.edu/policy/04-failure-to-comply.pdf>

False Complaints/Statements

Individuals who intentionally give false statements to an East Georgia State College employee, or who submit false complaints or accusations, including during a hearing, in violation of policy shall be subject to disciplinary action

Falsification of Records

No student shall alter, counterfeit, forge, or cause to be altered, counterfeited, or forged, any record, form or document used by EGSC. For complete policy view the Falsification of Records Policy under the

policies and Procedures of the college on the President's Office website at: <http://www.ega.edu/policy/04-falsification-of-records.pdf>

Firearms, Weapons and Explosives (Campus Carry Policy)

For complete policy, please view the Firearms, Weapons and Explosives Policy under the Policies and Procedures of the College on the President's Office website at <http://www.ega.edu/policy/13-weapons-and-explosives-policy.pdf?63017>

Fire Safety

1. The unauthorized possession, sale, furnishing or use of any incendiary device is prohibited.
2. The possession or use of fireworks on college property or at events sponsored or supervised by EGSC or any recognized college organization is prohibited. Fireworks are defined as any substance prepared for the purpose of producing a visible or audible effect by combustion, explosion or detonation.
3. No student shall make, or cause to be made, a fire or false fire alarm.
4. No student shall intentionally or recklessly obstruct a fire exit.
5. No student shall fail to exit a College building when the fire alarm sounds.
6. No student shall operate, tamper with, discharge or remove any fire extinguisher equipment, exit sign, smoke detector or evacuation equipment without proper authorization.

Fraudulent Reporting

No student shall intentionally make a false report to any college official, including statements made on any paperwork submitted, such as reporting of violations of the Student Conduct Code via SCORES. For the complete policy, please view the Student Conduct Online Reporting and Evidence policy under the Policies and Procedures of the College on the President's Office website at <http://www.ega.edu/policy/04-student-conduct-online-reporting-and-evidence-system.pdf?2102016>

Gambling

The playing of cards or any other game of skill or chance for money or other items of value where there is risk of personal loss is prohibited.

Harassment/Threats

1. No student shall harass, threaten or perform any act of intimidation toward another person in any manner, including terroristic threats. A person commits the offense of a terroristic threat when he or she threatens to commit any crime of violence, to release any hazardous substance or to burn or damage property with the purpose of terrorizing another or of causing the evacuation of a building, place of assembly, or facility of public transportation or otherwise causing serious public inconvenience or in reckless disregard of the risk of causing such terror or inconvenience.
2. No student shall intentionally or repeatedly follow, stalk or contact another person in a manner that intimidates, harasses or places another in fear of their personal safety or that of their property.

Hazing

All rites and ceremonies of induction, initiation, or orientation into college life or into the life of any college group which tend to occasion or allow physical or mental suffering are prohibited.

Information Technology Violations

For the complete policy, please view the Information Technology Policy under the Policies and Procedures of the College on the President's Office website at <http://www.ega.edu/policy/section-11-4.pdf>

Repeated Violations

Repeated violations of published rules or regulations of EGSC, which cumulatively indicate an unwillingness or inability to conform to the standards of EGSC for student life, are prohibited.

Residence Hall Violations

1. Noise: Any noise that can be heard outside an apartment between midnight and 8 am is

prohibited.

2. Visitation: <http://www.ega.edu/policy/04-residence-hall-visitation-policy.pdf>
3. Health and Safety: No student shall fail a health and safety inspection.

Retaliation

Anyone 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 subject to retaliation. Anyone who believes he or she has been the victim of retaliation for reporting, participating, or cooperating in, or otherwise being associated with an investigation should immediately contact the appropriate department or individual(s) for East Georgia State College. Any person found to have engaged in any retaliation is in violation of the Student Conduct Code shall be subject to disciplinary action.

