

# GEORGIA STATE UNIVERSITY STUDENT CODE OF CONDUCT 2014-2015

(As Amended – August 6, 2014)

## STUDENT CODE OF CONDUCT AND ADMINISTRATIVE POLICIES AND PROCEDURES

The most current version of the Student Code of Conduct and Administrative Policies and Procedures may be viewed at: [codeofconduct.gsu.edu](http://codeofconduct.gsu.edu)

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## I. Introduction

### A. Overview

#### 1. Student Code of Conduct and Administrative Policies and Procedures

The University has established the policies and procedures that comprise the Student Code of Conduct to both promote the University mission and protect the rights of Students, faculty and staff. The official University rules and regulations are contained in the Georgia State University General Catalog and the student handbook, On Campus. The most current version of the Student Code of Conduct may be found online at: [codeofconduct.gsu.edu](http://codeofconduct.gsu.edu) each semester. In the event of a conflict between the Student Code of Conduct and other University policies, the most current version of the Code governs.

#### 2. Interaction between Student Code of Conduct and Law

Student conduct is governed by the Student Code of Conduct, University policy and applicable law. Students involved in criminal matters may be sanctioned by the University in addition to any sanctions that may be imposed by a court of law. However, the relationship a Student has with the state or federal court system does not alter the Student's relationship with the University unless the Student is also found responsible for violating University Policy

### B. Student Rights and Obligations

#### 1. Purpose of the University Experience

The University strives to promote the advancement of knowledge through excellence in teaching, research and public service. The University also endeavors to facilitate the development in each Student of a respect for the dignity and worth of individuals; a desire and capacity for critical reasoning; an appreciation and understanding of scholarship and creativity; an appreciation of diversity in student life; the ability to communicate; and a continuing desire for knowledge. Academic and co-curricular events, activities and programs are considered important means by which to attain these goals.

#### 2. Rights and Obligations - General

Membership in the community of scholars known as Georgia State University is a privilege and carries with it obligations to participate in and contribute to the educational mission of the institution. Concurrent with these obligations are rights and freedoms for each individual as guaranteed by the United States Constitution including, but not limited to, the right to inquire, to learn, to communicate by speech and action, to assemble peaceably and the right to due process. The University desires to maintain an orderly climate in which academic inquiry and freedom may occur while still preserving the freedom and rights of all members of the University community.

#### 3. Continuing Duty to Disclose Criminal/Disciplinary Matters

Georgia State University Students have a continuing duty to report criminal/disciplinary events that occur after application to the University. The criminal/disciplinary events that must be reported are described below and reports must be made to the Office of the Dean of Students within 72 hours of the Student's notice of the event. Failure to comply with this requirement may result in sanctions up to and including immediate withdrawal from the University.

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

#### 4. Compliance with University Policy

In addition to the general rights and obligations of University community, each Student is obligated to apprise him/herself of and comply with all University rules, regulations and policies. Students are individually responsible for understanding and exercising their rights, fulfilling their obligations and respecting the rights of others. Lack of knowledge of a University policy will not be accepted as an excuse for failure to observe it.

### **C. Jurisdiction and Authority**

The Student Code of Conduct applies equally to individuals Students and Student Organizations. The University has jurisdiction to hear all matters related to violation of University Policy and reserves the right to take appropriate action to protect the safety and well-being of the University community. The Dean of Students has authority to make determinations on all charges of General Conduct violations as defined in the Student Code of Conduct (see Code Section III).

The Code applies to all student conduct on or adjacent to University Property, at University-Sponsored Activities and programs including those in remote and international locations, and at Student Organization activities. The Code also applies to conduct occurring on non-University Property and at non-University events when that conduct may threaten the safety of the University Community. The Code continues to apply to Student conduct while a conduct matter is pending even if the Student withdraws from school.

### **D. Guarantees of Student Expression**

#### **1. Collective Rights in Policy Making**

Students have a collective right to participate in the formulation of standards of conduct and preparation of rules governing student activities and affairs. This right is collectively exercised through the participation of the Student Government Association on the University's Committee on Student Life and Development. The Committee on Student Life and Development is empowered by the President of the University, through the Board of Regents of the University System of Georgia, to make standards and rules, subject to the approval of the Chancellor and of the Regents. Upon request, Students also have a collective right through Student Government Association participation, to be heard in the making of other institutional policies that affect their rights and well-being. In addition, Students have the right to take a stand on University issues, to examine and discuss questions of interest and to support causes by orderly means that do not disrupt normal University operations or interfere with the rights of others.

#### **2. Freedom of Expression**

Students have the right to freedom of expression by word or symbol as long as it does not materially or substantially interfere with the orderly operation of the University or with the rights of others as conferred by the Constitution. This right of expression does not protect disruptive, threatening, lewd, indecent or obscene conduct or expression.

#### **3. Student Media**

The publications and communications of chartered Student Media groups are guaranteed the rights inherent in the concept of freedom of the press. They have the right to publish and distribute material on the University campus provided that the materials are identified by the name of the organization and are done in accordance with the rules and regulations adopted by the Committee on Student Communications. All publications are subject to the canons of responsible journalism, including the avoidance of libel, avoidance of indecency or obscenity and undocumented allegations.

### **E. Definitions**

"Advisor" means any person (Student or non-student) who the Referred Student may seek for advice. He or she may accompany the Student during the hearing. The Advisor may not represent the Student before the Hearing Panel or be allowed to participate in the hearing process. A licensed attorney may serve as a Student's Advisor.

"Business Day" means any day on which the offices of Georgia State University excluding University Police, libraries, recreation and housing are open to the general public.

"Code" means Student Code of Conduct.

"Complainant" means any person(s) who initiates a complaint for an alleged violation of the Code.

"Controlled Substance" means a drug or substance in which the use, possession, or Distribution is controlled under state or federal law.

“Criminal Trespass Warning” means a written notice that the individual must leave University Property and may not return for the duration of the Criminal Trespass Warning. An individual who enters onto University Property in violation of a criminal trespass warning may be arrested for criminal trespass.

“Dean of Students” means the administrative officer bearing this or similar title and includes his/her designee.

“Discrimination” means unfair or unequal treatment of an individual based on race, color, sex, religion, creed, age, sexual orientation, gender, disability, veteran status or national origin.

“Disruption” means to interrupt, impede or obstruct the teaching, instructional, research, disciplinary, public service, administration, or other University activities. Examples of Disruption include, but are not limited to the following: allowing personal electronic communication devices to ring or beep, making or receiving phone calls or pages or otherwise disrupt while in class or scheduled University instructional activities; registering or arranging for another Student to register for a class already completed by such Student unless prior written approval is obtained from the class instructor; registering for any class for which the published class prerequisites have not been completed unless prior written approval is obtained from the class instructor; entering or attempting to enter any athletic, dance, social or other such public event without the credentials for admission (ticket, identification card or invitation) or in violation of the qualifications for attendance as established by the sponsors; assembling in a manner that is disruptive and not peaceful.

“Distribution” means sale, exchange, transfer, delivery, or gift.

“Endanger” means to bring into danger or peril.

“Fabrication” means falsification or invention of any Information or citation.

“FERPA” means the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99), a Federal law that protects the privacy of student education records. The law applies to all schools that receive Georgia State University as a recipient of funds under an applicable program of the U.S. Department of Education. (*For more information: <http://www.gsu.edu/registrar/FERPA.html>*)

“Hazing” means any intentional, negligent or reckless action, activity or situation that Endangers or is likely to Endanger the physical health of an individual or causes an individual pain, embarrassment, ridicule or harassment as a condition or precondition of gaining acceptance, membership, office or other status in a Student group, whether or not such group is formally recognized by the University and regardless of the individual’s willingness to participate. Actions and situations that may constitute Hazing may include, but are not limited to, the following: forcing or requiring the drinking of alcohol or any other substance; forcing or requiring the consumption of food or any other substance; calisthenics (e.g., push-ups, sit-ups, jogging, runs); treeings (e.g., tying someone up and throwing food or other substances on them); paddle swats; line-ups (e.g., yelling at or harassing people in a formation); theft of any property; road trips (e.g., dropping someone off and leaving him/her to find his/her own way back); scavenger hunts; causing an individual to have fewer than six (6) continuous hours of sleep per night; conducting activities that do not allow adequate time for study (e.g., not allowing an individual to attend class, causing one to miss group projects); forcing or requiring partial or complete nudity at any time; performing acts of personal servitude for members (e.g., driving them to class, cleaning their individual rooms, serving meals, washing cars, shopping, laundry); forcing or requiring the violation of University policies, and/or federal, state or local law.

“Hearing Panel” means any entity authorized by the University established to determine whether a Student or Student Organization has violated the Student Code of Conduct and to recommend imposition of sanctions.

“Hearsay” means the person making the statement does not have personal knowledge of the matter about which he/she testifies but merely repeats what he/she heard another say. Hearsay is admissible, but the Panel will take into consideration that the testimony is based on Hearsay.

“Illegal Drug” means any drug in which the use, possession or Distribution is prohibited or restricted by state or federal law.

“Information” means any witness, testimony, documents, statements or other material presented in support of either the Complainant’s or Referred’s case.

“In Writing” means by letter or email.

“Joint Hearing” means a hearing in which two or more Students or organizations are charged with violating one or more University conduct regulations arising from the same set of circumstances or events.

“Member of the University Community” means any officer, administrator, faculty member, staff member or, employee of Georgia State, or any Student of Georgia State University as defined, as well as any person authorized to participate in an institutional activity at the time applicable.

“Officer” means a Student holding any elected or appointed position (as defined in Section IV.H of the Student Code of Conduct) in a Student Organization; or, a position of responsibility for a specific function or event (e.g. membership/education chair, social chair, concerts chair, or multicultural chair); or any leadership role in the organization, including serving as an official representative of the organization.

“Preponderance of Information” means that a charged violation is proven if the Information in support of the charges is more credible and convincing to the mind than the opposing Information. This standard does not require Information that frees the mind from doubt but, rather, is met when the Information when reviewed as a whole indicates that responsibility for the charged violation is more probable than not. Information as used in the statement can be any observation, admissions, statement, or document which would either directly or circumstantially indicate that the charged violation has occurred.

“Referred” means the Student(s) or Student Organization(s) charged with violating one or more of the provisions of the Student Code of Conduct and Policies.

“Sexual Misconduct” includes Dating Violence, Domestic Violence, Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Sexual Exploitation, Sexual Harassment, and Stalking, each as more fully defined in the Sexual Misconduct Policy. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. (see the Sexual Misconduct Policy).

“Stalking” means engaging in a course of conduct directed toward another person that would cause a reasonable person to:

- fear for his or her safety or the safety of immediate family members or close acquaintances; or
- suffer substantial emotional distress.

“Student” means:

- “Current Student” - a person who has both enrolled in *and* completes an entire Summer, Fall and/or Spring semester. This status applies to all Students upon admission to the University through the enrollment for classes and continues unless and until the Student drops, withdraws or is withdrawn from all classes during a semester, at which time he/she may be classified as a:
  - “Non-Enrolled Student” - a person who is enrolled during a semester but drops, is withdrawn or withdraws from all classes; *or*, one who is not enrolled, but is eligible to re-enroll for subsequent semester(s) without seeking re-entry admissions status. Non- Enrolled Students may not benefit from the privileges reserved for “Students” unless they meet the criteria of a “Continuing Student.”
- “Continuing Student” – a person who does not enroll in the Summer semester, but who has either completed or has been granted a hardship withdrawal from the immediately previous Spring semester *and* who has registered for the subsequent Fall semester. Continuing Students are eligible to request the governing authority for access to designated University resources typically available only to Enrolled Students, may serve as Student Leaders (per the policy on Student Leadership Positions) and may be members of and/or participants in Student Organizations recognized by the University.

- “Non-Student” - a person who does not enroll for three consecutive semesters. Non- Students may not benefit from the privileges reserved for “Students” including accessing University resources, holding Student leadership positions, nor being members of and/or participating in any Student Organization recognized by the University.
- As used throughout the Code, “Student” refers to both Students and Student Organizations.

“Student Organization” means any organization which is chartered in accordance with University policies and procedures or any organization which identifies itself with the University and presents programs or activities in the University community directed primarily to Students. As used throughout the Code, “Student” may refer to a Student or Student Organization.

“University” means Georgia State University which includes faculty and staff in the performance of their duties.

“University Property” means all things owned, controlled, operated or in the possession of the University, including but not limited to real and personal property, information systems and resources.

“University-Sponsored Activity” means any activity on or off campus initiated, approved, or supervised by the University.

Amended – University Senate – January 19, 2012

Amended – Administrative Council – January 16, 2013, May 1, 2013, May 7, 2014

## Academic Conduct Policies and Procedures

### POLICY ON ACADEMIC HONESTY

#### 1. Introduction

As members of the academic community, students are expected to recognize and uphold standards of intellectual and academic integrity. The University assumes as a basic and minimum standard of conduct in academic matters that students be honest and that they submit for credit only the products of their own efforts. Both the ideals of scholarship and the need for fairness require that all dishonest work be rejected as a basis for academic credit. They also require that students refrain from any and all forms of dishonorable or unethical conduct related to their academic work.

The University's policy on academic honesty is published in the Faculty Handbook (<http://www2.gsu.edu/~wwwfhb/fhb.html>) and the Student Handbook, On Campus, which is available to all members of the University community (<http://studenthandbook.gsu.edu/>). Academic honesty is a core value of the University and all members of the University community are responsible for abiding by the tenets of the policy. Georgia State students, faculty, and staff, are expected to report all instances of academic dishonesty to the appropriate authorities. The procedures for such reporting are outlined below and on file in the offices of the deans of each college, the Office of the Dean of Students, and the Office of the Provost.

Lack of knowledge of this policy is not an acceptable defense to any charge of academic dishonesty. In an effort to foster an environment of academic integrity and to prevent academic dishonesty, students are expected to discuss with faculty the expectations regarding course assignments and standards of conduct. Students are encouraged to discuss freely with faculty, academic advisors, and other members of the University community any questions pertaining to the provisions of this policy. In addition, students are encouraged to avail themselves of programs in establishing personal standards and ethics offered by the university.

No instructor or department may impose academic or disciplinary penalties for academic dishonesty outside the parameters of this policy. This policy applies to all incidents of academic dishonesty, including those that occur before a student graduates but are not discovered until after the degree is conferred. In such cases, it is possible that the application of this policy will lead to a failure to meet degree completion requirements and therefore a revocation of a student's degree.

Many colleges and/or departments provide statements of what constitutes academic dishonesty within the context of their discipline, and recommend penalties for specific types of academic dishonesty. As noted in the Faculty Handbook, all syllabi are required to make reference to the Academic Honesty Policy; syllabi should also include a link to departmental standards where they exist.

#### 2. Definitions and Examples

The examples and definitions given below are intended to clarify the standards by which academic honesty and academically honorable conduct are to be judged. The list is merely illustrative of the kinds of infractions that may occur, and it is not intended to be exhaustive. Moreover, the definitions and examples suggest conditions under which unacceptable behavior of the indicated types normally occurs; however, there may be unusual cases that fall outside these conditions which also will be judged unacceptable by the academic community.

Plagiarism. Plagiarism is presenting another person's work as one's own. Plagiarism includes any paraphrasing or summarizing of the works of another person without acknowledgment, including the submitting of another student's work as one's own. Plagiarism frequently involves a failure to acknowledge in the text, notes, or footnotes the quotation of the paragraphs, sentences, or even a few phrases written or spoken by someone else. The submission of research or completed papers or projects by someone else is plagiarism, as is the unacknowledged use of research sources gathered by someone else when that use is specifically forbidden by the faculty member. Failure to indicate the extent and nature of one's reliance on other sources is also a form of plagiarism. Failure to indicate the extent and nature of one's reliance on other sources is also a form of plagiarism. Any work, in whole or part, taken from the internet without properly referencing the corresponding URL (along with the author's name and title of the work, if available) may be considered plagiarism. Finally, there may be forms of plagiarism that are unique to an individual discipline or course, examples of which should be provided in advance by the faculty member. The student is responsible for understanding the legitimate use of sources, the appropriate ways of acknowledging academic, scholarly or creative indebtedness, and the consequences of violating this responsibility.

Cheating on Examinations. Cheating on examinations involves giving or receiving unauthorized help before, during, or after an examination. Examples of unauthorized help include the use of notes, texts, or “crib sheets” during an examination (unless specifically approved by the faculty member), or sharing information with another student during an examination (unless specifically approved by the faculty member). Other examples include intentionally allowing another student to view one’s own examination and collaboration before or after an examination if such collaboration is specifically forbidden by the faculty member.

Unauthorized Collaboration. Unauthorized collaboration means working with someone or getting assistance from someone (a classmate, friend, etc.) without specific permission from the instructor on any assignment (e.g., exam, paper, homework) that is turned in for a grade. It is also a violation of academic honesty to knowingly provide such assistance to another student. Collaborative work specifically authorized by a faculty member is allowed.

Falsification. It is a violation of academic honesty to misrepresent material or fabricate information in an academic exercise, assignment or proceeding (e.g., false or misleading citation of sources, the falsification of the results of experiments or of computer data, false or misleading information in an academic context in order to gain an unfair advantage).

Multiple Submissions. It is a violation of academic honesty to submit substantial portions of the same work for credit more than once without the explicit consent of the faculty member(s) to whom the material is submitted for additional credit. In cases in which there is a natural development of research or knowledge in a sequence of courses, use of prior work may be desirable, even required; however, the student is responsible for indicating in writing, as a part of such use, that the current work submitted for credit is cumulative in nature.

### **3. Information and Burden of Proof**

In determining whether or not academic dishonesty has occurred, the standard which should be used is that guilt must be proven by a preponderance of the information. This means that if the information which indicates that academic dishonesty occurred produces a stronger impression and is more convincing as to its truth when weighed against opposing information, then academic dishonesty has been proved. In other words, the information does not have to be enough to free the mind from a reasonable doubt but must be sufficient to incline a reasonable and impartial mind to one side of the issue rather than to the other. Information as used in this statement can be any observation, admission, statement, or document which would either directly or circumstantially indicate that academic dishonesty has occurred.

### **4. Procedures for Resolving Matters of Academic Honesty**

The following procedure is the only approved means for resolving matters of academic dishonesty, except for matters arising in the College of Law, which has its own Honor Code for handling such matters. It is available to all members of the academic community who wish to pursue an action against a student for academic dishonesty. A brief summary of the procedures is presented here; details of these procedures are found in the following sections.

1. The faculty member should discuss the incident with the student before filing a charge of academic dishonesty. The faculty member, in consultation with the department chair, prepares the Notice of Academic Dishonesty. The chair forwards the notice to the college dean, who sends the notification to the student by university email or by certified mail.
2. The student must appeal in writing to the College Dean within 10 business days of the date the email was sent or the certified mail was received if the student wishes to deny the finding of academic dishonesty.
3. If the student does not appeal within 10 business days, the College Dean forwards the notice of academic dishonesty to the Dean of Students.
4. If the student appeals the charges, a College Hearing Committee conducts a hearing and reports its findings to the College Dean regarding guilt or innocence. If the student is found not guilty, the faculty member is notified to assign an appropriate grade. If the student is found guilty, the dean forwards the notice of academic dishonesty to the dean of students.
5. Any recommendation for a disciplinary penalty and a challenge of that disciplinary penalty submitted by the student, if any, is reviewed by the University Senate Committee on Student Discipline. Based on the committee's recommendation, the provost makes a decision and takes action regarding any disciplinary sanction.



6. The dean of students maintains the disciplinary records on all findings of academic dishonesty and is responsible for forwarding notice of multiple findings to the Senate Committee on Student Discipline for review. Multiple findings may result in a disciplinary penalty even if one was not recommended by the faculty member.

## **5. Initiation of Action**

If a member of the academic community believes that a student has engaged in academic dishonesty in a course, on a test, or as a part of an academic program, that individual is responsible for initiating action against the student or bringing the matter to the attention of an individual who may initiate action against the student (i.e., complete and submit a notification of academic honesty). In allegations of academic dishonesty involving course requirements, the course faculty member is required to initiate the action. If the alleged violation involves a departmental program requirement (e.g., comprehensive examination or language competency examination) or an institutionally-required test (e.g., test of Georgia/United States history or Georgia/United States constitutions), or if the individual who discovers the incident is not a faculty member, the individual should bring the matter to the attention of the faculty member and administrator who has responsibility of overseeing the activity (e.g., departmental chair, director of the Testing Office). If that administrator decides to bring charges of academic dishonesty against the student, then that administrator becomes the initiator. (Test proctors, laboratory assistants, and other individuals who are not course faculty members should bring any instances of alleged academic dishonesty to the attention of the course faculty member or their administrative superior. That individual, after weighing the information, may become the initiator by formally charging the student with academic dishonesty.)

The channel of review, recommendation, and decision-making follows the administrative lines associated with the course or program requirement involved. In any instance, however, when the alleged incident does not occur within the context of a course, and when it is unclear which college should have jurisdiction in review and decision-making, any unit may initiate the case.

For the sake of brevity the following processing procedures are written from an academic unit/college perspective. Nonacademic units (i.e., Testing Center) would substitute appropriate supervisory personnel at the respective levels. Herein the initiator will be referred to as faculty member and the administrative unit head will be referred to as chair, designating the departmental chair. Dean will refer to appropriate administrative supervisory personnel at the overall college or division level.

When an allegation of academic dishonesty is made, the relevant dean will inform the Office of the Registrar to place a grade of GP (grade pending) for the student in the course involved. Withdrawal from a course does not preclude the imposition of penalties for academic dishonesty. While the matter of academic dishonesty is pending, the student will be allowed to continue in the course and register for upcoming semesters.

### **A. Penalties to be Imposed**

Penalties to be imposed in incidents of academic dishonesty are classified as academic or disciplinary. Academic penalties include assignment of a failing grade for a particular course requirement, or for the course itself, or for other tests or program assignments. They are set by the faculty member, in consultation with the department chair.

Disciplinary penalties can be sought in addition to those considered academic and could include, but are not limited to, the following: suspension, expulsion, transcript annotations (temporary for a period of five years or permanent, as designated). Course credit earned at other institutions while on suspension may not be transferred to GSU. Disciplinary penalties can be requested by the faculty member, in consultation with the chair; they must be reviewed by the University Senate Committee on Student Discipline and they are set by the provost.

### **B. Action at Administrative Unit (Department and College Level)**

As soon as possible after the alleged incident, the faculty member should discuss the matter with the student. This discussion should be conducted in a manner which protects the rights and confidentiality of students. If the faculty member believes that academic dishonesty has occurred, the faculty member, in consultation with the department chair, will determine the appropriate academic penalty. The faculty member and the chair will complete a notice of academic dishonesty form describing the incident and indicating the academic penalty imposed and any recommended disciplinary penalty. The chair will forward the notice of academic dishonesty, which includes a statement of the right to appeal, to the dean of the college, who delivers it a either through the student's official university email address or by certified mail.

**C. Student Action**

The student will have 10 business days after receipt of the notice of charges of academic dishonesty (i.e., the date that the email was sent or that the certified mail was received) to submit a written appeal denying the charges and providing any rationale for the appeal. The appeal should be addressed to the college dean of the initiator. In the event the student is found guilty of academic dishonesty, the student does not have the right to appeal the academic penalty assessed by the faculty member, unless the student can prove that such penalty was arbitrarily imposed or applied in a discriminatory manner.

If the student wishes to challenge a disciplinary penalty, the student must submit a written rationale for challenging the disciplinary penalty within 10 business days of receipt of the notice of charges of academic dishonesty. The statement of challenge should be addressed to the college dean. The college dean will forward the challenge to the dean of students for inclusion in the review of the disciplinary penalty by the University Senate Committee on Student Discipline. All disciplinary penalties are automatically reviewed by the University Senate Committee on Student Discipline, regardless of student appeal.

If the student has also filed an appeal denying the charges of academic dishonesty, any review of disciplinary penalty recommended will be delayed pending review of the charges of academic dishonesty by the college hearing committee.

**D. College Action**

1. No Appeal by the Student. If the student does not submit a written appeal to the college dean or challenge the disciplinary penalty within 10 business days, the college dean will notify the chair/faculty member to post any pending grade(s) immediately. The college dean will then forward the notice of academic dishonesty to the dean of students for inclusion in the student's disciplinary file. Any recommendation of a disciplinary penalty will also be forwarded to the dean of students for appropriate review by the Senate Committee on Student Discipline.
2. Appeal by the Student.
  - a. If the student submits a written appeal of the charges of academic honesty, the college dean will forward the charges to the chair of a college hearing committee and will notify the faculty member to set forth in writing a comprehensive response describing the incident of academic dishonesty. This statement will be presented to the committee and to the student at least five (5) business days prior to the hearing.
  - b. If the student wishes to challenge the disciplinary penalty without appealing the charges of academic honesty, a college hearing committee will not be convened; instead, the college dean will forward the challenge to the dean of students for inclusion in the review of the disciplinary penalty by the University Senate Committee on Student Discipline.
3. Student Hearing Committee Process. Guidelines that Govern the Hearing of the Appeal by the College Student Hearing Committee
  - a. Within ten (10) business days after the committee receives the charges of academic dishonesty, a hearing date will be determined. The committee will notify the faculty member and the student of the time, date, and the place of the hearing. Copies of all charges of academic dishonesty and related materials for the hearing will be provided to the student at least five (5) business days in advance of the hearing.
  - b. The faculty member and the student will be allowed to make oral presentations, call witnesses, and present any documentary information regarding the incident in question. The hearing will be recorded on audio tape. The hearing will not be open to observers.
  - c. At the conclusion of the hearing, the committee will meet in closed session and will make its recommendation as to the guilt or innocence of the student based on a preponderance of information with respect to the charge of academic dishonesty. The committee chair will forward to the college dean its findings and recommendations in a written report within five (5) business days of the hearing.

4. College Decision on Appeals. Within five (5) business days of receiving the committee's written report, the college dean will make the final decision regarding guilt or innocence. The college dean will notify all appropriate parties of the decision.

If the college dean finds the student not guilty, the matter will be terminated and no notice of charges will be filed with the dean of students. The college dean will notify the chair to post the pending course grade promptly and will notify the registrar to remove the GP (grade pending) on the student's transcript.

If the college dean finds the student guilty, the notice of charges of academic dishonesty will be forwarded to the dean of students for inclusion in the student's disciplinary file. The academic penalty stipulated by the faculty member will be imposed. The college dean will notify the chair to insure that any pending grade is posted promptly. The college dean will notify the registrar to remove the GP (grade pending) on the student's transcript if only an academic penalty was involved.

If a disciplinary penalty has been recommended, the college dean will notify the registrar to continue the GP (grade pending) annotation until the disciplinary penalty can be reviewed by the University Senate Committee on Student Discipline.

5. Appeal of the Decision of the Dean. If the student or initiator wishes to appeal the decision of the college dean regarding guilt or innocence of the charges of academic dishonesty, the student or initiator may appeal to the provost. The subsequent appeal route would be to the president and then the Board of Regents. The student or initiator must submit a written statement of appeal to the provost within 10 business days of notification of the dean's decision. The basis of the appeal must be on the grounds that the decision was arbitrary, capricious, or discriminatory.

## **E. UNIVERSITY SENATE COMMITTEE ON STUDENT DISCIPLINE ACTION**

In cases where a disciplinary penalty has been recommended, the Senate Committee on Student Discipline will conduct a hearing to review the disciplinary penalty. The committee will review the faculty member's notice of academic dishonesty and the student's statement of challenge of the disciplinary penalty, if any. The faculty member and the student will be allowed to appear at the hearing to discuss the imposition of disciplinary penalties. Only the recommendation concerning the disciplinary penalty to be imposed will be considered by this committee. Issues of guilt or innocence are determined at the college level (see II.4 C and D above).

The Senate Committee will conduct the hearing in accordance with its regular hearing procedures. Copies of these procedures may be obtained from the Provost's Office.

The Senate Committee on Student Discipline will provide its recommendation within five (5) business days of its hearing to the provost regarding appropriateness of the disciplinary penalty recommended by the college and/or whether other disciplinary penalties are to be imposed in addition to or in lieu of those already recommended by the college.

## **F. PROVOST ACTION**

1. Decision of the Provost. The role of the provost in handling student appeals regarding the charge of academic honesty has been explained (see II.E.5 above). Based on the recommendation, the Provost will render a decision within ten (10) business days of receipt of the recommendation of the Senate Committee. The provost will notify the student, the referring dean, the department chair and the faculty member of the Senate Committee's recommendations and of the provost's decision. At that time the provost will also notify the registrar to annotate the student's transcript, if necessary.
2. Appeal of the Decision of the Provost. If the student wishes to appeal the decision of the provost regarding the imposition of a disciplinary penalty, the student may appeal to the president, and then to the Board of Regents. The student must submit a written statement of appeal to the president within ten (10) business days of notification of the provost's decision. The basis for such an appeal must be on the grounds that the decision was arbitrary, capricious, or discriminatory.

**G. STUDENTS INVOLVED IN TWO OR MORE INCIDENTS OF ACADEMIC DISHONESTY**

A student is subject to disciplinary action in addition to any already undertaken once it is determined that the student has been found guilty in a previous incident of academic dishonesty. In such cases, the dean of students will forward a report to the University Senate Committee on Student Discipline regarding the incidents of academic dishonesty which have been reported. The dean of students is responsible for initiating this report within ten (10) business days of notification of the proceedings of any subsequent finding of academic dishonesty.

The University Senate Committee on Student Discipline will review the report of the dean of students. The student may submit supplemental written documents for the committee's review and may request to appear before the committee in its deliberations. After reviewing the matter, the committee will send a report to the provost with the recommendation for disciplinary penalty to be imposed. The provost will proceed as in G above.

**H. GRIEVANCE PROCEDURES FOR ACADEMIC MATTERS**

1. Each of the undergraduate colleges has stated policies for settling grievances of students for academic matters. Refer to the office of the dean of each college for policies.
2. Obligation to Report Suspected Violations. Members of the academic community, students, faculty and staff are expected to report all instances of academic dishonesty to the appropriate authorities. The procedures for such reporting are on file in the offices of the deans of each college.
3. Penalties. The University takes the matter of academic honesty most seriously. Penalties for violations vary, but include both suspension and permanent expulsion from the institution.

Approved - University Senate Committee on Admissions and Standards – March 14, 1994

Approved - University Senate - November 3, 1994

Amended – University Senate – October 15, 2009

Amended – University Senate – October 7, 2010

Amended – University Senate – January 19, 2012

Amended – University Senate – March 15, 2012

Amended – University Senate – April 17, 2014

### III. General Conduct Policies and Procedures

#### A. Prohibited General Conduct

The following types of behaviors constitute violations of the Georgia State University Student Code of Conduct. Any Student who is found responsible for any of the following misconduct is subject to the disciplinary sanctions outlined in Section III.B.8.

1. Violation of the Student Code of Conduct or any University policies, rules or regulations.
2. Conduct which is obscene or indecent.
3. Disruption or obstruction of teaching, instructional, research, disciplinary, public service, administration, or other University activities.
4. Harassing a person through unwanted conduct directed at him/her that causes reasonable fear for safety (e.g., Stalking) or is sufficiently severe, pervasive and persistent that it interferes with the person's University employment or ability to participate in or benefit from University programs.
5. Threatening physical abuse, intimidation, coercion and/or conduct which threatens the health or safety of others.
6. Physical abuse, intimidation, coercion and/or other conduct which Endangers the health or safety of others.
7. Attempted or actual theft of and/or damage to property belonging to the University, any Member of the University Community or others.
8. Possession of property the Student knows or has reason to believe may be stolen or misappropriated.
9. Use, possession, display or storage of any weapon, dangerous instrument, explosive device, fireworks, or dangerous chemical unless specifically authorized by University officials.
10. Public intoxication or use, possession, consumption, Distribution or sale of alcoholic beverages except as expressly permitted by the University's Alcohol Policy (*see the Alcohol Policy*).
11. Use, consumption and possession or Distribution of any narcotic, dangerous drug or Controlled Substance or possession of drug paraphernalia that would violate the law.
12. Falsification, forgery, alteration, Fabrication or misuse of University records, forms or other documents.
13. Providing any false statement or misleading information, including by omission, to or about the University.
14. Providing or gaining unauthorized access to or use of University property, resources or facilities.
15. Operating a non-chartered or non-approved organization on any property belonging to the University.
16. Engaging in, supporting, promoting or sponsoring Hazing (*see the Hazing Policy*).
17. Gambling as prohibited by law.
18. Engaging in any Sexual Misconduct, including but not limited to, sexual assault and sexual harassment (*see the Sexual Misconduct Policy*).
19. Commission of any offense prohibited by federal, state or local law.
20. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
21. Knowingly filing a complaint comprised in whole or part of false accusations.
22. Failure to respond as directed by the Dean of Students on any matter including, but not limited to, a request to meet concerning an issue, or a notice alleging a violation by the Student Code of Conduct.
23. Failure to comply with the sanction(s) imposed for an earlier violation of the Student Code of Conduct.

#### B. Procedures for Resolving General Conduct Matters

##### 1. Overview

- a. Students or groups of Students referred for misconduct by members of the University Community are provided the following due process procedures designed to result in a fair, meaningful and just decision.
- b. The Student Code of Conduct applies equally to both Students and Student Organizations, both while on campus and while off campus at activities sponsored, in whole or in part, by chartered organizations.
- c. If you have been referred for a General Conduct violation of the Student Code of Conduct, you may seek guidance by calling the Office of the Dean of Students at 404-413-1515.

## **2. Reporting Violations**

- a.** Members of the University community who believe a Student violation of the Student Code of Conduct Policies and Procedures has occurred should submit a written complaint to the Office of the Dean of Students.
- b.** The complaint must state sufficient facts, including specific name(s), date(s), location(s) and description(s) of the alleged act(s) of misconduct to enable the Dean of Students to decide whether further fact-finding is necessary. The complaint form must be signed by the Complainant.
- c.** For matters involving complaints of Discrimination or Sexual Misconduct committed by Students or Student Organizations, the incident should be reported to the Office of the Dean of Students (see the Non Discrimination Policy and the Sexual Misconduct Policy). Reports of Sexual Misconduct will be reviewed and responded to promptly, thoroughly, and impartially in accordance with the Sexual Misconduct Policy. In the event that Sexual Misconduct occurs in connection with any other Code violation, the Sexual Misconduct Policy will take precedence and all issues presented in the matter will be heard by the Sexual Misconduct Board.
- d.** For matters involving complaints of Discrimination or Sexual Misconduct committed by University faculty or staff, the incident should be reported to the Opportunity Development/Diversity Education Planning. Copies of the relevant University harassment policies and procedures may be obtained at the Opportunity Development/Diversity Education Planning, or the Office of the Ombudsperson or online at <http://www.gsu.edu/~wwwfhh/fhh.html>.

## **3. Investigation**

- a.** If necessary to determine whether or not there is sufficient basis to believe that a violation of the Code may have occurred, the Dean of Students may conduct an initial investigation; provided, the Dean of Students will conduct an initial investigation of all reports of Sexual Misconduct, Discrimination and Hazing. An initial investigation may consist of requesting additional Information and interviewing the Complainant or witnesses.
- b.** The initial investigation of reported general misconduct will continue in a timely manner until the Dean of Students concludes that the initial investigation is complete.

## **4. Charges**

Based on a review of the report, and initial investigation Information where applicable, the Dean of Students will determine whether or not to initiate charges or to dismiss a case administratively if there is insufficient support for the claim, factually or in the Code. If the Dean of Students determines that there is sufficient basis to believe that a violation of the Code may have occurred, then the Dean of Students will initiate charges regarding the alleged Code violation. A Student against whom Code charges are initiated is called the "Referred."

## **5. Administrative Conference**

- a.** The Dean of Students will promptly send the Referred a charge letter identifying all charges against the Referred for alleged violations of the Code. The charge letter will specify allegations of misconduct in sufficient detail to enable the Referred to respond.
- b.** The Referred will be required to attend an Administrative Conference with the Dean of Students within five (5) Business Days from the date of the charge letter from the Dean of Students. If the Referred fails to schedule or attend the required Administrative Conference with the Dean of Students the Dean of Students may proceed with the case in the Referred's absence, including making an administrative decision about the Referred's responsibility regarding the charges.