Sexual Misconduct

Sexual misconduct includes dating violence, domestic violence, stalking, nonconsensual sexual contact, sexual exploitation, sexual harassment and stalking. See EGSC's Sexual Misconduct Policy: <http://www.ega.edu/policy/08-sexual-discrimination-harassment-and-misconduct-policy.pdf?82117>

Information and Procedures for Victims of Sexual Assault, Stalking, Domestic Violence and Dating Violence

For complete policy, please view the Victims Policy under the Policies and Procedures of the College on the President's Office website at <http://www.ega.edu/policy/08-resources-for-sexual-misconduct-complainants-and-respondents.pdf?82417>

Smoking and the Use of Tobacco Products

EGSC is a "Tobacco and Smoke Free" campus. See <http://www.ega.edu/policy/09-tobacco-free-campus-policy.pdf?8417>

Solicitation

The conducting of a sales campaign or other activities representative of eliciting financial compensation by private retail entities or in representation of similar bodies is prohibited on campus.

Student Identification Cards

Lending, selling, transferring, using, or illegally obtaining a student's identification card is prohibited. Student must present student ID cards to properly identified college faculty and staff upon their request.

Theft

Taking, attempting to take, or keeping in a person's possession items not legally possessed by the person including, but not limited to items belonging to EGSC or items belonging to students, faculty, staff, student groups, student organizations, or visitors to the campus is prohibited.

Unauthorized Entry or Use of College Facilities

1. No student shall make unauthorized entry into any college building, office, or other facility, nor shall any person remain without authorization in any building after normal closing hours.
2. No student shall make unauthorized use of any college facility.
3. No student shall possess, use, make or cause to be made any key or other means of access to any college facility without proper authorization.

Vandalism

No student shall destroy, deface, or damage College property or property belonging to students, faculty, staff, or guests of EGSC.

Violations of Federal, State or Local Laws

1. Violation of federal, state or local law is prohibited. EGSC may take disciplinary action independent of any civil/criminal actions. If arrested, a student must report the arrest to the Director of Student Conduct and may not return to EGSC until permission is granted in writing.
2. A student in any unit of the University System of Georgia who is charged with or indicted for a felony or crime involving moral turpitude may be suspended pending the disposition of the

criminal charges against them. Upon request, the student shall be accorded a hearing as provided in this Handbook. At such hearing, the student shall have the burden of establishing that his or her continued presence as a member of the student body 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 institution. Upon final conviction, the student shall be subject to appropriate disciplinary action.

DISCIPLINARY PROCESS FOR CONDUCT CODE VIOLATIONS

Official Communication:

The official means of communication with all students is via their EGSC email account. Any mention of a student being notified in writing should be construed to mean via their EGSC email account.

Disciplinary Procedures:

In cases that involve action or misconduct that would cause a student(s) to be subjected to disciplinary action, the student(s) will be provided due process according to the procedures outlined herein.

Complaint: All complaints of alleged misconduct of a student shall be made in writing to the Director of Student Conduct. Each complaint shall contain a statement of facts outlining each alleged act of misconduct, and shall state the regulation which the student is alleged to have broken. SCORES, the Student Conduct Online Reporting and Evidence System, is the recommended means to file a complaint. Complaints to the Student Conduct Department should include the following information:

1. Type of misconduct alleged.
2. The name and contact information of the student accused of misconduct.
3. The date, time, and place(s) of the misconduct.
4. The name and contact information of any individuals with knowledge of the incident.
5. Whether any tangible evidence has been preserved.
6. Whether a criminal complaint has been made.

(For the complete policy, please see SCORES at <http://www.ega.edu/policy/04-student-conduct-online-reporting-and-evidence-system.pdf?2102016> in Institutional Policy and Procedure section.)

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 Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") shall be assessed in compliance with federal law.

Where appropriate, complainants may file a law enforcement report as well as an institutional report, but are not required to file both.

Amnesty: – Individuals should be encouraged to come forward and to report student misconduct and or violations of the law notwithstanding that individual's choice to consume alcohol or to use other drugs. Information reported in good – faith by an individual during an investigation concerning use of drugs or alcohol will not be used against that individual in a disciplinary proceeding and will not be voluntarily reported to law enforcement. However, individuals may be required to participate in appropriate educational programs on drug and alcohol, counseling, and /or education, as appropriate.

The required participation in an educational program under the Amnesty procedure will not be considered a sanction, and since the student will not have been found responsible for a violation, the student will not have a student conduct "record" based on any incident related to the amnesty procedure. The documentation of the incident(s) will be treated as if the student were charged and then found not responsible for a violation. Nothing in the Amnesty procedure shall prevent a university staff member who is otherwise obligated by law (Clery) to report information or statistical data as required.