- c. At the Administrative Conference, the Dean of Students will provide the Referred with the following:
- 1) an explanation of the charges;
  - 2) a copy of the Code;
  - 3) a copy of the complaint, upon request;
  - 4) a review of the Referred's due process rights:
    - the right to a notice In Writing of all charges; and
    - the right to a fair hearing before an impartial Hearing Panel who may not include the person(s) who brought the charges;
  - 5) an explanation of the General Conduct process including;
    - the opportunity to admit responsibility for the alleged violation, which requires choosing to have the Dean of Students resolve the case administratively in lieu of a hearing;
    - the opportunity to deny responsibility for the alleged violation and choose between having the Dean of Students resolve the case administratively or having a formal hearing;
    - the opportunity to appear in person at a hearing or not to appear with assurance that the failure to appear shall not be construed as indicative of responsibility;
    - the opportunity to select an Advisor of his or her choice to accompany and advise the Referred during a hearing or administrative resolution process;
    - the opportunity to call witnesses to present Information on behalf of the Referred;
    - the right to a list of witnesses who will appear against him or her;
    - the opportunity to ask the Hearing Panel to pose specific questions to any witness;
    - the opportunity to receive a copy of the record of a hearing, and;
    - the opportunity to appeal the decision as provided in the Code.
- d. At the Administrative Conference the Referred must choose to: (1) waive a hearing and have the Dean of Students administratively resolve the case; or (2) have a hearing before the Student Judicial Board. In cases of alleged Sexual Misconduct, the Referred may choose to (1) admit responsibility and have the Dean of Students administratively resolve the case; or (2) have a hearing before the Sexual Misconduct Board. The Student Judicial Board shall not hear cases of Sexual Misconduct. Ordinarily, the Referred's preference will be honored. However the University reserves the right to determine the process to be used when an interim action has been imposed upon the Referred.

## 6. Interim Action

Under certain circumstances, as described below, the University may impose an interim action upon a Student when initiating the General Conduct process in connection with reported Code violations by the Student.

- a. If the University believes a Student poses a significant threat to the safety and well-being of the University community or to University property or poses an ongoing threat of substantial Disruption or interference with the normal operations of the University, then the student may be immediately excluded from one or more classes, denied access to University housing and/or denied access to campus as a whole (including all University Property).
- b. The Student will be notified In Writing of the interim action, the reasons for the interim action, and the related Code violations the Student was reported to have violated. The interim action will become effective immediately as of the date of the written notice and will remain in effect until the General Conduct process has been concluded (by dismissal of or final decision on Code charges) or until the Dean of Students determines that the interim action is no longer warranted, whichever occurs first.
- c. Upon request, the Student shall have the opportunity to respond to the reasons for interim action stated in the notice and to show that the Student does not pose a significant threat to the safety and well-being of the University community or to University property or to the orderly operation of the institution no later than five (5) Business Days following the effective date of the interim action.

- d. For individual Students, failure to respond to or follow directions from the Dean of Students may result in interim action including the immediate placement of a hold on the Student's records and continuation of the disciplinary process in the Student's absence. Violations of interim action may also result in a report to the University Police who may issue a Criminal Trespass Warning.
- e. For Student Organizations, failure to respond to or follow the directions from the Dean of Students may result in restriction of some or all of the organization's activities up to suspension of the organization's University charter.

## 7. Resolution Options

- a. **Mediation:**  
With the prior written consent of the Dean of Students, Students involved in a General Conduct matter may elect to have the matter informally resolved through mediation in the Georgia State University Office of the Ombudsperson. If the matter is not resolved through mediation, then it will be referred to and resolved through the Georgia State University General Conduct process as described in the Code. Mediation is not available in cases of alleged sexual assault or rape (see *the Sexual Misconduct Policy*).
- b. **Administrative Resolution:**  
A Student may waive the right to a formal hearing and have the case resolved administratively by the Dean of Students. The Dean of Students, in his or her sole discretion, may decide to personally resolve the case or designate another impartial adjudicator to resolve the matter.
  - 1) The Dean of Students will meet with the Referred who will have the opportunity to provide a statement regarding the alleged misconduct along with any other supporting Information including the names of witnesses to be interviewed. The Referred may bring an Advisor to their meeting(s) with the Dean of Students, however the Advisor may only confer with the Referred and may not participate in the proceedings.
  - 2) The Dean of Students will also meet separately, as necessary, with the Complainant as well as with any witnesses to gather additional Information. A good faith effort will be made to contact all witnesses (including faculty or staff) who may have relevant Information to obtain a statement from them.
  - 3) At the conclusion of all meetings, the Dean of Students will determine whether it is more likely than not that a violation of the Code occurred and, if so, the appropriate disciplinary sanction(s) to apply.
  - 4) In determining the sanction(s), the Dean of Students will consider any mitigating or aggravating factors, including prior violations of the Code.
  - 5) The Dean of Students will inform the Referred of the decision In Writing. The written decision will include a statement of the charges, the determination, and the sanction(s) to be imposed, if any.
- c. **Formal Hearing:**
  - 1) **Composition of Hearing Panels**
    - a) Student Judicial Board hearings will be conducted by a Hearing Panel composed of three Students. One member, designated the chairperson, will serve as the presiding officer.
    - b) The Sexual Misconduct Board Hearing, as set forth in the Sexual Misconduct Board procedures, will be conducted by a Hearing Panel comprised of three members of the Sexual Misconduct Board. Absent extenuating circumstances, each Hearing Panel anel should include one faculty, one Student and one staff. The Dean of Students will identify the chair of the Hearing Panel who will serve as the presiding officer. (see *Sexual Misconduct Policy*)
    - c) Each Board or Committee will establish its own rules to govern the selection process for Hearing Panel members.
    - e) The University will provide annual training for members of the Student Judicial Board, and the Sexual Misconduct Board.



2) Pre-Hearing Procedures

- a) The Hearing Panel members will be notified In Writing of their selection.
- b) The chairperson will convene the Hearing Panel as soon as possible following receipt of the Referred's selection of a hearing route.
- c) The chairperson, who may be assisted by the Dean of Students, will prepare and send a written notice to the Referred and the Complainant no less than five (5) Business Days prior to the date set for the hearing. The notice will be delivered personally or sent to the Referred's and the Complainant's official University email addresses. The notice will include:
  - A statement of the date, time, location and nature of the hearing;
  - A copy of the charges;
  - A list of the names of all Hearing Panel members, and the University address of the chairperson.
- d) If the Referred or the Complainant cannot attend the hearing on the date scheduled for the hearing due to extraordinary circumstances, he/she must notify the Hearing Panel chairperson with a written request to reschedule, including reasons for the request, no later than three (3) Business Days prior to the hearing. The chairperson will determine whether to approve or deny the request to reschedule the hearing.
- e) No later than three (3) Business Days prior to the hearing, the parties will exchange the following Information In Writing:
  - A list of the names of the witnesses who may be called to speak at the hearing;
  - A concise summary of the anticipated statement of each witness;
  - Copies of all documents or notarized statements to be presented at the hearing; and;
  - The name and title (if any) of the Complainant;
  - The name of the Referred and the name and title of the Referred's Advisor, if any.
- f) Both the Referred and the Complainant may challenge the participation of any member of the Hearing Panel on the grounds of personal bias by submitting a written statement to the chairperson setting forth the basis for the challenge no later than three (3) Business Days prior to the hearing. The chairperson will determine whether to sustain or deny the challenge. If the challenge is sustained, a replacement member will be appointed to serve on the Hearing Panel. If a challenge is filed against the chairperson, the Dean of Students will determine whether to uphold or deny the challenge.
- g) Members of the University community will be expected to comply with any request or directive issued by the chairperson in connection with a student conduct proceeding, unless compliance would result in significant personal hardship or substantial interference with normal University functions.

3) Hearing Procedures

- a) Absent extenuating circumstances, the Information stage of hearings regarding charges against Student Organizations will be open to the public. All hearings regarding charges against individual Students will be closed in accordance with FERPA to maintain the confidentiality of Student education records.
- b) The chairperson will preside at the hearing and will rule upon all procedural matters. The formal rules of evidence will not apply, although challenges to the introduction of specific statements or documents may be considered by the chairperson on the basis of relevance to the charges. Information regarding prior misconduct will not be considered for the purpose of determining responsibility, but may after a finding of responsibility has been made, be considered for purposes of determining appropriate sanctions. The chairperson may establish reasonable limits upon the time allotted to the Referred and the Complainant for oral presentation and examination of witnesses.
- c) The Complainant will present Information (e.g. Complainant's description of the incident, witness statements and documentation) which supports the Code charges.
- d) The Referred will present Information (e.g. the Referred's description of the incident, witness statements and documentation) on his/her own behalf which supports the denial of responsibility for the alleged Code violations.
- e) All Information, including Hearsay, may be considered by the Hearing Panel, however the Hearing Panel may exclude Information during the Hearing if it is not reasonably linked to the alleged Code violation(s).

- f) Both the Referred and the Complainant may be assisted throughout the proceeding by an Advisor. The Advisor may only communicate with his or her respective party and not directly to the Hearing Panel or other parties involved.
- g) Each party is responsible for insuring the appearance of their witnesses at the Hearing whenever possible or obtaining written, signed statements from their witnesses if the witnesses are unable to attend.
- h) Witnesses will be excluded from the hearing except during their specific witness testimony.
- i) Witnesses may only be questioned by the Hearing Panel.
- j) A record shall be made of the Hearing. A copy of the record is available to the Referred or the Complainant upon payment of the cost of the reproduction.
- k) Student cases may be combined and heard jointly for matters arising from the same set of circumstances or events.
- l) Any falsification of Information or false testimony by any party or witness may subject that party or witness to disciplinary action in accordance with the Code.
- m) If, during the course of a hearing, new Information is introduced which indicates that additional violations of the Code have occurred, the Hearing Panel has the discretion to review the new Information and make a determination regarding responsibility for any additional violations.
- n) Upon the conclusion of the Information stage of the hearing, the Hearing Panel will adjourn to review the Information to determine whether it is more likely than not that the Referred is responsible for having violated the Code and appropriate sanctions, if any. During deliberations, the Hearing Panel will determine the weight and credibility of the Information presented by the parties. The deliberation stage of all hearings shall be closed to all but Hearing Panel members.
- o) After deliberating, the Hearing Panel shall make a non-binding recommendation to the Dean of Students within five (5) Business Days of the hearing regarding the responsibility for the violation(s) and appropriate sanction(s).
- p) The Dean of Students shall then make a final decision concerning responsibility for the violation and the imposition of sanctions, if any, within five (5) Business Days of the receipt of the Hearing Panel's recommendation.
- q) The Dean of Students will inform the Referred of the decision In Writing. The written decision will include a statement of the charges, the determination of responsibility, and the sanction(s) to be imposed, if any. In cases of Sexual Misconduct or crimes of violence, the Complainant will also receive written notice of this information.

## **8. Sanctions**

- a. Students or Student Organizations who are found responsible for violating University rules, procedures or policies may be subject to one or more of the following sanctions, which may be imposed on a temporary or permanent basis.
- b. Sanctions take effect as soon as they are imposed by the Dean of Students following a determination of Student responsibility for a Code violation and remain in effect for the period imposed unless and until overturned on appeal.
- c. Repeated violations of the Code may result in the imposition of progressively more severe sanctions, although any sanction may be imposed as appropriate under the circumstances.
- d. Sanctions for Individual Students:
  - 1) Written Reprimand - A written statement that the Student has violated regulations and notice that continuation or repetition of Code violations may result in more severe action.
  - 2) Educational Sanctions - Sanctions assigned by the Dean of Students such as community service, letters of apology, educational workshop, essays or research papers.
  - 3) Disciplinary Probation - Removal of the Student from good disciplinary standing. Additional restrictions may also be imposed. Probation will last for a stated period of time and until specific conditions, if imposed, have been met. Any violation of these rules, the conditions of probation or other University rules committed during the probationary period will subject the Student to further discipline, including suspension or expulsion.
  - 4) Restitution - Reimbursement for damage or loss caused to others.

- 5) Suspension - Temporarily banned from attending classes and other Student privileges for a defined period of time. Course credit earned at other institutions while on suspension may not be transferred to GSU. Students who are placed on suspension (including interim suspension from the University) will be administratively withdrawn from their courses and assigned grades of W or WF (depending on whether they have exceeded their maximum number of withdrawals allowed).
  - 6) Expulsion - Termination of Student status in the University community. This means that a Student is permanently banned from all classes, services, events, and property owned or controlled by Georgia State University.
  - 7) Transcript Annotation - Temporary for a period of five years or permanent, as designated.
- e. Sanctions for Student Organizations:
- 1) Written Reprimand - A written statement that the Student Organization has violated regulations and notice that continuation or repetition of Code violations may result in more severe action.
  - 2) Educational Sanctions: Sanctions specified by the Dean of Students such as alcohol awareness, risk management programs, community service, letters of apology, education workshops, essays or research papers.
  - 3) Restrictions - Restriction of some or all of the organization's activities or privileges, including, but not limited to, use of University facilities, social or recruitment activities.
  - 4) Disciplinary Probation - Removal of the Student Organization from good disciplinary standing. Additional restrictions may also be imposed. Probation will last for a stated period of time and until specific conditions, if imposed, have been met. Any violation of these rules, the conditions of probation or other University rules committed during the probationary period will subject the Student Organization to further discipline, including suspension or revocation of University Charter.
  - 5) Suspension of University Charter - Temporary severance of the organization's relationship with the University for a specific period of time. The period of time and any requirements which must be satisfied prior to re-registration must be specified.
  - 6) Recommendation for Charter Revocation - An official request to a national office that the local chapter's charter be revoked.
  - 7) Revocation of University Charter - Permanent severance of the organization's relationship with the University.

## **9. Appeals in General Conduct (Nonacademic) Matters**

- a. To the Vice President for Student Affairs  
 Appeals of the decisions of the Dean of Students including the dismissal of complaints for lack of sufficient Information, may be made by submitting a letter (an electronic submission is not acceptable) to the Vice President for Student Affairs within five (5) Business Days after the decision is made. Grounds for appeals are limited to new Information that was not presented at the hearing, procedural errors, or that the sanction is disproportionately severe. The Vice President has the authority to uphold, remand, reverse or change the decision; decrease, increase or add sanctions; and, make a determination regarding responsibility for any additional violations. Absent extenuating circumstances, the Vice President will make a decision on the appeal within fifteen (15) Business Days.
- b. To the President  
 Appeals of the decision of the Vice President for Student Affairs may be made by submitting a letter (an electronic submission is not acceptable) to the President of the University within five (5) Business Days after the Vice President's decision is made. The President has the authority to uphold, remand, reverse or change the decision; decrease, increase or add sanctions; and, make a determination regarding responsibility for any additional violations. The President's decision shall be final at the University level. Absent extenuating circumstances, the President will make a decision on the appeal within fifteen (15) Business Days.

- c. To the Board of Regents  
Should the aggrieved person be dissatisfied with the decision of the University President, he or she may apply to the Board of Regents of the University System of Georgia, without prejudice to his or her position, for a review of the decision. The application for review must be submitted In Writing to the executive secretary of the Board within a period of twenty (20) calendar days following the decision of the President. This application for review shall state the decision complained of and the redress desired. A review by the Board is not a matter of right but is within the sound discretion of the Board.
- d. In the event any position in the appeal route is vacant, the appeal should be directed to the individual at the next level of appeal.

#### **10. Parental/Guardian Notification of Alcohol and Other Drug Offenses**

As permitted by the Family Educational Rights and Privacy Act (FERPA), the Office of the Dean of Students sends written notice to parents/guardians of students under the age of 21 who are found responsible for alcohol or other drug violations of the Code.

#### **11. Student Conduct Records**

Student conduct records are educational records governed by the Family Educational Rights and Privacy Act (FERPA). As educational records, student conduct records are generally not subject to release without written authorization by the Student or a lawfully-issued subpoena. However, in cases of Sexual Misconduct and crimes of violence, FERPA permits Georgia State University to release the final results to the alleged victim without written authorization by the Referred, regardless if whether the Student is found responsible. For cases of Sexual Misconduct and crimes of violence which result in the Referred being found responsible, the final results may be disclosed to anyone. Student Organizational records are not education records and are subject to disclosure upon request under the Georgia Open Record Act. The Office of the Dean of Students permanently retains records of suspension and expulsion. All other student conduct records are retained on file by the Office of the Dean of Students in accordance with Board of Regents policies.

Adopted - Student Life and Development Committee (SLDC) - April 15, 1992  
Amended - SLDC - March 18, 2002; April 15, 2003; September 18, 2003; January 15, 2004; March 18, 2004; April 15, 2004  
Amended - University Senate - October 21, 2004  
Amended - SLDC - August 26, 2006; February 22, 2007  
Amended - University Senate - April 5, 2007; April 17, 2008  
Amended - SLDC - August 27, 2009  
Amended - University Senate - January 27, 2011; April 14, 2011; October 27, 2011  
Amended - Administrative Council - January 16, 2013; May 1, 2013; May 7, 2014

## **IV. Administrative Policies**

### **A. DISRUPTIVE STUDENT CONDUCT IN THE CLASSROOM OR OTHER LEARNING ENVIRONMENT**

#### **DEFINITION:**

*Disruptive student behavior is student behavior in a classroom or other learning environment (to include both on and off-campus locations), which disrupts the educational process. Disruptive class\* behavior for this purpose is defined by the instructor. Such behavior includes, but is not limited to, verbal or physical threats, repeated obscenities, unreasonable interference with class discussion, making/receiving personal phone calls, text messages or pages during class, excessive tardiness, leaving and entering class frequently in the absence of notice to instructor of illness or other extenuating circumstances, and persisting in disruptive personal conversations with other class members. For purposes of this policy, it may also be considered disruptive behavior for a student to exhibit threatening, intimidating, or other inappropriate behavior toward the instructor or classmates outside of class.*

#### **PREAMBLE:**

When disruptive behavior occurs in the class, the instructor shall make reasonable effort to address the disruption with the student, preferably in private. Georgia State encourages members of the University community to try to resolve problems informally whenever possible. Toward that end, the instructor and student may consult with the Office of the Ombudsperson, the Dean of Students Office, or other University offices to discuss ways to resolve the situation informally at any time during the process set forth in this policy. Should the instructor elect to withdraw the disruptive student, the following procedures should be followed. Individual college or academic units may have supplementary procedures to deal with disruptive student behavior so long as those procedures are consistent with this policy. Where this policy conflicts with the *Student Code of Conduct*, this policy will prevail with respect to disruptive behavior in the academic setting.

#### **PROCEDURE:**

##### **STEP ONE: INSTRUCTOR'S RESPONSE TO DISRUPTIVE BEHAVIOR**

When disruptive behavior occurs in a class

1. The instructor will warn the student. The warning will consist of orally notifying the student that his/her behavior is disruptive and that it must cease immediately or the student will face removal from the class.
2. If the student fails to comply with the instructor's warning, the instructor may require the disruptive student to immediately leave the classroom for the remainder of the class period. If the student refuses to leave, the instructor may summon the campus police to remove the student.
3. If the instructor believes the disruptive behavior poses an immediate threat to the safety of the instructor, the student, or any other students or persons, the instructor may summon the campus police to remove the student, regardless of whether a warning has been issued. This action should be immediately reported by the instructor to the Dean of Students for review with respect to whether the student's behavior poses an imminent threat to self or others such that s/he should be removed from the University, pending disciplinary proceedings.
4. If the instructor chooses to allow the student to return to the class and continue in the course, the process is resolved. If at any time the instructor or student believes it would be beneficial to contact the University Office of the Ombudsperson, s/he may consult an Ombudsperson in an effort to resolve the matter.
5. If the instructor believes the student should not be permitted to return to the class to continue in that course, s/he should proceed to Step Two, below.

**STEP TWO: WITHDRAWAL PROCESS****A. THE INSTRUCTOR**

1. If the instructor decides that withdrawing the student from the course is necessary, s/he shall, within one (1) working day of the disruptive incident, provide the department Chair with a written report of the disruptive incident(s).
2. If the Instructor has the disruptive student in more than one class, and the Instructor decides that the student is disrupting learning in more than one of those classes, or when the student is exhibiting threatening and/or intimidating behavior outside the class (e.g., in the instructor's office, outside the classroom, etc.), the instructor has the authority under this policy to initiate removal of the student from all courses taught by that instructor, with the signed approval of the Chair and Dean or Associate Dean of the college, or the Dean or Associate Dean's designated representative.

**B. DEPARTMENT CHAIR**

Except for extenuating circumstances, the Chair will:

1. Notify the student in writing, via e-mail and U.S. Mail, within 1 day of receiving the Instructor's notice that the matter has been submitted to the department Chair for a decision on whether the student should be removed from the course, and that s/he may not return to the class until the issue is resolved. This notice shall include a written description of the disruptive behavior complained of and a copy of the *Disruptive Student Conduct in the Classroom or Other Learning Environment Policy*, which includes a description of the appeals process. The student will also be informed that if s/he wishes to respond to the complaint, s/he must submit a written statement to the Chair and meet with the Chair within five 5 working days from the date of the written notice. The Chair's contact information and the contact information for the Office of the Ombudsperson should be included.
2. Make her/himself available to meet with the student as soon as possible within 5 working days after written notice to the student.
3. Decide on the appropriate outcome and send notice of the decision, with an explanation of the basis for the decision, to the student. The decision may consist of
  - Allowing the student to return to course or courses, with or without conditions;
  - Allowing or requiring the student to transfer to another course section or sections; or
  - Withdrawing the student from the involved course or courses.
4. Notify the student via e-mail and U.S. mail of his/her decision within 5 working days of receiving the student's response. If the Chair decides that the student should be removed from the involved course or courses, s/he will notify the Registrar via email that the student should be withdrawn (Registration Adjustment@langate.gsu.edu). A copy of the withdrawal email will be mailed to the student by the Chair via e-mail and U.S. mail at the time the Chair's written notice of his/her decision is sent. The Chair will also include notice that the student may appeal the decision by submitting a written appeal to the College Dean, which shall detail the basis of the student's denial of the charges, within 5 working days from the date of the Chair's written notice of his/her decision.
5. Notify the Academic Dean and the Dean of Students of the charges and action taken.

**STEP THREE: THE APPEALS PROCESS**

The student may appeal the decision of the department Chair to the Dean of the College. The student's appeal must be received by the Dean, in writing, within 5 working days of the date of the Chair's decision. The Dean's decision shall be made and, except for extenuating circumstances, will be sent to the student within five 5 working days of receipt by the Dean of the student's appeal via mail and U.S. mail.

The student may appeal the decision of the Dean of the College to the University Provost. This appeal must be in writing and received within 5 working days of the date of notification of the Dean's decision. The Provost, except for extenuating circumstances, will make a decision within 5 calendar days and notify the student vial e-mail and U.S. mail.

The student may appeal the decision of the Provost to the University President. This appeal must be in writing and received within 5 working days of the date of notification of the Provost's decision. The President, except for extenuating

circumstances, will make a decision within 15 calendar days and notify the student via e-mail and U.S. mail. The President's decision shall be final at the University level.

To appeal to the Board of Regents, the student may make an application for review to the Board of Regents within 20 calendar days of the date of the President's decision. The application shall state the decision complained of and the redress desired. A hearing before the Board (or a Committee of, or appointed by, the Board) is not a matter of right but is within the sound discretion of the Board. If the application for review is granted, the Board will, except for extenuating circumstances, investigate the matter thoroughly and render its decision thereon within 60 calendar days from the date of any hearing that may have been held. Student will be notified according to the set procedures of the Board. The decision of the Board shall be final and binding for all purposes.

If the Board of Regents:

- 1) issues a final decision, then the university system administrative appeals process has been exhausted; or
- 2) remands the matter to the university for further consideration, then administrative deliberation on the dispute continues until such point as a final administrative decision on the dispute is made.

[Note: After a final administrative decision on the student appeal is made within the university system hierarchy, then there is the "possibility" of the student seeking judicial review of the matter.]

#### **STEP FOUR: FINAL RESOLUTION**

Students withdrawn for disruptive behavior from a course will receive a grade of W or WF, according to university policy. If the charge of disruptive behavior is upheld, regardless of whether the student is allowed to return to the course, the student is responsible for any loss of financial aid. In the event a decision is made at any point in this process that the student was removed without sufficient cause, then the student will be allowed to immediately return to the course without penalty and the chair will work with the student to facilitate the completion of any work missed.

The Department Chair or Dean of the College, depending upon where the decision ends, will notify the Dean of Students of the final decision on the matter. If the appeal goes to the University President or to the Board of Regents, the President will notify the Dean of Students and the Dean of the College. The Dean of Students will maintain a record of any disciplinary action and may initiate additional disciplinary processes at his/her discretion.

\*For purposes of this document, the word "class" is defined as one specific meeting of students and professor while the word "course" refers to the entire section.

Amended by the Senate on April 20, 2006

(See next page for flow chart.)

### Procedure Chart for Removal of Student from Classroom for Disruptive Behavior

Procedure	Time Frame	Actions in Process	Notification Requirements
Step One	Working Day 1	Incident Occurs	The Instructor may <ol style="list-style-type: none"> <li>1. Issue oral warning</li> <li>2. Require student to leave class</li> <li>3. Have security remove student</li> <li>4. Readmit student to class</li> </ol>
Step Two	Working Day 2	Instructor elects to remove student from course or courses	The Instructor will <ol style="list-style-type: none"> <li>1. Notify chair</li> <li>2. Include written report</li> <li>3. Include completed Disruptive Student Withdrawal form</li> </ol>
	Working Day 3	The Chair notifies the student	The chair via e-mail and U.S. mail will <ol style="list-style-type: none"> <li>1. Provide Student with notice that (a) request for removal has been submitted to chair and (b) student may not return to the classes in question until issue is resolved.</li> <li>2. Include written report of disruptive behavior, copy of <i>Disruptive Student Conduct in Classroom</i> policy, and contact information for Chair and Ombudsperson.</li> <li>3. Alert student to complete appeal to chair within 5 days of notification date</li> </ol>
	Working Days 3-8	Student may respond	The Student may <ol style="list-style-type: none"> <li>1. Submit a written statement to the Chair</li> <li>2. Meet with the Chair within five (5) working days from the date of the written notice</li> <li>3. Consult with Office of the Ombudsperson, the Dean of Students Office, or other University offices</li> </ol>
	Working Days 9-13	Chair notifies student of decision <ol style="list-style-type: none"> <li>1. To allow the student to return to course or courses, with or without conditions;</li> <li>2. To allow or require the student to transfer to another course section or sections; or</li> <li>3. To withdraw the student from the involved course or courses.</li> </ol>	The Chair will <ul style="list-style-type: none"> <li>• Notify the Student of his/her decision via e-mail and U.S. mail (within 5 working days).</li> <li>• If the decision is to withdraw the student, the Chair will also               <ol style="list-style-type: none"> <li>1. Sign the Disruptive Student Withdrawal Form</li> <li>2. Submit it to the Registrar.</li> <li>3. Mail copy of the Withdrawal Form to the Student at the time the Chair's written notice of his/her decision is sent.</li> <li>4. Include notice that the Student may appeal the decision by submitting a written appeal to the Dean, which shall detail the basis of the student's denial of the charges.</li> <li>5. Notify academic Dean and Dean of Students of charges and action taken.</li> </ol> </li> </ul>
Step Three	Working Days 14-18	Student may appeal to Dean	The Student may submit written appeal to Dean within 5 working days
	Working Day 23	Dean responds to students appeal	The Dean will <ol style="list-style-type: none"> <li>1. Notify student of decision via e-mail and U.S. mail within 5 working days</li> <li>2. Notify student of right to appeal to Provost</li> <li>3. Alert student to complete appeal to Dean within 5 days of notification date.</li> <li>4. Notify Dean of Students of charges and action taken.</li> </ol>
	Working Day 28	Student may appeal to the Provost	The Student may submit written appeal to Provost within 5 working days
	Working Day 33	Provost responds to students' appeal	The Provost will <ol style="list-style-type: none"> <li>1. Notify student of decision via e-mail and U.S. mail within 5 working days</li> <li>2. Notify student of right to appeal to the President.</li> <li>3. Notify academic Dean and Dean of Students of action taken.</li> </ol>
	Working Day 38	Student may appeal to President	Student may submit written appeal within 5 working days
	Calendar Day 53	President responds to student's appeal	The President will <ol style="list-style-type: none"> <li>1. Notify student of decision via e-mail and U.S. mail within 15 calendar days</li> <li>2. Notify student of right to appeal to the President.</li> <li>3. Notify academic Dean and Dean of Students of action taken.</li> </ol>
	Calendar Day 73	Student may appeal to Board of Regents	Student may submit written appeal within 20 calendar days
	Day 133	The Board of Regents responds to student's appeal	The Board of Regents will respond in accordance with Board procedures within 60 calendar days. The President will notify the academic Dean and Dean of Students of action taken.



## B. NON-DISCRIMINATION POLICY

### 1. Non-Discrimination

Georgia State University does not discriminate against individuals on the basis of race, color, sex, religion, creed, age, sexual orientation, gender, disability, national origin, or veteran status in employment or the administration of the program and activities conducted by Georgia State University or any of its several departments now in existence or hereafter established.

Additionally, no chartered student organization may engage in discriminatory conduct whether collectively or through the actions of its individual members. (*See Code Section I. Chartering Student Organizations.*)

### 2. Reporting

Members of the University community who believe they have been discriminated against by the University or a chartered student organization should contact the following offices to report the incident and for direction in filing a formal complaint:

- a. Discrimination by student organizations should be reported to the Dean of Students, Office of the Dean of Students, Suite 300, Student Center, 404/413-1515, deanofstudents@gsu.edu.
- b. Discrimination by faculty or staff should be reported to the Assistant Vice President of Human Resources, Office of Opportunity Development/Diversity Education Planning (ODDEP), 1 Park Place South, Suite 527, 404/413-2567.

### 3. Review Process

The Dean of Students will conduct a timely review of all complaints of discrimination against student organizations, including interviewing individuals identified in the complaint to determine whether there is sufficient basis to believe that a violation of the Non-Discrimination Policy may have occurred. Based upon the findings of fact during the review, if the Dean of Students determines that there is sufficient basis to believe that a violation of the Non-Discrimination Policy may have occurred, the Dean of Students will initiate Student Code of Conduct charges regarding the alleged Code violation (*See Student Code of Conduct – General Conduct Policy and Procedures*).

### 4. Sanctions for Student Organization Violations of the Non-Discrimination Policy

- a. Violations of this policy by a chartered student organization will be adjudicated and may result in disciplinary action up to and including revocation of the organization's University charter.
- b. In addition to the foregoing sanctions, the Dean of Students may impose the following sanctions:
  1. A student organization that fails to respond to the Dean of Student's requests on any matter including, but not limited to, a request to meet concerning allegations of the Discrimination and Discriminatory Harassment policies, shall be subject to sanctions up to suspension of its University charter for one (1) year.
  2. A student organization that provides any false information or false testimony shall be subject to sanctions up to suspension of its University charter for two (2) years.
  3. A student organization that is found responsible for a second violation of the Non-Discrimination Policy, within six (6) years of the prior violation shall be subject to a minimum of a six (6) year suspension up to permanent revocation of its University charter.

## C. ALCOHOL AND OTHER DRUGS POLICY

**Introduction:** Georgia State University is a dynamic learning environment. Its students, faculty, staff and guests interact in a wide variety of intellectual and social activities that extend beyond the classroom. The University promotes an alcohol-free campus environment but recognizes that alcoholic beverages may be available at University-related events. Such activities are consistent with the University's cultural values when they foster moderation, accountability and safety in alcohol consumption by persons of legal drinking age.

To support responsible decision-making about drinking, Georgia State strives to make alcohol information and education available to all students. The Department of Student Health Promotion, together with the Counseling and Testing Center, developed the Integrated Alcohol and Other Drug Program ("IAOD Program") to increase understanding about the responsible use of alcohol and the potentially harmful effects of alcohol and other drugs. Its mission is to create a low risk environment by supporting change in the campus culture and by educating and empowering students. The IAOD Program provides a comprehensive range of evidence-based alcohol and other drug prevention and intervention services as well as confidential counseling services for students with issues related to alcohol and drug use and abuse. Advocacy training is provided to campus stakeholders on an ongoing basis.

### I. Alcohol Policy

- A. General.** The University supports all federal, state and local laws relating to the use of alcoholic beverages. The unlawful possession, use, distribution, sale or manufacture of alcohol by members of the University Community (students, student organizations, staff and faculty) is strictly prohibited as is the possession, use, or sale of alcohol in violation of this Alcohol Policy.
- 1. Sale of Alcoholic Beverages on University Property.** The sale of alcoholic beverages on any property owned or controlled by the University is strictly prohibited. Cash bars at on-campus events are not permitted and alcoholic beverages at on-campus events may not be paid for by selling tickets for them whether in advance or at the door.
  - 2. Alcohol on University Property.** Except as expressly permitted in this policy, the possession or consumption of alcoholic beverages on property owned or controlled by the University is strictly prohibited. Exceptions to this Policy may be made on a case by case basis but only by the University President or his designee, the Office of Legal Affairs. Persons wishing to request an exception for a specific event may do so by completing the University's Request to Serve Alcohol process described below in Paragraph C.1.
  - 3. Legal Age.** The legal age for possession and consumption of alcoholic beverages in Georgia is 21 and it shall be a violation of this Code Section for any member of the University Community who is under the legal drinking age to possess or consume alcohol or for a member of the University Community who is of legal age to provide alcohol to another member of the University Community who is a minor.
- B. University Housing.** Residents of University Housing who are of legal drinking age may possess and consume alcohol in their on-campus residences and in the residences of other University Housing residents of legal drinking age in accordance with the restrictions set forth in the University Housing Community Living Guide set forth at: [http://www.gsu.edu/housing/Documents\\_And\\_Forms.html](http://www.gsu.edu/housing/Documents_And_Forms.html). Those of legal age who choose to drink are encouraged to do so safely, responsibly and in moderation.
- C. Events with Alcohol.** Events with alcohol are subject to the policy requirements set forth below. These requirements are divided into two subcategories, depending on whether they are held on or off campus. For purposes of this policy, "campus" shall be understood to mean property owned or controlled by Georgia State University.
- 1. On-Campus Events with Alcohol.** This section governs all events held on the Georgia State University campus.
    - a. General Prohibition and Exceptions.** Possession and consumption of alcohol on campus is prohibited except as specifically permitted by this Policy or with the written permission of the University President or his designee, the Office of Legal Affairs as more fully described in the following paragraph.
    - b. How to Request Permission to Serve Alcohol at an On-Campus Event.** Persons who would like permission have alcohol served at an on-campus event may seek approval to do so by having the event sponsor complete and route a Request to Serve Alcohol Form ("Request Form") to the Office of Legal Affairs. The Request to Serve Alcohol Form is available at: [www.gsu.edu/legal/36341.html](http://www.gsu.edu/legal/36341.html). All applicable departments identified on the Request Form must indicate their support of the event by signing the Request Form *prior* to submission of the document to the Office of Legal Affairs for review. The Request Form must be received by the Office of Legal Affairs for consideration no less

than two (2) weeks prior to the Event. Permission to serve alcohol at an on-campus event, if granted, is conditioned on strict compliance with the requirements of this Policy.