Confidentiality: Where a victim/complainant requests that his or her identity be withheld or the allegation(s) not investigated, EGSC will consider whether or not the confidentiality request can be

honored while still providing a safe and nondiscriminatory environment for the college and conducting an effective review of the allegations. The DSC will make this decision based upon the following factors:

1. The ability to provide a safe and non-discriminatory environment for the institution
2. Whether students, faculty or staff personnel are endangered;
3. Whether the orderly progression of educational objectives of the institution may be disrupted; or
4. Whether College property is in jeopardy.

Confidentiality requests, where granted, may limit the College's ability to fully respond to the incident and limit EGSC's ability to discipline the respondent. The victim/complainant will be notified that the institution generally cannot guarantee confidentiality.

Retaliation – Anyone 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 subject to retaliation. Anyone who believes he or she has been the victim of retaliation for reporting, participating, or cooperating in, or otherwise being associated with an investigation should immediately contact the appropriate department or individual(s) for East Georgia State College. Any person found to have engaged in any retaliation is in violation of the Student Conduct Code shall be subject to disciplinary action.

False Complaints - Individuals who intentionally give false statements to an East Georgia State College employee, or who submit false complaints or accusations, including during a hearing, in violation of policy shall be subject to disciplinary action.

Evaluation, Investigation and Resolution Proceedings:

Initial Evaluation of Student Conduct Reports: Regardless of how an EGSC becomes aware of student misconduct, EGSC shall ensure a prompt, fair, and impartial review and resolution of complaints alleging student misconduct. Where a report of student misconduct has been made to the appropriate department and/or person, the Director of Student Conduct shall review the complaint to determine whether the allegation(s) describes conduct in violation of EGSC policies and/or code of conduct. If the reported conduct would not be a violation of EGSC policies and/or code of conduct, even if true, then the report should be dismissed. Otherwise, a prompt, thorough, and impartial investigation, and review shall be conducted into each complaint received to determine whether charges against the respondent should be brought.

Notice: The alleged respondent and complainant shall be provided notice as follows:

1. Written notice of complaint;
2. The pending investigation;
3. Possible charges;
4. Possible sanctions;
5. Support services; and
6. Identify of potential investigator(s).

Notice will be provided via institutional email.

Upon the receipt of official notice, the alleged respondent shall:

1. Be given 3 (Three) business days to respond in writing to DSC;
2. Have the right to admit or deny the allegations; and
3. Set forth a defense with facts, witness(es) and provide documentation, whether written or electronic, in support.

Any alleged victim shall also be provided with three business days to respond to or supplement the notice.

Investigation Procedures:

Throughout any investigation and resolution proceedings, a party shall receive written notice of the

alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference ruling. If respondent chooses to remain silent or otherwise not participate in the investigation, the investigation may still proceed and policy violation charges may still result, and be resolved.

The Director of Student Conduct will provide notice to the alleged victim and respondent as provided in the "Notice" section herein.

The investigator will conduct a thorough investigation and retain written notes and/or written or recorded statements from each interview. The investigator shall also keep a record of any party's proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.

The initial investigation report will be provided to the respondent and alleged victim (where applicable). The report will 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. For purposes of this policy, a charge is not a finding of responsibility, but indicates there is sufficient evidence to warrant further consideration and adjudication.

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

A non-response will be considered a general denial of the alleged misconduct. Further unrelated charges and cases shall be investigated separately, unless the respondent consents to having them aggregated.

If the respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.

If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of discipline, then the complaint should be dismissed.

In no case shall a hearing to resolve charge(s) of student misconduct will take place before the investigative report has been finalized.

Sexual Misconduct Complaints: Where a report of student misconduct alleges sexual misconduct or other forms of harassment and/or discrimination, the report will be referred to and the investigation will be conducted through or as directed by the office of Title IX trained and equipped to investigate such matters.