- c. **Review of Policy Requirements.** The student group faculty/staff advisor (if a student organization is hosting the event) or the administrative supervisor of the group (if a University unit/subunit is hosting the event) is responsible for reviewing the provisions of this policy with the sponsoring group prior to the event. If the event is sponsored by an outside group, then this obligation is the responsibility of the authorized group representative identified on the corresponding Request to Serve Alcohol.
- d. **Prohibited Events.** Events where the alcoholic beverages are the main focal point of the event are prohibited as are any events that contribute to alcohol overindulgence or abuse.
- e. **Limit Hours of Service.** Service of alcoholic beverages must be discontinued after a reasonable time and any service that exceeds 2 total hours must cease at least one hour prior to the scheduled end of the event.
- f. **Advertising.** Advertising for the event may not include specific reference to the fact that alcoholic beverages will be available.
- g. **No Sale of Alcohol on Campus.** Because the sale of alcoholic beverages on any property owned or controlled by the University is strictly prohibited, cash bars at on-campus events are not permitted. Alcoholic beverages at on-campus events may not be paid for by selling tickets for them whether in advance or at the door.
- h. **Purchase of Alcohol.** No State funds, including student activity fees or other funds maintained in University accounts, may be used for the purchase of alcoholic beverages. Student organization funds self-generated by an organization and maintained in off-campus bank accounts and Georgia State University Foundation funds may be used for the purchase of alcohol; provided, this provision may not be construed to allow alcohol for on-campus events to be paid for by selling tickets to the on-campus event, either in advance or at the door.
- i. **Sponsorships and Donations from Alcohol Industry.** Student groups may not accept sponsorship or donations of alcoholic beverages from persons or entities whose primary focus of business is the manufacture, distribution or sale of alcohol products.
- j. **Who May Serve Alcoholic Beverages.** The group sponsoring the event must use a licensed and insured caterer or TIPS (Training Intervention Procedures for Servers) trained server to serve alcohol at the event and to monitor the consumption of alcohol at the event; provided, there are limited circumstances when the President or his designee may grant University Departments permission to serve alcohol without a caterer/TIPS server. The group sponsoring the event is responsible for providing the caterer/TIPS server with a copy of this Policy. The caterer/TIPS server must agree to abide by all of requirements of the Policy. No self-service of alcohol is permitted. No pass-service of alcohol is permitted at functions that students or minors may attend. For purposes of this Policy, "pass service" shall mean the service of alcohol carried out by catering staff moving about the Event facility and pouring or distributing wine or other alcoholic beverages for Event attendees.
- k. **No Access to Common Source Containers.** No common-source containers of alcohol (e.g., kegs, beer balls, champagne/punch fountains, punch bowls, frozen drink machines, etc.) may be used at any function unless there is a licensed caterer or TIPS trained server who is not a member of the sponsoring organization who will have sole access to the containers and will take responsibility for controlling the dispensing of alcoholic beverages in a legal and responsible manner.
- l. **Delivery and Removal of Alcohol.** The alcohol must be on site with the caterer/TIPS server before the start time of the event (i.e. the caterer must bring the alcohol or the group sponsoring the event must deliver the alcohol to the caterer/TIPS server before the event starts). Alcohol may not be delivered once the event has started and all alcoholic beverages must remain inside the reserved or designated event space during the actual Event. Any alcohol remaining at the end of the event must be removed from the premises by the event sponsor; provided, no alcohol may be released to a person who is visibly intoxicated. In the event there is alcohol remaining at the end of the event and the event sponsor is visibly intoxicated, then the remaining alcohol shall be poured out by the caterer/TIPS server prior to leaving the event facility.
- m. **No Underage Drinking.** The group sponsoring the event is responsible for taking reasonable steps necessary to prevent underage drinking at the event.
- n. **Check Identification.** If students or minors may attend the Event, then the group sponsoring is responsible for designating persons responsible for checking the IDs of anyone ordering alcohol at the Event who appears to be younger than 30 years of age. Persons designated to check IDs may not drink alcohol at the event and questionable forms of identification must be rejected.
- o. **Refuse to Admit or Serve Intoxicated Guests.** No visibly intoxicated person should be admitted to the event or served alcohol at any function.
- p. **Safe Travel.** A reasonable effort should be made to arrange a safe trip to and from the sponsored event for all attendees. The sponsoring group should encourage event attendees to have a designed

- driver who will refrain from drinking and should make taxi information available to event attendees.
- q. **Provide Non-Alcoholic Beverages.** The group sponsoring the event must provide nonalcoholic beverages available for the duration of the event.
  - r. **Serve Food.** Food must be available for the duration of the alcohol service at the event.
  - s. **Post Drinking Restriction in Prominent Places.** Notices informing event attendees of the legal drinking age must be conspicuously posted at alcohol service locations at events where the event attendees may include students or members of the public who are younger than the legal drinking age.
  - t. **Restrict Alcoholic Beverages to a Controlled Area.** The group sponsoring the event must take reasonable steps to keep alcoholic beverages from being taken outside the predetermined boundaries for the event, to prevent visibly intoxicated persons from entering the event and to prevent persons from leaving the event to drink and then being readmitted to the event.
  - u. **Arrange for Event Security.** Georgia State University Police Officer(s) must be present for any event at which minors may be in attendance or if 75 or more people may attend. The group sponsoring the event is solely responsible for paying the cost of hiring the number of required officers (officers require a four (4) hour minimum hire). At student events where minors may be in attendance, the officer(s) must be uniformed. The number of Officers necessary to manage the event will be at the discretion of the Director of University Police. A greater number of Officers may be required at events at which alcohol is to be served for more than two (2) hours. If event security is required, the officer(s) are to maintain a security presence and to respond to requests for intervention. They will maintain contact with the event sponsor, the event caterer/TIPS server, and event facility staff and are to intervene when circumstances warrant intervention, when there is a duty to act, and as reasonably requested by the event sponsor, caterer or facility staff.
  - v. **Review and Comply with other Applicable Policies.** Other policies may also govern on-campus events (e.g. fraternity and sorority risk management policies, University Special Event/Late Night Event Policy, chartered student organization requirements, NCAA requirements, etc.) and the group sponsoring the event is solely responsible for apprising itself of all compliance requirements applicable to the event.
  - w. **Cancellation for Non-Compliance.** Failure to comply with the rules set forth in this Policy, State Law or with the University Alcohol Policy, as applicable, may result in the immediate cancellation of an event but will not release the group sponsoring the event from any and all charges associated with the event. Failure to comply may also result in the loss of on-campus space reservation privileges, University disciplinary proceedings and/or criminal charges. Any alcohol remaining at an event canceled for non-compliance with the University Alcohol Policy must be disposed of by the caterer/TIPS server before leaving the event facility and no reimbursement or other compensation shall be due to the group sponsoring the event for the alcohol or alcohol service.
  - x. **Co-Sponsored Events.** Events co-sponsored by a student organization and a non-University entity are considered non-affiliated Events that require executing of the University's Facilities Use Agreement in addition to permission to serve alcohol at the Event.
2. **Off-Campus Events with Alcohol.** This section governs the following types of off-campus events: (1) events sponsored by chartered student organizations; and (2) events sponsored by University units if University students will be in attendance.
    - a. **Review of Policy Requirements.** The student group faculty/staff advisor (if a student organization is hosting the event) or the administrative supervisor of the group (if a University unit/subunit is hosting the event) is responsible for reviewing the provisions of this policy with the sponsoring group prior to the event.
    - b. **Prohibited Events.** Events where the alcoholic beverages are the main focal point of the event are prohibited as are any events that contribute to alcohol overindulgence or abuse.
    - c. **Limit Hours of Service.** Service of alcoholic beverages must be discontinued after reasonable time and any service that exceeds 2 total hours must cease at least one hour prior to the scheduled end of the event.
    - d. **Advertising.** Advertising for the event may not refer in any way to the fact that alcoholic beverages will be available.
    - e. **Purchase and Sale of Alcohol.** No State funds (including student activity fees or other funds maintained in University accounts) may be used for the purchase of alcoholic beverages. Student organization funds self-generated by an organization and maintained in off-campus bank accounts and Georgia State University Foundation funds may be used for the purchase of alcohol. Cash bars are permitted at off-campus events and the cost of alcoholic beverages may also be paid for by selling tickets for them in advance or at the door.

- f. **Sponsorships and Donations from Alcohol Industry.** Student groups may not accept sponsorship or donations of alcoholic beverages from persons or entities whose primary focus of business is the manufacture, distribution or sale of alcohol products.
- g. **Who May Serve Alcoholic Beverages.** The group sponsoring the event must use a licensed and insured caterer or TIPS (Training Intervention Procedures for Servers) trained server to serve alcohol at the event and to monitor the consumption of alcohol at the event; provided, there are limited circumstances when the President or his designee may grant University Departments permission to serve alcohol without a caterer/TIPS server. The caterer/TIPS server must be provided with a copy of this policy and must agree to abide by all of its requirements. No self-service of alcohol is permitted. No pass-service of alcohol is permitted at functions that students or minors may attend. For purposes of this Policy, "pass service" shall mean the service of alcohol carried out by catering staff moving about the Event facility and pouring or distributing wine or other alcoholic beverages for Event attendees.
- h. **No Access to Common Source Containers.** No common-source containers of alcohol (e.g., kegs, beer balls, champagne/punch fountains, punch bowls, frozen drink machines, etc.) may be used at any function unless there is a licensed caterer or TIPS trained server who is not a member of the sponsoring organization who will have sole access to the containers and will take responsibility for controlling the dispensing of alcoholic beverages in a legal and responsible manner.
- i. **Delivery and Removal of Alcohol.** The alcohol must be on site with the caterer/TIPS server before the start time of the event (i.e. the caterer must have or bring the alcohol or the group sponsoring the event must deliver the alcohol to the caterer/TIPS server before the event starts). Alcohol may not be delivered once the event has started and all alcoholic beverages must remain inside the reserved or designated event space during the actual Event. Any alcohol remaining at the end of the event must be removed from the premises by the event sponsor; provided, no alcohol may be released to a person who is visibly intoxicated. In the event there is alcohol remaining at the end of the event and the event sponsor is visibly intoxicated, then the remaining alcohol shall be poured out by the caterer/TIPS server prior to leaving the event facility.
- j. **No Underage Drinking.** The group sponsoring the event is responsible for taking reasonable steps necessary to prevent underage drinking at the event.
- k. **Check Identification.** If students or minors may attend the event, then the group sponsoring is responsible for designating persons responsible for checking the IDs of anyone ordering alcohol at the event who appears to be younger than 30 years of age. Persons designated to check IDs may not drink alcohol at the event and questionable forms of identification must be rejected.
- l. **Refuse to Admit or Serve Intoxicated Guests.** No visibly intoxicated person should be admitted to the event or served alcohol at any function and a reasonable effort should be made to arrange a safe trip home for persons visibly intoxicated.
- m. **Provide Non-Alcoholic Beverages.** The group sponsoring the event must have nonalcoholic beverages available for the duration of the event.
- n. **Serve Food.** Food must be available for the duration of the alcohol service at the event.
- o. **Post Drinking Restriction in Prominent Places.** Notices informing event attendees of the legal drinking age should be conspicuously posted at alcohol service locations. This requirement is particularly important for events where the event attendees may include students or members of the public who are younger than the legal drinking age.
- p. **Restrict Alcoholic Beverages to a Controlled Area.** The group sponsoring the event must take reasonable steps to keep alcoholic beverages from being taken outside the predetermined boundaries for the event, to prevent visibly intoxicated persons from entering the event and to prevent persons from leaving the event to drink and then being readmitted to the event.
- q. **Arrange for Event Security.** Groups sponsoring events with alcohol must provide adequate event security whenever a reasonable person would believe that the event poses an increased security risk due to the large numbers of people expected to attend, the possibility that minors will be in attendance, and/or the location or type of event. Sponsoring groups may not permit greater numbers of attendees than would reasonably be provided for by the number of security personnel present at the event.
- r. **Safe Travel.** A reasonable effort should be made to arrange a safe trip to and from the sponsored event for all attendees. The sponsoring group should encourage event attendees to have a designated driver who will refrain from drinking and should make taxi information available to event attendees.
- s. **Review and Comply with other Applicable Policies.** Other policies may also govern off-campus events (e.g. Greek risk management policies, University Special Event/Late Night Event Policy, chartered student organization requirements, NCAA requirements, etc.) and the group sponsoring the event is solely responsible for apprising itself of all compliance requirements applicable to the event.

- D. Student Travel.** Students participating in University-related travel (for such things as conferences, study abroad programs, athletic competitions, internships, co-ops, etc.) are bound by the legal drinking age of the state or country in which they are traveling but in all other respects this Policy shall apply. Students traveling for such purposes may also be subject to any additional conditions placed on their travel (e.g. NCAA rules for student athletes, fraternity and sorority risk management policies).
- E. Tailgating.** Tailgating at Georgia State sporting events shall be subject to this Policy and any additional tailgating policy adopted by the University. In the event of any inconsistency between the two, the University's specific tailgating policy shall control.

## **II. Other Drugs.**

The University supports all federal, state and local laws regarding the use of controlled or illegal substances. The unlawful possession, use, distribution, sale or manufacture of illegal substances by members of the University Community (students, student organizations, staff and faculty) is strictly forbidden. The use of drugs in University Housing will result in termination of the Housing contract.

## **III. Responsibility for Compliance**

- A.** The individual adherence to these policies on alcohol and drugs shall be the personal responsibility of each member of the student body, staff, faculty or administration of the University.
- B.** Direct responsibility and accountability for the enforcement of these policies are imposed upon students, members of the staff, faculty or administrators of the University who, in the course of their duties, participate in the arrangement, sponsorship, supervision or organization of institutionally sponsored events (whether taking place on property owned or leased by the University or any unit or subdivision thereof, or any organization requiring approval by the University or otherwise).
- C.** Direct responsibility and accountability for the enforcement of these policies are imposed upon the direct administrative supervisors or members of the staff or administrators of the University having duties described in paragraph B above to ensure strict compliance with these policies.
- D.** Direct responsibility and accountability are imposed upon faculty/staff advisors to student organizations approved by the University, together with all elected or appointed officers thereof, to ensure strict compliance with these policies.
- E.** All chartered student organizations must implement a self-monitoring system to ensure compliance with this policy. The officers of each organization must certify, in writing to the Office of the Student Activities each academic year that the organization is aware of and will comply with the provisions of this policy.
- F.** Faculty/staff advisors, advisory boards, and student members of all student organizations must be familiar with the alcohol and drug policy and the sanctions for noncompliance. Further, they are required to report to the Dean of Students any cases of alcohol abuse, drug use or illegal service of alcoholic beverages.
- G.** Every member of the Georgia State University community is encouraged to refer members of the University community with drug or alcohol problems to the Georgia State University Counseling and Testing Center or the University Office of Employee Assistance.

## **IV. Enforcement**

- A.** Students who violate this Policy shall be subject to disciplinary action and sanctions as set forth in the Student Code of Conduct. Sanctions take effect immediately upon being imposed by the Dean of Students and remain in effect unless and until overturned on appeal.
- B.** University employees who violate this Policy shall be referred to their direct supervisor for disciplinary action up to and including the possibility of dismissal and referral to the appropriate federal, state or local authorities for prosecution in the courts.

**D. SEXUAL MISCONDUCT POLICY****CONTENTS**

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**1. PREAMBLE**

Georgia State University is committed to providing a safe learning environment that supports the dignity of all members of the University community. The University will not tolerate sexual misconduct and strongly encourages members of the University community to promptly report instances of sexual misconduct. All reported instances of sexual misconduct shall be reviewed and responded to promptly, thoroughly and impartially by University officials who receive annual training regarding sexual misconduct (e.g., resources for complaining and responding students, recognizing and challenging personal biases, common misconceptions or myths about Sexual Misconduct, conducting investigations, questioning processes, reviewing information) and related policies and procedures (e.g., the Sexual Misconduct policy, relevant Title IX regulations). The University will not tolerate sexual misconduct and will take necessary steps to end reported sexual misconduct. This policy describes the actions that will be taken in instances of alleged sexual misconduct by Students.

In addition, Georgia State University strives to create a campus community free of abuse, harassment and sexual and intimate partner violence. Georgia State University provides educational programming and training for Students, faculty and staff which address the role everyone can take to create a violence-free campus. For more information, please visit: [shape.gsu.edu](http://shape.gsu.edu).

## 2. EDUCATIONAL PROGRAMMING

Acts of Sexual Misconduct devastate victims and the campus community. For this reason, Georgia State University engages in risk reduction strategies emphasizing the collective responsibility of the campus community to reduce the risk of Sexual Misconduct. As a part of that effort, Georgia State University provides Sexual Misconduct prevention and education programs for new Students as well as ongoing prevention/awareness campaigns for all Students. The programs incorporate risk reduction strategies and include bystander intervention training thereby enabling community members to take a role in preventing and interrupting incidents of Sexual Misconduct. The programs also provide information regarding relevant resources, including information regarding this Sexual Misconduct Policy. For detailed information about programming and resources, please visit: [shape.gsu.edu](http://shape.gsu.edu).

## 3. DEFINITIONS

Sexual Misconduct is a violation of University policy and Federal law and may also result in criminal prosecution. Sexual Misconduct, as defined by this policy includes Dating Violence, Domestic Violence, Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Sexual Exploitation, Sexual Harassment, and Stalking each as more fully defined in this policy. Sexual Misconduct can occur between strangers or acquaintances, and even people involved in intimate or sexual relationships. Sexual Misconduct can be committed by men or women, and it can occur between people of the same or different gender. Examples of actions and situations that may constitute Sexual Misconduct may include, but are not limited to, the following:

“Dating Violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- the length of the relationship;
- the type of relationship;
- the frequency of interaction between the persons involved in the relationship.

“Domestic Violence” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

“Non-Consensual Sexual Contact” means:

- Deliberate indecent and/or unwelcomed brushing, touching, grabbing, pinching, patting, hugging and/or kissing of a person’s intimate parts (including genitalia, groin, breast or buttocks), or clothing covering any of those areas without Effective Consent; or
- Using physical force, violence, threat, intimidation or coercion to cause a person to touch his or her own or another person’s intimate parts.

“Non-Consensual Sexual Intercourse” means penetration (anal, oral, or vaginal) by a penis, tongue, finger or inanimate object that occurs without Effective Consent.

“Sexual Exploitation” means taking sexual advantage of another person without Effective Consent which includes, but is not limited to:

- Causing or attempting to cause Incapacitation in order to gain sexual advantage over such other person;
- Causing the prostitution of another person;
- Recording, photographing, or transmitting identifiable images of private sexual activity and/or the intimate parts (genitalia, groin, breasts, or buttocks) of another person;
- Going beyond the boundaries of consent such as allowing others to secretly watch you engage in consensual sex or sexual activity;
- Reproduction of a recorded consensual sexual act without Effective Consent for distribution (e.g. online posting of videos, photographs, or audios depicting a consensual sexual act);
- Engaging in voyeurism;
- Engaging in exhibitionism and intentionally exposing oneself in an unwelcomed manner;
- Knowingly or recklessly exposing another person to a significant risk of a STI (Sexually Transmitted Infection) or HIV.



“Sexual Harassment” means unwelcome conduct, based on sex or gender stereotypes, which is so severe or pervasive that it unreasonably interferes with a person’s University employment, academic performance or participation in University programs or activities and creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive. The exclusive purpose of this Policy is to protect Students from sex discrimination, consistent with both federal regulatory law and the requirements of the First Amendment to the United States Constitution. Sexual Harassment may, when unwelcome, include:

- sexual advances;
- requests for sexual favors,
- acts of sexual violence;
- leering--i.e., staring in a sexually suggestive manner;
- making offensive remarks about looks, clothing or body parts;
- telling sexual or lewd jokes, making sexual gestures or displaying pornography;
- sending, forwarding or soliciting sexually suggestive letters, notes, emails or images;
- gender-based activity, not of a sexual nature, e.g., gender harassment and gender identity harassment.

“Stalking” means engaging in a course of conduct directed toward another person that would cause a reasonable person to:

- fear for his or her safety or the safety of immediate family members or close acquaintances; or
- suffer substantial emotional distress.

### **General Definitions:**

“Coercion”

The intimidation of a victim to compel the individual to do some act against his or her will by the use of psychological pressure, physical force, and/or threats.

“Complainant” means any person(s) who initiates an alleged violation of the Student Code of Conduct and Administrative Policies and Procedures.

“Dean of Students” means the administrative officer bearing this or similar title. This definition is only applicable to the Sexual Misconduct Policy.

“Dean of Students Designee” means the administrative officer appointed by the Dean of Students to review complaints and participate in the resolution process as outlined in this policy.

"Effective Consent" means words or actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Effective Consent cannot be gained by Force, by ignoring or acting in spite of the objections of another, or by taking advantage of the Incapacitation of another, where the accused Student knows or reasonably should have known of such Incapacitation. Effective Consent is also absent when the activity in question exceeds the scope of Effective Consent previously given. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent.

“FERPA” means the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99), a Federal law that protects the privacy of Student education records. The law applies to Georgia State University as a recipient of funds under an applicable program of the U.S. Department of Education. (For more information: <http://www.gsu.edu/registrar/FERPA.html>).

"Force" means physical force, violence, threat, intimidation or coercion.

"Incapacitation" means the physical and/or mental inability to make informed, rational judgments. States of Incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol [or other drug] is involved, one does not have to be intoxicated or drunk to be considered Incapacitated. Rather, Incapacitation is determined by how the alcohol consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments.<sup>1</sup> The question is whether the

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<sup>1</sup> Sokolow, Brett A., Lewis, W. Scott, Schuster, Sandra K., NCHERM Institute on Responding to Campus Sexual Misconduct. 2010, p. 49.

accused Student knew, or a sober, reasonable person in the position of the accused Student should have known, that the Complainant was Incapacitated. Because Incapacitation may be difficult to discern, Students are strongly encouraged to err on the side of caution; i.e., when in doubt, assume that another person is Incapacitated and therefore unable to give Effective Consent. Being intoxicated or drunk is never a defense to a complaint of Sexual Misconduct under this Policy.

“Intimidation” means to frighten into submission, compliance, or acquiescence. Intimidate implies the presence or operation of a fear-inspiring force.

“Preponderance of Information” means that a charged violation is proven if the Information in support of the charges is more credible and convincing to the mind than the opposing Information. This standard does not require Information that frees the mind from doubt but, rather, is met when the Information when reviewed as a whole indicates that responsibility for the charged violation is more probable than not. Information as used in the statement can be any observation, admissions, statement, or document which would either directly or circumstantially indicate that the charged violation has occurred.

“Referred” means the Student(s) or Student Organization charged with violating one or more of the provisions of the Sexual Misconduct Policy and/or Student Code of Conduct and Policies.

“Responding Student” means a Student or Student Organization named in a Sexual Misconduct complaint, but not yet charged with violating the Sexual Misconduct Policy and/or Student Code of Conduct and Policies.

#### 4. OPTIONS FOR DISCLOSURE AND REPORTING

The options for disclosure and reporting Sexual Misconduct are listed below and assistance is available upon request to help Students review these disclosure and reporting options. University support services are available to Students regardless of whether they choose to formally report the violation to the University or to law enforcement. A list of on and off campus support services/resources is included at the conclusion of this policy and is also available online at *shape.gsu.edu*.

**A. Confidential Disclosure:** Sexual Misconduct may be disclosed confidentially at the following locations:

- (1) Georgia State University Counseling and Testing Center, Suite 200, 75 Piedmont Ave., NE, 404-413-1640;
- (2) Georgia State University Student Health Clinic, Suite D, 141 Piedmont Ave., NE, 404-413-1950; or
- (3) Georgia State University Student Victim Assistance Services, Suite 239, 75 Piedmont Ave., NE, 404-413-1965.

Disclosures made to the health care providers and Student Victim Assistance Services staff at the locations listed above will be held in strict confidence and will not serve as notice to the University requiring initiation of a review of the disclosed conduct. **IMPORTANT NOTE:** All University employees except those described above serve as Responsible Employees who are required to share all reports of Sexual Misconduct with administrative officials for University review per the instructions below.

**B. University Report:** Sexual Misconduct by members of the University community should be immediately reported to one of Georgia State University’s Title IX Coordinators as described below:

- (1) **Sexual Misconduct by Students** should be reported to the Dean of Students, Office of the Dean of Students, Suite 300, Student Center, 404-413-1515, deanofstudents@gsu.edu.
- (2) **Sexual Misconduct by faculty or staff** should be reported to the Assistant Vice President of Human Resources Administration and Opportunity Development/Diversity Education Planning (ODDEP), 1 Park Place South, Suite 308, 404-413-2567.

Upon receiving a report of Sexual Misconduct, Title IX Coordinators are responsible for overseeing the University’s response to such reports, and identifying as well as addressing any patterns or systemic problems revealed by such reports. This would include ensuring that immediate and appropriate steps are taken to investigate or otherwise determine what occurred. When investigations reveal that reported Sexual Misconduct creates a hostile environment, the Title IX Coordinator is responsible for taking prompt and effective steps reasonably calculated to end the Sexual Misconduct, eliminate the hostile environment, prevent its recurrence and, as appropriate, remedy its effects.

The University will protect confidentiality by not disclosing the Complainant's information to anyone outside the University, except as required by law. Within the University, a Complainant's request for confidentiality must be balanced by the University with its responsibility to provide a safe and non-discriminatory environment for the University community. Where the University cannot take disciplinary action against a Student because of a Complainant's insistence upon confidentiality, the University's response will be limited but it will pursue other steps where available to limit the effects of the alleged Sexual Misconduct and attempt to prevent its recurrence.

- C. Law Enforcement Report\*:** Sexual misconduct may be reported to campus or local law enforcement agencies. University officials are available to provide assistance with making such reports, upon request. Reporting to law enforcement is not required.

\*Students who are considering filing a University Report or Law Enforcement Report of Sexual Misconduct are encouraged to preserve any evidence of Sexual Misconduct. Examples of evidence that would assist in an investigation of Sexual Misconduct include such things as:

- (1) clothing worn during the incident including undergarments;
- (2) sheets, bedding, and condoms, if used;
- (3) list of witnesses with contact information;
- (4) text messages, call history, social media posts; and
- (5) picture of injuries.

- D. Federal and State Law Disclosure Requirements:** Federal and state laws require universities receiving federal funds to establish certain programs, policies, and procedures and to distribute an annual report describing the information and providing statistics regarding certain crimes on campus including sex offenses, dating violence, domestic violence, and stalking. The Georgia State University annual report and information regarding these programs, policies, procedures and statistics are available online: <http://safety.gsu.edu/safety-you/safety-net/>.

## 5. RETALIATION

Retaliation against any member of the University community who makes a report of sexual misconduct or cooperates in the review of such report is strictly prohibited and is a violation of the Sexual Misconduct Policy. Retaliation includes intimidation, harassment, threats, or other adverse action or speech. Retaliation of any kind should be promptly reported to one of Georgia State University's Title IX coordinators as described below:

- A. Retaliation by Students** should be reported to the Dean of Students, Office of the Dean of Students, Suite 300, Student Center, 404-413-1515, deanofstudents@gsu.edu.
- B. Retaliation by faculty or staff** should be reported to the Assistant Vice President of Human Resources-Administration and Opportunity Development/Diversity Education Planning (ODDEP), 1 Park Place South, Suite 308, 404-413-2567.

## 6. INTERIM ACTION

In an effort to support the individuals involved during the review process, the Dean of Students may take interim action as appropriate. Examples of interim action include:

- A. Imposing a restriction that requires the Students to have no contact with each other throughout the process.
- B. Directing appropriate University officials to alter Students' academic, housing or employment arrangements, while minimizing the burden of any arrangements on the Complainant.
- C. The University will provide information about how to obtain an order of protection. The University will honor protective orders and support Students protected by such orders by making information and referrals available regarding enforcement through the court.
- D. Other interim actions that may be taken by the Dean of Students are stated in Section IIIB6 of the Student Code of Conduct.

## 7. REVIEW PROCESS

The Dean of Students will assign a Dean of Students Designee (“Designee”) to conduct a timely review of all complaints of sexual misconduct including complaints made anonymously or by a third party. Absent extenuating circumstances, review and resolution shall take place within sixty (60) calendar days of receipt of the complaint.

A preliminary review of all complaints will be conducted, including contacting individuals identified in the complaint, in order to determine the nature of the incident as well as any necessary interim action (see Interim Action above). Based upon the findings of fact during the preliminary review, the Designee, having consulted with the Dean of Students may determine:

- A. there is insufficient Information to pursue the investigation further. In such cases, the Designee will meet with the Complainant and the Responding Student separately to review the preliminary findings and the matter will be closed with no further action.
- B. the Complainant is reluctant to pursue the matter. In such cases, the Designee will determine whether there is sufficient independent Information to support the complaint without the participation of the Complainant. The Designee will notify the Complainant if the University intends to pursue the complaint and inform the Complainant of their rights in the process including the option to become involved again in the future.
- C. a more comprehensive review is necessary. In such cases, the Designee will commence a prompt, fair and impartial review including:
  - developing a strategic investigation plan;
  - meeting with the Complainant to finalize the Complainant’s statement, which will be drawn up by the Designee as a result of this meeting;
  - interviewing all relevant witnesses, summarizing the Information they are able to share and having each witness sign the summary to verify its accuracy;
  - obtaining all documentary Information that is available;
  - obtaining all physical evidence that is available;
  - completing the review promptly by analyzing all available Information without unreasonable deviation from the intended timeline.

## 8. CHARGES

Based upon the findings of fact during the review process, and consultation with the Dean of Students, the Designee may initiate Student Code of Conduct (the “Code”) and/or Sexual Misconduct Policy charges, as necessary. The Designee will promptly send the Student who is charged (the “Referred”) and the Complainant a letter identifying all charges against the Referred for alleged violations of the Code and/or Sexual Misconduct Policy. The charge letter will specify allegations of misconduct in sufficient detail to enable the Referred to respond. If the investigation does not result in charges, the Responding Student and the Complainant will be notified in writing.

## 9. INFORMAL RESOLUTION

Members of the University community who have experienced sexual misconduct by a Student may request mediation as an informal resolution. Mediation is not an option in instances involving allegations of sexual assault, rape, or other behavior believed by the Dean of Students to jeopardize the safety of the University community. At any point during an informal resolution process, the Complainant may elect to terminate the informal process, and initiate a Formal Resolution through the Sexual Misconduct Policy.

## 10. FORMAL RESOLUTION

### A. Administrative Conference

- (1) The Referred will be required to attend an Administrative Conference with the Designee within five (5) Business Days from the date of the charge letter. If the Referred fails to schedule or attend the required Administrative Conference the Designee may proceed with the case in the Referred’s absence, including making an administrative decision about the Referred’s responsibility regarding the charges. At the Administrative Conference, the Designee will provide the Referred with the following:
  - a) an explanation of the charges;
  - b) a copy of the Code;
  - c) a copy of the complaint;

- d) a copy of any written report resulting from the Review Process;
  - e) a review of the Referred's due process rights:
    - the right to a notice In Writing of all charges; and
    - the right to a prompt and fair hearing before an impartial Hearing Panel who may not include the person(s) who brought the charges;
  - f) an explanation of the General Conduct process including:
    - the opportunity to admit responsibility for the alleged violation, which requires choosing to have the Designee resolve the case administratively in lieu of a Hearing;
    - the opportunity to deny responsibility for the alleged violation and have a formal Hearing;
    - the opportunity to appear in person at a Hearing or not to appear with assurance that the failure to appear shall not be construed as indicative of responsibility;
    - the opportunity to select an Advisor of his or her choice to accompany and advise the Referred during a Hearing or administrative resolution process;
    - the opportunity to call witnesses to present Information on behalf of the Referred;
    - the right to a list of witnesses who will appear against him or her;
    - the opportunity to ask the Hearing Panel to pose specific questions to any witness;
    - the opportunity to receive a copy of the record of a Hearing, and;
    - the opportunity to appeal the decision as provided in the Code.
- (3) At the Administrative Conference the Referred must choose to:
- (a) accept responsibility for the charges and have the Designee administratively resolve the case; (b) not accept responsibility for the charges, but waive a Sexual Misconduct Board hearing and have a Designee administratively resolve the case; or (c) not accept responsibility for the charges and have a hearing before the Sexual Misconduct Board. Ordinarily, the Referred's preference will be honored. However, the University reserves the right to determine the process to be used when an interim action has been imposed upon the Referred.

## **B. Administrative Resolution**

If the Referred accepts responsibility for the charges or does not accept responsibility for the charges, but waives a hearing before the Sexual Misconduct Board, their case will be resolved administratively:

- (1) The Referred and the Complainant will be notified in writing of the name and title of the Designee who has been assigned to resolve the case. No later than three (3) business days after receiving written notice, both the Referred and the Complainant may challenge the selection of the Designee on the grounds of personal bias by submitting a written statement to the Dean of Students setting forth the basis for the challenge. The Dean of Students will determine whether to sustain or deny the challenge. If the challenge is sustained, a replacement Designee will be appointed to administratively resolve the case.
- (2) The Designee will meet with the Referred who will have the opportunity to provide a statement regarding the alleged misconduct along with any other supporting Information including the names of witnesses to be interviewed. The Referred may bring an Advisor to their meeting(s) with the Designee, however the Advisor may only confer with the Referred and may not participate in the proceedings.
- (3) The Designee will also meet separately with the Complainant as well as with any witnesses whose names have been provided by the Referred or Complainant during their individual meetings. A good faith effort will be made to contact all witnesses (including faculty or staff) who may have relevant Information to obtain a statement from them. The Complainant and witnesses may bring an Advisor to their meeting(s) with the Designee, however the Advisor may only confer with the Complainant or witness and may not participate in the proceedings.
- (4) If, during the course of a Hearing, new Information is introduced which indicates that additional violations of the Code have occurred, the Designee has the discretion to review the new Information and make a determination regarding responsibility for any additional violations.
- (5) At the conclusion of all meetings, the Designee will determine whether it is more likely than not that a violation of the Sexual Misconduct Policy or Student Code of Conduct occurred and, if so, the appropriate disciplinary sanction(s) to apply.
- (6) In determining the sanction(s), the Designee will consider any mitigating or aggravating factors, including any prior violations of the Student Code of Conduct.
- (7) The Designee will inform both the Referred and the Complainant of the decision in writing. The written decision will include a statement of the charges, the determination, and the sanction to be imposed, if any, and the right to appeal.

### C. Sexual Misconduct Board Hearing

The Sexual Misconduct Board shall be comprised of five faculty, five Students and five staff members who shall be selected by the Vice President for Student Affairs and trained annually by the Dean of Students. If the Referred selects the Sexual Misconduct Board as the method of adjudication, the following process will be followed:

- (1) Composition of the Hearing Panel
  - a) The Sexual Misconduct Board Hearing, as set forth in the Sexual Misconduct Board procedures, will be conducted by a Hearing Panel comprised of three members of the Sexual Misconduct Board. Absent extenuating circumstances, each Hearing Panel should include one faculty, one Student and one staff. The Dean of Students will identify the chair of the Hearing Panel.
  - b) The Sexual Misconduct Board will establish its own rules to govern the selection process for the members of each Hearing Panel.
  
- (2) Pre-Hearing Procedures
  - a) The Hearing Panel members will be notified in writing of their selection.
  - b) The chairperson will convene the Hearing Panel as soon as possible following receipt of the Referred's selection of a Hearing route.
  - c) The chairperson, who may be assisted by a Dean of Students Designee, will prepare and send a written notice to the Referred and the Complainant no less than five (5) business days prior to the date set for the Hearing. The notice will be delivered personally or sent to the Referred's and the Complainant's official University email. The notice will include:
    - A statement of the date, time, location and nature of the Hearing;
    - A copy of the charges which specifies the allegations of misconduct in sufficient detail to enable the Referred and the Complainant to respond;
    - A list of the names of all Hearing Panel members, and the university address of the chairperson.
  - d) If the Referred or the Complainant cannot attend the Hearing on the date scheduled for the Hearing due to extraordinary circumstances, he/she must notify the Hearing Panel chairperson with a written request to reschedule, including reasons for the request, no later than three (3) business days prior to the Hearing. The chairperson will determine whether to approve or deny the request to reschedule the Hearing.
  - e) If the Complainant does not want to participate in the formal resolution process, the University reserves the right to present the case in his/her absence.
  - f) The Complainant, the Referred and the Hearing Panel may arrange for witnesses to present pertinent Information to the Hearing Panel. The University will try to arrange the attendance of witnesses who are members of the University community, if reasonably possible, and who are identified by the parties at least three (3) business days prior to the Hearing. The attendance of witnesses who are not members of the University community must be secured by the party wishing to have the witness present Information to the Hearing Panel. Attendance of witnesses at the Hearing is preferred, however it is acceptable to obtain and present written, signed statements from witnesses if they are unable to attend.
  - g) No later than three (3) business days prior to the Hearing, the parties will exchange the following Information in writing:
    - A list of the names of the witnesses who may be called to speak at the Hearing;
    - A concise summary of the anticipated statements of each witness;
    - Copies of all documents or notarized statements to be presented at the Hearing;
    - The name and title of the person who will present the findings of the Review Process on behalf of the University;
    - The name of the Complainant and the name and title of the Complainant's Advisor, if any; and,
    - The name of the Referred and the name and title of the Referred's Advisor, if any.
  - h) Both the Referred and the Complainant may challenge the participation of any member of the Hearing Panel on the grounds of personal bias by submitting a written statement to the chairperson setting forth the basis for the challenge no later than three (3) business days prior to the Hearing. The chairperson will determine whether to sustain or deny the challenge. If the challenge is sustained, a replacement member will be appointed to serve on the Hearing Panel. If a challenge is filed against the chairperson, the Dean of Students will determine whether to uphold or deny the challenge.