Process When Suspension or Expulsion Possible: Any report that involves allegation(s) of conduct that could lead to the suspension or expulsion of the respondent(s) in an initial violation must be promptly reported to the System Director by EGSC. The System Director will work with EGSC Director of Student Conduct to determine whether any interim measure(s) are necessary, to assign an investigator and will collaboratively supervise the investigation with the appropriate institution professional (e.g., the Title IX Coordinator, Director of Student Conduct). If an allegation is not initially identified as one that could lead to suspension or expulsion of the respondent(s), but facts arise during the course of the investigation that would require oversight from the System Director, then EGSC Director of Student Conduct shall report that case to the System Director or his/her designee prior to proceeding.

Interim Measures

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

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

Interim Suspension: An interim suspension should only occur where necessary to maintain safety and should 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, East Georgia State College should consider the existence of a significant risk to the health or safety of the alleged victim 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. Before an interim suspension is issued, EGSC must make all reasonable efforts to give the respondent the opportunity to be heard on whether his or her presence on campus poses a danger. If an interim suspension is issued, the terms of the suspension take effect immediately. 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. See EGSC Interim Suspension Policy: <http://www.ega.edu/policy/04-interim-suspension-policy.pdf>

Resolution / Hearing:

Conference:

If the results of the investigation show need, the student shall be notified via email in writing by the Office of Student Conduct of the accusation of a violation and will be asked to come in for a conference to discuss the complaint.

At the above mentioned conference, the student shall be advised:

1. The conference may be recorded.
2. An overview of the process when a violation is reported.
3. The violation they are accused of and an explanation of the charge.
4. Of their privacy rights under FERPA.
5. The Director of Student Conduct, in conjunction with the Vice President of Student Affairs, may refer any case to the Hearing Panel for a hearing and recommended action. Cases that involve the possibility of suspension or expulsion shall be referred to the System Director by East Georgia State College.
6. The student will be advised of his or her options for resolution, subject to the provisions below. The student may admit responsibility for the alleged violation in writing, waive the right to a hearing (in writing), and request that the Director of Student Conduct take appropriate action. The student may request informal resolution or request a hearing before the hearing panel.
 - a. Procedure for adjudication with the Director of Student Conduct
 - i. If the student is prepared to present their case immediately, they may waive the 72-hour notice of a hearing (in writing) and ask the Director of Student Conduct to immediately begin adjudication.
 - ii. If the student is unprepared to present their case immediately, a hearing date and time will be determined and a hearing notification emailed to the student.
 - b. Procedure for Informal Resolution:
 - i. Informal resolution, if appropriate, must be mutually agreed upon by respondent

and victim (where appropriate). The Vice President for Student Affairs or his designee or the System Director shall determine where informal resolution is inappropriate. In such cases, the DSC will proceed to informally resolve the matter. If informal resolution is not appropriate or fails to resolve the matter, the respondent has the option of having the matter heard by the Director of Student Conduct or a Hearing Panel.

- c. Procedure for adjudication with the Hearing Panel
 - i. The Director of Student Conduct will set a hearing date and time, and hearing notification emailed to the student.
 - ii. All cases of sexual misconduct that go to a hearing shall be heard by a sexual misconduct hearing panel of faculty and/or staff. The panel members receive annual training as directed by the System Director and required by Clery Act.
7. In all hearing formats, the student will be afforded the opportunity to address the complaint by providing evidence and calling witnesses.

Hearing Notification: The Office of Student Conduct shall, at least 72 hours in advance of the hearing, notify the student in writing concerning the following:

1. The date, time, and place of hearing.
2. The statement of the specific charges and grounds, which, if proven, would justify disciplinary action being taken.
3. The names of witnesses scheduled to appear on your behalf. Note: A witness must provide a written statement to the Director of Student Conduct at least 48 hours before the hearing in order to be entered as evidence. Otherwise, the witness will not be allowed to participate in the hearing.
4. A list of trained Hearing Advisors who can help the student navigate the disciplinary process. If the student wishes to use a Hearing Advisor, they should contact the Director of Student Conduct to set up a meeting between the two. Only one Advisor may be involved per case.
5. If a student chooses to have their hearing with the Director of Student Conduct, they may, in writing, waive their right to the 72-hour notice.

Hearing in Absentia: If the student does not appear for the conference or hearing, or decides to withdraw voluntarily, a hearing may take place in their absence.