- i) Members of the University community will be expected to comply with any request or directive issued by the chairperson in connection with a Student conduct proceeding, unless compliance would result in significant personal hardship or substantial interference with normal university functions.
- (3) Hearing Procedures
- a) All Hearings regarding Sexual Misconduct charges against individual Students or Student Organizations will be closed in accordance with FERPA. The deliberation stage of all Hearings shall also be closed.
  - b) The chairperson will preside at the Hearing and will rule upon all procedural matters. The formal rules of evidence will not apply, although challenges to the introduction of specific statements or documents may be considered by the chairperson on the basis of the relevance to the charges. Information regarding prior misconduct will not be considered for the purpose of determining responsibility, but may after a finding of responsibility has been made, be considered for purposes of determining appropriate sanctions. The chairperson may establish reasonable limits upon the time allotted to the Referred and the Complainant for oral presentation and presentation of witnesses.
  - c) The University will present the findings of the Review Process that resulted in Code charges.
  - d) When participating in the Hearing, the Complainant has the right to present Information (e.g., Complainant's description of the incident, witness statements and document) which supports the Code charges.
  - e) The Referred has the right to present Information (e.g., the Referred's description of the incident, witness statements and documentation) on his/her own behalf which supports the denial of responsibility for the alleged Code violations.
  - f) All Information, including hearsay, may be considered by the Hearing Panel, however the Hearing Panel may exclude Information during the Hearing if it is not reasonably linked to the alleged Code violation(s). Questions about, or the consideration of any Information regarding, the Complainant's prior sexual conduct with anyone other than the Referred Student are prohibited. The Hearing Panel will determine, during deliberations, the weight or credibility of the Information.
  - g) Both the Referred and Complainant may be assisted throughout the proceeding by an Advisor. The Advisor may only communicate with his or her respective party and not directly to the Hearing Panel or other parties involved.
  - h) Attendance of witnesses at the Hearing is preferred, however it is acceptable to obtain and present written, signed statements from witnesses if the witnesses are unable to attend. Each party is responsible for securing the attendance of any witnesses they believe should be questioned by the Hearing Panel.
  - i) Witnesses will be excluded from the Hearing, except during their specific witness testimony.
  - j) Witnesses may only be questioned by the Hearing Panel, however the Referred and Complainant will have the opportunity to ask the Hearing Panel to pose specific questions to any witness.
  - k) A record shall be made of the Hearing. A copy of the record is available to the Referred or the Complainant upon payment of the cost of making the reproduction.
  - l) Any falsification of Information or false testimony by any party or witness may subject that party or witness to disciplinary action in accordance with the Code.
  - m) If, during the course of a Hearing, new Information is introduced which indicates that additional violations of the Code have occurred, the Hearing Panel has the discretion to review the new Information and make a determination regarding responsibility for any additional violations.
  - n) Upon the conclusion of the Information stage of the Hearing, the Hearing Panel will adjourn to review the Information to determine whether it is more likely than not (i.e., by the Preponderance of Information) that the Referred is responsible for having violated the Code and appropriate sanctions, if any. During deliberations, the Hearing Panel will determine the weight and credibility of the Information presented by the parties. The deliberation stage will be closed to all but Hearing Panel members.
  - o) After deliberating, the Hearing Panel shall make a non-binding recommendation to the Dean of Students within five (5) business days of the Hearing regarding the responsibility for the violation(s) and appropriate sanction(s).
  - p) The Dean of Students shall then make a final decision concerning responsibility for the violation(s) and the imposition of sanctions, if any, within five (5) business days of the receipt of the Hearing Panel's recommendation.

- q) The Dean of Students will inform the Referred and the Complainant of the decision in writing. The written decision will include a statement of the charges, the determination, the sanctions to be imposed, if any, and their right to appeal.
- r) The University will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the proceeding.

#### **D. Sanctions**

- (1) Students or Student Organizations who are found to be responsible for a violation of the Sexual Misconduct Policy will be subject to one or more sanctions, which may be imposed on a temporary or permanent basis.
- (2) Sanctions take effect as soon as they are imposed by the Dean of Students or Designee following a determination of Student responsibility for a Code violation and remain in effect for the period imposed unless and until overturned on appeal.
- (3) Repeated violations of the Code may result in the imposition of progressively more severe sanctions, although any sanction may be imposed as appropriate under the circumstances.
- (4) Sanctions for Individual Students:
  - a) Written Reprimand: A written statement that the Student has violated regulations and notice that continuation or repetition of Code violations may result in more severe action.
  - b) Educational Sanctions: Sanctions assigned by the Dean of Students or Designee such as community service, letters of apology, educational workshop, essays or research papers.
  - c) Disciplinary Probation: Removal of the Student from good disciplinary standing. Additional restrictions may also be imposed. Probation will last for a stated period of time and until specific conditions, if imposed, have been met. Any violation of these rules, the conditions of probation or other University rules committed during the probationary period will subject the Student to further discipline, including suspension or expulsion.
  - d) Restitution: Reimbursement for damage or loss caused to others.
  - e) Suspension: Temporarily banned from attending classes and/or other Student privileges for a defined period of time. Course credit earned at other institutions while on suspension may not be transferred to GSU. Students who are placed on suspension (including interim suspension from the University) will be administratively withdrawn from their courses and assigned grades of W or WF (depending on whether they have exceeded their maximum number of withdrawals allowed).
  - f) Expulsion: Termination of Student status in the University community. This means that a Student is permanently banned from all classes, services, events, and property owned or controlled by Georgia State University.
  - g) Transcript Annotation: Temporary for a period of five years or permanent, as designated.
- (5) Sanctions for Student Organizations:
  - a) Written Reprimand: A written statement that the Student organization has violated regulations and notice that continuation or repetition of Code violations may result in more severe action.
  - b) Educational Sanctions: Sanctions specified by the Dean of Students or Designee such as alcohol awareness, risk management programs, community service, letters of apology, education workshops, essays or research papers.
  - c) Restrictions - Restriction of some or all of the organization's activities or privileges, including, but not limited to, use of University facilities, social or recruitment activities.
  - d) Suspension of University Charter - Temporary severance of the organization's relationship with the University for a specific period of time. The period of time and any requirements which must be satisfied prior to re-registration must be specified.
  - e) Recommendation for Charter Revocation - An official request to a national office that the local chapter's charter be revoked.
  - f) Revocation of University Charter - Permanent severance of the organization's relationship with the University.



## E. Appeals

The Complainant and the Referred Student may appeal the final determination. Grounds for appeals are limited to new Information that was not presented at the Hearing, procedural errors or that the sanction is disproportionate to the violation.

- (1) To the Vice President for Student Affairs: Appeals of the decisions of the Dean of Students or Designee, including the dismissal of complaints for lack of sufficient Information, may be made in writing by submitting a letter (an electronic submission is not acceptable) to the Vice President for Student Affairs within five Business Days after the decision is made. Grounds for appeals are limited to new Information that was not presented at the Hearing, procedural errors, or that the sanction is disproportionate to the violation. The Vice President has the authority to uphold, remand, reverse or change the decision; decrease, increase or add sanctions; and, make a determination regarding responsibility for additional violations. Absent extenuating circumstances, the Vice President will make a decision on the appeal within 15 Business Days.
- (2) To the President: Appeals of the decision of the Vice President for Student Affairs may be made to the President of the University within five Business Days after the Vice President's decision is made. The President has the authority to uphold, remand, reverse or change the decision; decrease, increase or add sanctions; and, make a determination regarding responsibility for additional violations. The President's decision shall be final at the University level. Absent extenuating circumstances, the President will make a decision on the appeal within 15 Business Days.
- (3) To the Board of Regents: Should the aggrieved person be dissatisfied with the decision of the University President, he or she may apply to the Board of Regents of the University System of Georgia, without prejudice to his or her position, for a review of the decision. The application for review must be submitted in writing to the executive secretary of the Board within a period of 20 calendar days following the decision of the President. This application for review shall state the decision complained of and the redress desired. A review by the Board is not a matter of right but is within the sound discretion of the Board.
- (4) In the event any position in the appeal route is vacant, the appeal should be directed to the individual at the next level of appeal.

## 11. SUPPORT SERVICES/RESOURCES

On and off campus support services/resources listed below are available to students who have been the victim of Sexual Misconduct. Additional resources may be found at [shape.gsu.edu](http://shape.gsu.edu).

### On-Campus Support Services/Resources

Student Health Clinic (*Confidential Disclosure*)  
141 Piedmont Avenue, Suite D  
404-413-1950  
[health.gsu.edu](http://health.gsu.edu)

Counseling & Testing Center (*Confidential Disclosure*)  
75 Piedmont Avenue, Suite 200  
404-413-1640  
[counselingcenter.gsu.edu](http://counselingcenter.gsu.edu)

Student Victim Assistance Services (*Confidential Disclosure*)  
75 Piedmont Avenue, Suite 239  
404-413-1965

GSU Police Department (*Law Enforcement Reporting*)  
15 Edgewood Avenue NE  
404-413-3333

Office of the Dean of Students  
(*Incident Reporting - Sexual Misconduct by Students*)  
Student Center, Suite 300  
404-413-1515  
[deanofstudents.gsu.edu](http://deanofstudents.gsu.edu)

Human Resources-Administration  
(*Incident Reporting - Sexual Misconduct by Faculty/Staff*)  
1 Park Place South, Suite 308  
404-413-2567

### Off-Campus Support Services/Resources

Atlanta Bar Association  
229 Peachtree St. NE, Suite 400  
Atlanta, GA 30303  
404-521-0777  
[www.atlantabar.org](http://www.atlantabar.org)

Criminal Justice Coordinating Council  
104 Marietta St NW, Suite 440  
Atlanta, GA 30303  
404-657-1956  
[www.cjcc.georgia.gov](http://www.cjcc.georgia.gov)

Grady Rape Crisis Center  
*Sexual Assault Nurse Examiner (SANE)*  
80 Jesse Hill Drive  
Atlanta, GA 30303  
404-616-4861  
[www.gradyhealth.org](http://www.gradyhealth.org)

Day League (formerly DeKalb Rape Crisis Center)  
204 Church Street  
Decatur, GA 30030  
404-377-1428  
[www.dayleague.org](http://www.dayleague.org)

DeKalb Medical Center - Hillandale  
*Sexual Assault Nurse Examiner (SANE)*  
2801 DeKalb Medical Parkway  
Lithonia, GA 30058  
404-501-8000

DeKalb Medical Center – North  
*Sexual Assault Nurse Examiner (SANE)*  
2701 North Decatur Road  
Decatur, GA 30033  
404-501-1000

Gwinnett Sexual Assault Center  
*Sexual Assault Nurse Examiner (SANE)*  
770-476-7407  
[www.gsac-cac.org](http://www.gsac-cac.org)

Tapestri  
3939 Lavista Road, Suite E  
Tucker, GA 30084  
404-299-2185  
[www.tapestri.org](http://www.tapestri.org)

United4Safety (LGBTQI)  
1530 DeKalb Avenue  
Atlanta, GA 30307  
404-688-2524 ext. 112  
[www.thehealthinitiative.org](http://www.thehealthinitiative.org)

Women's Resource Center to End Domestic Violence  
Address Confidential  
404-688-9436  
[www.wrcdv.org](http://www.wrcdv.org)

Partnership Against Domestic Violence  
Address Confidential  
404-873-1766 (Fulton) 770-963-9799 (Gwinnett)  
[www.padv.org](http://www.padv.org)

### National Crisis Hotlines

National Sexual Assault Hotline  
1-800-656-HOPE (4673)

National Domestic Violence Hotline  
1-800-799-7233

## 12. SEXUAL ASSAULT VICTIMS BILL OF RIGHTS

In compliance with Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092(f), as amended by the Student Right-to-Know and Campus Security Act, Public Law 101-542, as amended by the Higher Education Technical Amendments of 1991, Public Law 102-26 (April 9, 1991) and 102-325 (July 23, 1992), and the Campus Sexual Assault Victims' Bill of Rights Act of 1991, victims of campus-related sexual assaults shall be accorded the following rights by all Georgia State University campus officers, administrators and employees.

1. The right to have any and all sexual assaults against them treated with seriousness, the right to be treated with dignity, and the right for campus organizations that assist such victims to be accorded recognition.
2. The right to have sexual assaults committed against them investigated and adjudicated by the duly constituted criminal and civil authorities of the governmental entity in which the crimes occurred and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The foregoing shall be in addition to any campus disciplinary proceedings.
3. The right to be free from any kind of pressure from campus personnel to: (1) not report crimes committed against them to civil/criminal authorities or to campus law enforcement/disciplinary officials; or (2) report crimes as lesser offenses than the victims perceive them to be.
4. The right to be free from any kind of suggestion that campus sexual assault victims not report, or under-report, crimes because: (1) victims are somehow "responsible" for the commission of crimes against them; (2) victims are contributorily negligent or assumed the risk of being assaulted; or (3) by reporting crimes, the victim would incur unwanted personal publicity.
5. The same right to legal assistance, or ability to have others present, in any campus disciplinary proceeding that the institution affords the referred; and the right to be notified of the outcome of such proceeding.
6. The right to full and prompt cooperation from campus personnel in obtaining, securing, and maintaining such information (including a medical examination) as may be necessary to the proof of criminal sexual assault in subsequent legal proceedings.
7. The right to be made aware of and assisted in exercising any options as provided by State and Federal laws or regulations with regard to mandatory testing of sexual assault suspects for communicable diseases and with regard to notification to victims of the results of such testing.
8. The right to counseling from any mental health services previously established by the institution, or by other victim-service entities, or by victims themselves.
9. After campus sexual assaults have been reported, the victims of such crimes shall have the right to require that campus personnel take the necessary steps or actions reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including immediate relocation of the victim to safe and secure alternative housing, and transfer of classes if requested by the victims.
10. In addition to the above rights, students, whether sexual assault victims or not, have a right to habitability in campus accommodations for which the college receives any compensation, direct or indirect. Habitability shall mean an environment free from sexual or physical intimidation, or any other continuing disruptive behavior that is of such a serious nature as would prevent a reasonable person from attaining their educational goals. Substantiated violations of the above listed habitability provisions shall be corrected by campus personnel by relocations, if reasonably possible, of the complainant to an acceptable, safe and secure alternative location as soon as practicable, unless the conditions of nonhabitability demonstrate the necessity of immediate action by campus personnel.

## E. HAZING POLICY

### 1. Policy Statement

Georgia State University is committed to providing a safe learning environment that supports the dignity of all University community members. Hazing is a violation of state law and is strictly prohibited by Georgia State University both on and off campus. **Violation of this policy may result in both disciplinary action and criminal charges.**

### 2. Definition

“Hazing” means any intentional, negligent or reckless action, activity or situation that endangers or is likely to endanger the physical health of an individual or causes an individual pain, embarrassment, ridicule or harassment as a condition or precondition of gaining acceptance, membership, office or other status in a student group, whether or not such group is formally recognized by the University and regardless of the individual’s willingness to participate. Actions and situations that may constitute hazing may include, but are not limited to, the following:

- forcing or requiring the drinking of alcohol or any other substance;
- forcing or requiring the consumption of food or any other substance;
- calisthenics (e.g., push-ups, sit-ups, jogging, runs);
- treeings (e.g., tying someone up and throwing food or other substances on them);
- paddle swats;
- line-ups (e.g., yelling at or harassing people in a formation);
- theft of any property;
- road trips (e.g., dropping someone off and leaving him/her to find his/her own way back);
- scavenger hunts;
- causing an individual to have fewer than six (6) continuous hours of sleep per night;
- conducting activities that do not allow adequate time for study (e.g., not allowing an individual to attend class, causing one to miss group projects);
- forcing or requiring partial or complete nudity at any time;
- performing acts of personal servitude for members (e.g., driving them to class, cleaning their individual rooms, serving meals, washing cars, shopping, laundry);
- forcing or requiring the violation of University policies, federal, state or local law.

### 3. Prevention

As a part of the student group informational, recruitment, and membership intake activities, student groups are required to educate members and prospective members about hazing and to maintain documentation that they have fulfilled this requirement. Each member of a student group must sign the Georgia State University Hazing Compliance and Awareness Form. These forms are located in the Office of the Dean of Students and in the Office of Student Activities.

### 4. Reporting a Hazing violation

All members of the University community are strongly encouraged to report suspected instances of hazing to the Office of the Dean of Students and University employees are required to do so.

### 5. University as the Complainant

All reports of hazing are investigated to determine whether there is sufficient basis to believe that a violation of the Student Code of Conduct may have occurred. Based on this review, the Dean of Students may choose to initiate charges, not initiate charges or dismiss a case administratively if the claim does not appear to be supported by the facts. If charges are initiated, the University will serve as the complainant throughout the student judicial process.

## F. POLICY ON CLASS ATTENDANCE

The resources of the University are provided for the intellectual growth and development of its students. The University expects each student to take full responsibility for his or her academic work and academic progress. Students are expected to attend classes in order to gain command of the concepts and materials of their courses of study. As such, the University does not mandate the number or percentage of absences that are acceptable but suggests a guideline of 15% for determining an excessive level of absence. The specific class attendance policies for each class are at the discretion of the instructor, in accordance with the policies of the department and college.

All matters related to student absences, including making up work missed, are to be arranged between the student and the instructor before the semester begins or on the first week of classes. All instructors will, at the beginning of each semester, make a clear statement in the course syllabus for each of their classes, describing their policies for handling absences. Students are obligated to adhere to the requirements of each course and of each instructor. Instructors are encouraged to provide avenues for students to make up examinations and other work missed due to an excused absence.

Excused absences are recognized in the following cases:

### 1. University-Sponsored Events

Absences due to activities approved by the Office of the Provost, in which a student is an official representative of the University will be recognized as excused when the student informs the instructor in writing during the first week of the semester of his or her participation in an activity that may generate excused absences and the dates of planned absences for the semester. If requested, the appropriate university official will provide a memo stating the official nature of the university business in advance of the activity. Absences due to similar events, which could not have been anticipated earlier in the semester, will be recognized as excused absences upon advance notification of the instructor by an appropriate faculty advisor or administrator.

### 2. Legal Obligations

Absences due to legal obligations (for example, jury duty, military orders) will be recognized as excused absences. The student must provide the instructor with written documentation of such absences at the earliest possible date.

### 3. Religious Observances

Students wishing to have an excused absence due to the observation of a religious holiday of special importance must provide advance written request to each instructor by the end of the first week of classes.

### Class Attendance by Veterans

The Department of Veterans Affairs requires that institutions of higher learning immediately report to them when a student discontinues attendance for any reason. Instructors must report to the Registrar's Office the absence of a veteran student as soon as it is known that the veteran student will not be returning to class. Generally, this should be reported after one week of absences and no later than two weeks of nonattendance by a veteran student.

In addition, it is suggested that the faculty give due consideration to absences relating to the following events:

- A. Death or major illness in student's immediate family
- B. Illness of a dependent family member
- C. Illness that is too severe or contagious for students to attend class

## **G. PRIVACY OF STUDENT RECORDS**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA rights are provided only to University applicants upon actual acceptance to and subsequent enrollment for classes at the University. Under FERPA, students attending an institution of postsecondary education may:

- A. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such disclosures are authorized without consent;
- B. Choose to suppress (i.e., keep from being disclosed) their directory information per the process identified;
- C. Inspect and review their education records;
- D. Seek amendment of those education records believed to be inaccurate, misleading or otherwise in violation of their privacy rights; and
- E. File complaints with the Department of Education about alleged failures by the University to comply with the requirements of FERPA.

The full text of Georgia State University's Procedure on Student Records/Family Educational Rights and Privacy Act may be found at [www.gsu.edu/es/22022.html](http://www.gsu.edu/es/22022.html).