Hearing Protocol: For the orderliness of the hearing experience, no one will be allowed inside the room during the hearing except the Director of Student Conduct, the Hearing Panel members, the student, approved witnesses, the Hearing Advisor and any EGSC students/administrators who are there for training purposes. The student may request that a non-participatory observer be allowed to attend the hearing; however, the observer cannot make a statement nor ask questions. They are there only to provide support to the student. This request must be made in writing at least 48 hours before the hearing.

Hearing Decision:

1. The standard of proof in conduct hearings is preponderance of evidence. Simply stated, preponderance means what is more likely to have occurred based on the evidence. However, the decision to suspend or to expel a student must also be supported by substantial evidence at the hearing.
2. The decision will be communicated in writing to the respondent and victim (where applicable) of the outcome and any resulting sanctions within 48 hours of the hearing. The decision will summarize the evidence in support of the sanction. The notice will include details on how to appeal the decision. The decision of the Director of Student Conduct or Hearing Panel shall stand until a ruling is made by the President.
3. A summary transcription of the proceedings shall be kept and made available to the accused student upon request in writing.

Hearing Panel:

1. The Hearing Panel shall consist of six members to include: The Director of Student Conduct (non-

voting member), one member of the staff, two members of the faculty and two regularly enrolled students. The Director of Student Conduct chooses these members and is responsible for training.

2. The Director of Student Conduct shall be the presiding officer and act as recorder, but shall not vote.
3. Any member of the Hearing Panel shall disqualify themselves if their personal involvement in the case is of such a nature as to be detrimental to the interest of the accused or of the institution.
4. The Hearing Panel shall make a determination of whether the student is in violation and then give a recommendation of disciplinary measures to the Director of Student Conduct if sanctions are deemed appropriate.
5. Where the hearing officer or panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the hearing officer or panel may establish special procedures for providing testimony from a separate location. In doing so, the hearing officer or panel must determine whether there is a valid basis for the unavailability, ensure proper sequestration in a manner that ensures testimony has not been tainted, and make a determination that such an arrangement will not unfairly disadvantage any party. Should it be reasonably believed that a party or witness who is not physically present has presented tainted testimony, the hearing officer or panel will disregard or discount the testimony. In sexual misconduct cases, the hearing officer reserves the right to allow a party to testify in a separate room, so long as no party is unfairly disadvantaged by this procedure. A party shall give testimony in the presence of the panel, and the opposing party shall have the opportunity to view the testimony remotely and to submit follow up questions.

Hearing Advisor:

The respondent and alleged victim (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be 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 response to any question posed to the advisee, but shall not participate directly during the investigation or hearing process. The institution shall not prohibit family members of a party from attending the hearing if the party requests such attendance, but may limit each participant to having two family members present.

A Hearing Advisor is a current EGSC student, staff, or faculty member who is chosen by the Director of Student Conduct and trained on the Student Conduct Code, specifically the Disciplinary Process and Hearing Procedures. The Advisor cannot participate as a witness or be associated with any case in which they serve as an Advisor.

The Hearing Advisor may:

1. Advise the student in the preparation and presentation of their case.
2. Accompany the student to the judicial hearing. The advisor functions in a supportive role and will not be allowed to speak during the judicial hearing. The advisor may be excused from the hearing if they attempt to speak for or advocate on behalf of the student in any way.
3. Advise the student in the preparation of an appeal letter.

Rights of Student Defendant:

The student defendant shall be afforded all rights required by due process including:

1. The right to a Hearing Advisor and non-participatory observer.
2. The right to present evidence in his/her behalf.
3. The right to call witnesses in his/her behalf.
4. The right to remain silent and have no inference of guilt drawn from such silence.
5. The right to cross examination.
6. The right to be advised of his/her right to appeal the decision of the Director of Student Conduct

or Hearing Panel.

7. The right to attend classes and required college functions until a hearing is held and a decision is rendered. Exceptions to this would be made (a) when a student's physical or emotional safety and well-being are endangered; (b) when the general safety and well-being of the faculty, staff or other college personnel are endangered; (c) when the orderly progression of the educational objectives of the institution may be disrupted; (d) when college property is in jeopardy.

Disciplinary Sanctions

Disciplinary sanctions for Non-Academic Misconduct may be imposed upon a student or student organization for an infraction of the Student Conduct Code. This list shall not be taken to be exhaustive. The Director of Student Conduct or hearing panel may issue discretionary sanctions that are directly related to the violation or conduct, and to enlarge or modify sanctions to meet particular circumstances in any given case.

The following are possible disciplinary sanctions which may be imposed upon a student or student organization for an infraction of the Student Conduct Code.

1. Expulsion - permanent severance of the student's relationship with EGSC.
2. Suspension - temporary severance of the student's relationship with EGSC for a specific period of time.
3. Probation - notice to the student that any further major disciplinary violation may result in suspension.
4. Residence Hall Removal –severance of the student's relationship with on-campus housing at EGSC can be temporary or permanent.
5. Withdrawal of Recognition of Student Organization – disbanding of membership and withdrawal of recognition and privileges associated with being a student organization at EGSC.
6. Educational Sanctions – specific projects to be completed by the student, such as, but not limited to, writing a research paper on a specific topic, performing community service or attending an educational event.
7. Reprimand a. Oral Reprimand - an oral disapproval issued to the student by the deciding disciplinary official(s). b. Letter Reprimand - a written statement of disapproval from the disciplinary official(s).
8. Restrictions - exclusion from participation in: a. Social activities b. Recreational areas c. Identification card privileges d. Visitation procedures inside on-campus housing
9. Restitution - reimbursement for damage to or misappropriation of property; this may take the form of appropriate service or other compensation.
10. Forced Withdrawal - from the academic course within which the offense occurred without credit for the course.
11. Class Change – removal from a specific class and placement in another.
12. Disciplinary Hold – a HOLD will be placed on a student's EGSC account when they have not completed sanctions imposed as a result of a Code of Conduct violation.
13. Banned - students lose their privilege to be on any EGSC campus site or at any EGSC sponsored event. A banned student may not enter any part of the campus without specific authorization from the Office of Student Conduct.
14. No Contact – The student(s) may be prohibited from personal contact with specific person(s).
15. Loss of Institutional Privileges – Student may be prohibited from availing themselves of customary institutional privileges granted to all students.
16. Behavior Contract – see <http://www.ega.edu/policy/04-behavior-contract-disciplinary-process-sanction.pdf>

In determining the severity of sanctions or corrective actions the following should be considered: The frequency, severity, and/or nature of the offense; history of past conduct; an respondent's willingness to accept responsibility; previous institutional response to similar conduct; strength of the evidence; and the wellbeing of the college community. The hearing panel or Director of Student Conduct that found a policy violation occurred will determine sanctions and issue notice of same as outlined above.

Appeals Procedure

The alleged respondent shall have the right to appeal the outcome on any of the following grounds:

1. To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing;
2. To allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including whether any hearing questions were improperly excluded or whether the decision was tainted by bias; or
3. To allege that the finding was inconsistent with the weight of the information.

Appeals may be made by the alleged respondent for the above reasons in any case where sanctions are issued even those in which such sanctions are held "in abeyance" such as probationary suspension or expulsion.

A student shall have the right to appeal in accordance with the following procedures:

1. The decision of the DSC or the Hearing Panel shall stand until a ruling is made by the Vice President of Student Affairs.
2. The student shall have the ability to appeal in writing to the Vice President of Student Affairs of East Georgia State College within five days after the notification of the hearing decision.
3. An appeal form should be requested from the DSC.
4. The appeal form and appeal letter should be turned in to the DSC, but addressed to the Vice President of Student Affairs.
5. The student can request sanctions be "stayed" until a decision is reached concerning the appeal. The student must include this request for the consideration in their appeal. Decision regarding "a stay" of the sanctions will be determined by the Vice President for Student Affairs in consultation with the DSC.
6. A student may appeal on specific grounds listed above. In either case he/she shall clearly state reasons for appeal in written statements to the Vice President of Student Affairs.
7. If received within the five day deadline, the DSC will forward the appeal form, the appeal letter and all relevant information from the hearing to the Vice President of Student Affairs for review.
8. If received after the five day deadline, the DSC will forward a copy of the appeal form and appeal letter to the Vice President of Student Affairs with notification that the student is not eligible for appeal.
9. When considering an appeal, the Vice President of Student Affairs shall within five days appoint a committee.
10. The Vice President of Student Affairs shall request consideration and recommendation for a decision from the Appeal Committee. The Vice President of Student Affairs will issue a decision on the appeal. The Vice President of Student Affairs will appoint three members to the Appeal Committee selected from a group of six faculty and or staff members determined by the DSC. The six members shall receive appropriate training regarding Student Conduct.
11. This committee shall review facts and circumstances connected within the case and shall within five days make the findings and report thereon to the Vice President of Student Affairs. After consideration of the committee's report, the Vice President of Student Affairs shall within five days make a decision.
12. The Vice President of Student Affairs review is limited to consideration of whether the record contains a substantial basis to uphold the decision. Therefore, new material cannot be introduced except in extraordinary cases presenting a compelling reason as to why the material could not have been presented to the hearing panel and why it should be considered now.

Actions which may be taken by the Vice President of Student Affairs in consideration of the appeal:

- Affirm the original finding and the sanction;
- Affirm the original finding but modify the sanction;
- Remand the case back to the Hearing Panel or Director of Student Conduct to correct a procedural or factual defect; or
- Dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

13. The student shall have the ability to appeal in writing to the President of East Georgia State College within five days after the notification of the hearing decision.
14. The decision of the Vice President for Student Affairs shall stand until a ruling is made by the President.
15. An appeal form should be requested from the DSC.
16. The appeal form and appeal letter should be turned in to the DSC, but addressed to the President.
17. The student can request sanctions be “stayed” until a decision is reached concerning the appeal. The student must include this request for the consideration in their appeal. Decision regarding “a stay” of the sanctions will be determined by the President in consultation with the DSC.
18. A student may appeal on grounds as stated in this policy. He/she shall clearly state reasons for appeal in written statements to the President.
19. The President review is limited to consideration of whether the record contains a substantial basis to uphold the decision. Therefore, new material cannot be introduced except in extraordinary cases presenting a compelling reason as to why the material could not have been presented to the hearing panel and why it should be considered now.
20. If received within the five day deadline, the DSC will forward the appeal form, the appeal letter and all relevant information from the hearing to the President for review.
21. If received after the five day deadline, the DSC will forward a copy of the appeal form and appeal letter to the President with notification that the student is not eligible for appeal.
22. When considering an appeal, the President shall within five days appoint a committee.
23. The President shall request consideration and recommendation for a decision from the Appeal Committee. The President will issue the final decision on the appeal. The President will appoint three members to the Appeal Committee selected from a group of six faculty and or staff members determined by the DSC. The six members shall receive appropriate training regarding Student Conduct.
24. This committee shall review facts and circumstances connected within the case and shall within five days make the findings and report thereon to the President. After consideration of the committee’s report, the President shall within five days make a decision. The President’s decision shall be the final institutional decision.
25. When the President of East Georgia State College has rendered his decision in writing on any appeal, the student will be considered to have exhausted all remedies at the institutional level.
26. Should the student be dissatisfied with the decision of the President, he/she may apply for discretionary appeal to the Office of Legal Affairs of the Board of Regents as provided in the Policy Manual on the University System of Georgia website at <http://www.usg.edu/policymanual>
27. The decision of the President shall stand until a ruling is made by the Board of Regents Office of Legal Affairs.

Actions which may be taken by the President in consideration of the appeal:

1. Affirm the original finding and the sanction;
2. Affirm the original finding but issue a new sanction of greater or lesser severity;
3. Remand the case back to the Hearing Panel or Director of Student Conduct to correct a procedural or factual defect; or
4. Dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

Recusal/Challenge for Bias

The alleged respondent and/or complainant 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 EGSC Internal Auditor, setting forth the basis for the challenge. The written challenge should be submitted within a reasonable time of discovering the identity of the institution official, employee, or student panel member whose involvement the alleged respondent and/or complainant wishes to challenge. The institution’s designee, the EGSC Internal Auditor, will determine whether to sustain or deny the challenge, and if sustained, the replacement to be appointed.