## H. STUDENT LEADERSHIP POSITIONS

### 1. Minimum Qualifications for Student Leaders

A student leader is a student member of a recognized student organization who is: (1) stipended; or (2) holds office, title or is a committee member in the Student Government Association, Spotlight Programs Board, or one of the recognized student media groups. In order to be a student leader, a student must:

- a. be a student as determined by the University registrar at the time of the election or appointment.
- b. be enrolled in a minimum of six (6) hours (undergraduate students) and three (3) hours (graduate students) in a degree seeking program during the Fall and Spring semesters of the academic year of his/her term of office. The academic school year is defined as Summer, Fall, and Spring semester, in that order. When a student does not enroll for Fall or Spring semester during a term of office, this act causes the student to immediately forfeit the office. Students may elect not to enroll during the Summer semester during a term of office. The act of dropping all courses before the midpoint of a semester is considered to be not enrolled.
- c. have at least a 2.5 Georgia State cumulative grade-point average or better at the time of election or appointment and must not be on academic probation or suspension. A student leader whose Georgia State cumulative grade-point average drops below 2.2 or who receives the academic sanctions listed above during his/her term must relinquish the position.
- d. conduct themselves responsibly and in a manner that does not reflect negatively on the University. A student may meet the minimum qualifications of student leadership but be found to be unqualified overall based on other factors such as experience and level of leadership skill.

A student may meet the minimum qualifications of student leadership but be found to be unqualified overall based on other factors such as experience and level of leadership skill.

### 2. Disciplinary Probation

A student who is placed on disciplinary probation must relinquish any office held.

### 3. Suspension of Term

Any stipended student-leader who is charged by the Dean of Students or an academic college with a violation of the Student Code of Conduct and Policies may be required to temporarily relinquish the office held until after the referred has been heard. If the referred is found not responsible, then the stipended student leader shall be immediately reinstated to his/her office. If the referred is found to be responsible for a Code violation, then the stipended student leader must immediately step down from his/her position.

### 4. Term Limits

Student leaders may hold any of the individual offices identified below for up to two terms per any one office (Term Maximum). Any time during which a student leader may have held the involved office on an interim basis shall not count toward meeting a student leader's Term Maximum. For purposes of this section, "interim basis" shall mean time spent in office completing the term of a person originally elected/appointed to the office who has left the position for any reason before the end of the term of office. Having reached the Term Maximum will not prohibit a student leader from running for reelection or reappointment, with the permission of the Dean of Students, in times when there are no other qualified applicants for the position. The student-leader positions that are included are the following: President (SGA), Executive Vice-President (SGA), Vice-President of Student Services (SGA), Vice President for Student Life (SGA), Vice-President of Public Relations (SGA), Vice-President of Budget and Finance (SGA), Editor (The Signal), Editor (RampwayOnline), Editor (New South), General Manager (WRAS), General Manager (GSTV), Executive Director (Spotlight Programs Board), Committee Directors (Spotlight Programs Board) and General Manager (Cinefest Film Theatre).

If there are no qualified applicants for the position at the time of the organizations' respective deadline for applications, then the incumbent, if in good academic and disciplinary standing with the University, may appeal to the Dean of Students to submit an application for consideration.

**5. Graduation**

If a student graduates while holding office in a student organization, the office automatically terminates at graduation, unless the student enrolls the subsequent semester or has been accepted into a graduate program at Georgia State University.

**6. Definition of Office**

All titled positions within any student organization are considered officers.

**7. Responsibility of Chief Officers**

It is the responsibility of the student organization advisor to verify eligibility of students prior to their election or appointment. This process can be accomplished in conjunction with the Student Organizations Advisor in Student Activities.

**8. Waiver**

Requests for waivers or exceptions to this section may be submitted in writing to the Assistant Director of Leadership Development, Student Activities, Suite 330 Student Center.



## I. CHARTERING STUDENT ORGANIZATIONS

### 1. Definition of Terms

Chartered student organizations at Georgia State University are groups of students who come together to express a common purpose, accomplish certain goals, explore opportunities, and serve the campus community. The University Student Life and Development Committee is responsible for approving petitions to charter. Students involved in chartering a student organization should determine which category their petition to charter falls under prior to seeking to be chartered:

- a. **New Charter**  
A student group that is petitioning to establish at the institution for the first time (see section I.7 for specific guidelines).
  - i. **Provisional Status:** Student groups petitioning to establish a new charter that do not meet the minimum member requirement will be granted a Provisional Status for a period no less than four weeks.
- b. **Renewal Charter**  
A student group that already has an established charter at the institution and seeks to maintain active status. The renewal process occurs May 1 of each academic year and is facilitated by Student Activities (see section I.8 for specific guidelines).
- c. **Re-Established Charter**  
A previously chartered student group that is petitioning to be recognized after a period of inactivity exceeding 24 months. Student groups receiving a University judicial sanction that causes any amount of inactivity must petition as a re-established charter (see section I.10 for specific guidelines).
- d. **Inactive Charter**  
A group that once existed at Georgia State, but is currently not recognized and unable to operate as a chartered student organization. The inactive status of a charter will result in a loss of all the benefits outlined in section I.2 (see section I.9 for specific guidelines).
- e. **Terminated Charter**  
A group that once existed at Georgia State but has been removed permanently from the University (see section I.11 for specific guidelines).

### 2. Benefits

Chartered groups are recognized as a part of the University community and are granted the privileges set forth below. Chartered groups may:

- a. be listed on the Student Activities website
- b. reserve meeting rooms and event space
- c. be assigned a mail box in Student Activities
- d. petition for Student Activity fee funding
- e. request ownership of a web account and a link to the Georgia State University homepage
- f. reserve vehicles through Student Activities for officially recognized travel sponsored by a chartered student organization, department or the University
- g. promote or advertise the organization on campus

### 3. Jurisdiction

An organization or activity whose membership includes students may be considered to be under University jurisdiction when it seeks to exercise one of the following privileges:

- a. hold meetings on University premises
- b. use the facilities of the University for carrying on business
- c. accept such financial support as may be available from the University
- d. solicit funds or distribute materials to members of the University community
- e. include the name Georgia State University (or any similar indication of University affiliation) at the end of its name
- f. use the campus mail service
- g. promote or advertise the organization on campus

### 4. Conditions for Chartering and Maintaining a Charter

The conditions set forth below must be met and maintained at all times to qualify for a student organization charter at Georgia State University. Failure to maintain compliance with the conditions set forth below will result in administrative suspension or termination of the group and immediate loss all benefits afforded by the University to chartered student groups including, but not limited to, those identified in section I.2.

- a. select a name (see section I.12 for specific guidelines)
- b. adopt a statement of purpose
- c. determine eligibility for membership

- d. select a faculty or staff advisor, who must be a full-time employee of the University. Graduate students, temporary employees and part-time employees may not serve as the designated advisor to a chartered student organization.
- e. identify officers and their duties
- f. create a constitution
- g. Good Standing - Being in good standing with any state, regional, and/or national governing bodies, where applicable, is a condition of being a chartered student organization at Georgia State University. Upon notification of the loss of good standing, Georgia State University will take appropriate corresponding action up to and including suspension of the student organization's charter and all privileges afforded to chartered student organizations.

## 5. Special Procedures

In addition to being recognized by the Student Life and Development Committee, certain groups must also seek prior approval from appropriate governing bodies.

### a. Social Fraternities and Sororities

Expansion involves inviting inter/national fraternities and sororities to establish chapters at Georgia State University. This is encouraged when a need exists and the Greek community is viable for additional chapters. Expansion of social fraternities or sororities requires the adherence to the Greek Life Expansion Policy outlined by Student Activities. Only inter/nationally recognized fraternities and sororities may be considered for expansion. Individuals wishing to re-establish a Greek letter organization must follow the expansion policy outlined by Student Activities.

### b. Sport Clubs

Sport Club student organizations are made up of individuals that have a desire to compete or participate in a sport throughout their college career. These sport clubs are formed because no varsity team exists, or because the talent, dedication, and interest to the sport demand an opportunity other than varsity athletics or intramurals. Sport Club teams function under student leadership and the monies needed to support them are generated through membership dues, fundraisers, donations, Department of Recreation Services or University support. Coaches and leaders are often unpaid volunteers or students. Teams or groups hold regular practices and often compete in an organized league with other collegiate sport club teams. Prior to any sport club filing a petition to charter, the group must obtain approval from the Sport Clubs Coordinator in the Department of Recreation Services.

### c. Publication and Media Groups

These groups must receive approval from the Committee on Student Communications, prior to their submission of the "Petition to Charter." The Committee on Student Communications has been authorized by the Dean of Students to oversee the operation of University media organizations, to select or recommend the selection of the editor or general manager of each such organization and to make necessary policies that govern the operations of such organizations.

### d. Provisional Status

Benefits include limited access to University facilities and resources for recruitment purposes as outlined in the "New Student Organization Reference Guide." At the end of the Provisional Status, the organization must submit a "Petition to Charter" for the next Student Life and Development Committee Meeting. If unable to meet the minimum requirements for the "Petition to Charter," then the organization would be allowed to submit a "Petition to Charter" and obtain Provisional Status in the subsequent semester. An organization is limited to three consecutive semesters with Provisional Status.

## 6. Faculty or Staff Advisors

Each campus organization is required to have a full-time faculty or staff advisor and to register that name at Student Activities in order to be recognized. The advisor must sign "Petition to Charter" forms, Officer Update forms, and Charter Renewal forms and additional forms as needed. In addition, the advisor's duty is to counsel and advise the officers and members of the organization. No advisor shall have the power to prohibit the expression of editorial opinion by a unit of campus media. Student Activities may assist an organization in obtaining an advisor.

## 7. Process for New Charter Approval

- a. Before creating an organization, students are encouraged to review the roster of chartered groups to avoid creating a new group that has similar goals to a group that already exists. Students involved in a proposed organization should complete this process for New Charter Approval. File the "Petition to Charter" with Student Activities or online at the Student Organizations website.
- b. An appointment with the designated Student Activities representative will be scheduled to review the petition.

- c. Once approved by Student Activities, the petition is reviewed by the Student Life and Development Committee of the University Senate. Upon approval, the group is considered a chartered student organization.
- d. Notification will be sent from Student Activities notifying the group of the approval or non-approval of the group's "Petition to Charter."

#### **8. Petition for Annual Renewal**

Each chartered group must file an annual renewal form to Student Activities. This shall be accomplished by May 1st of each year. Renewal of charters will not be granted until the renewal form is completed, signed by the advisor, and submitted to Student Activities. Failure to comply with the rules outlined by Student Activities will result in an inactive status. Organizations that do not meet the May 1st deadline will be deemed inactive by Student Activities.

#### **9. Inactive Status**

The inactive status of a charter will result in a loss of all the benefits outlined in section I.2. The charter status of a student organization shall become inactive if the annual renewal is not completed by May 1 each year. Failure to comply with others rules outlined by Student Activities may also result in an inactive status. Any chartered student organization deemed inactive for more than 24 months or judicially sanctioned resulting in any period of inactivity, must file a "Petition to Re-Establish." Upon inactivation of the student organization a notification will be sent to the president and advisor on record.

#### **10. Petition to Re-Establish a Charter**

A "Petition to Re-Establish" form should be obtained from Student Activities. An appointment with the designated representative in Student Activities shall be scheduled to review the petition. Submission of a "Petition to Re-Establish" does not guarantee approval. The steps to re-establish a previously chartered student organization are as follows:

- a. meet with the designated representative in Student Activities to confirm intent to re-establish a previously chartered student organization.
- b. review prior charter documentation on file with Student Activities.
- c. revise the charter constitution on file
- d. select a faculty or staff advisor, who must be a full-time employee of the University. Graduate students, temporary employees and part-time employees may not serve as the designated advisor to a chartered student organization.
- e. if applicable, ensure that all sanctions against the organization are completed.
- f. the "Petition to Re-Establish" is filed with Student Activities.
- g. the petition is reviewed by Student Activities.

The petition is reviewed by the Student Life and Development Committee of the University Senate. Upon such approval by the Student Life and Development Committee, the group is considered a chartered student organization at Georgia State University. Notification will be sent from Student Activities notifying the group of the approval or non-approval of the group's application.

#### **11. Suspension or Termination of Charter**

The charter of a student organization may be suspended or terminated by the Office of the Dean of Students or the Student Life and Development Committee. The termination of a charter will result in a permanent loss of all benefits outlined in section I.2. Appeals of the termination may be made in writing to the Office of the Dean of Students. Organizations that have their charters suspended or terminated shall immediately:

- a. Cease all activities including, but not limited to, intake/recruitment activities, collection of dues, organizational meetings, and educational, social, recreational and philanthropic activities;
- b. Relinquish the organization's designated room/office in University facilities, when applicable;
- c. Lose existing reservations and the use of any University facilities, equipment or services that obtained on the basis of being a chartered organization;
- d. Be excluded from recognition as a Georgia State University student group in University publications;
- e. Lose the right to represent the organization as being affiliated with Georgia State University (e.g., no use of the University's name in relation to the organization's name whether on organization websites, in organization publications);
- f. Become ineligible, as a group, to participate in, cosponsor, or host University athletic, educational, cultural, social or other events;
- g. Become ineligible for student fee allocation, awards, honors, or any other privileges afforded to chartered student organizations and their members.

## **12. Use of University Name and Facilities**

- a. To be eligible to use the words "Georgia State University" in its name, a student organization must be chartered by the Student Life and Development Committee, which has been designated by the Dean of Students as the authority to charter student organizations. However, unless given express written permission by the University, no student organization may use "Georgia State University" as a prefix to their names (example of prohibited use: "Georgia State University ABC Club"). The only allowed identification is the "ABC Club at Georgia State University". No student organization may use the University's name in such a way that states or reasonably implies that the activities of the organization are official University actions or are endorsed by the University. For example, no student organization may identify the University as a sponsor of an activity because such reference gives the appearance of University endorsement of the involved activity. It shall be a violation of this section to use the University name in such a way as to give the impression that action taken by the student group or its individual members is official University action.
- b. All student organizations approved by the Dean of Students and Committee on Student Life and Development are eligible to meet on University premises provided that they make reservations through the Reservations Office in accordance with the rules and regulations for room and space reservations. Requests for space outside of the jurisdiction of the Reservations Office must be approved by the appropriate authority. Students and student groups may not make reservations in the name of the student group for use of University space by non-University groups, people or entities.

## **13. Academic Standards for Membership in Student Organizations**

Members of student organizations must have and maintain at least a 2.0 Georgia State cumulative grade-point average or better and must not be on academic probation or suspension. An organization officer whose Georgia State cumulative grade-point average drops below 2.0 or who is on academic probation or suspension must relinquish his/her elected or appointed office in the organization until such time as he/she meets the required 2.0 cumulative GPA.

## **14. Additional Policies**

- a. No student organization may collectively, or through the actions of its individual members, engage in discriminatory, harassing, obscene or indecent conduct.
- b. Student organizations must follow all rules and regulations related to Student Fee Usage guidelines. Any organization collecting monies through dues, sale of goods, donations, etc. other than through the Student Activity Fee Allocation Process, must open and maintain a bank account in the name of the student organization and run all of the non-fee money through the account. Only current officers of the organization are allowed to perform transactions on the account.
- c. Student organizations must cooperate with all reasonable requests for information by the University including, but not limited to, requests to review financial information and records.
- d. Non-Discrimination – Abiding by Georgia State University's non-discrimination requirements as set forth herein is a condition of being a chartered student organization at Georgia State.

The University recognizes that a nondiscriminatory environment complements its commitment to academic inquiry, intellectual discourse and personal growth. Georgia State also recognizes the interests of students to organize and associate with like-minded students. Accordingly, any individual who subscribes to the goals and beliefs of a student organization may participate in and become a member of the organization.

Membership, leadership and participation in the organization must be open to all students without regard to race, color, sex (unless exempt under Title IX), age, religion, national origin, sexual orientation, gender identity, marital status, disability, or status as a U.S. veteran. Organizations may limit membership and/or leadership in the organization to students who, upon individual inquiry by the organization, affirm that they support the organization's goals and agree with its beliefs, so long as no student who meets these criteria is excluded based on his or her race, color, age, religion, national origin, sexual orientation, gender identity, sex, marital status, disability, or a status as a U.S. veteran.

## J. SPECIAL EVENT/LATE NIGHT EVENT POLICY

### 1. Introduction

Georgia State University endeavors to provide for the safety of students and guests attending campus events. These guidelines apply to late night and special events and are intended to complement the University's regular reservation policies and procedures. For purposes of this policy, "late night events" shall mean events expected to end at 11p.m. or later and "special events" shall mean events that 300 or more guests are reasonably expected to attend or that pose a security concern for some other reason, as determined in the sole discretion of the University.

### 2. Sponsoring Student Organization

Chartered student organizations at Georgia State may not co-sponsor the event with an off-campus organization or with any commercial enterprise. In order to sponsor campus events, student organizations must be in good standing with the University. Student organizations that are on probation or that have any outstanding financial obligations to the University may not sponsor special events/late night events.

### 3. Special Event/Late Night Event Approval Process

- a. The special event/late night event approval process is administered by the Student/University Center. Approval forms are available in 330 Student Center.
- b. All chartered student organizations sponsoring special events must complete the approval procedures outlined in these guidelines. The sponsoring organization must tentatively reserve the space through the standard reservation procedures for the specific venue. This reservation will remain tentative until all of the required approvals are obtained.
- c. The organization must obtain all of the approvals and signatures from the Student/University Center, Georgia State University Police, organization's faculty/staff advisor and event venue at least 10 business days prior to the scheduled event. A meeting will be scheduled with all respective officials in order to review the security plan for the event. Final approval is given by the Student Organization Advisor. Requests not meeting the 10 business day approval requirement will not be approved.

### 4. Student Organization Agreement

- a. **Admission:** Admission to special events/late night events is limited to 1) currently enrolled Georgia State students presenting a valid Georgia State ID; 2) guests of a currently enrolled Georgia State student. No more than two guests are allowed per student. It is the obligation of the student organization and the faculty/staff advisor to enforce these attendance expectations.
- b. **Admission Charges:** Only student organization representatives will take admission funds and must maintain the security of the funds. University police officers or other University officials will not handle tickets or money. There will be no refunds for any event admission charges.
- c. **Payment for the Event:** Payment for charges for the event will be through the standard billing process for the University department providing the service (police, reservations, physical plant/maintenance, etc.). Organizations with outstanding debts will not be allowed to hold future events. Should the organization fail to meet the financial obligations, the organization representative who has signed the Special Event/Late Night Event form will be financially responsible for these charges. These debts will be viewed as debts to the University and the student will have a hold placed on their account until the debt is cleared.
- d. **Event Time:** Times for events must be approved by the appropriate event venue representative. All Special Events/Late Night events must end by 2 a.m. All patrons must exit the building no later than 2:30 a.m. The sponsoring organization must exit the building no later than 3 a.m.
- e. **Responsibility of Student Organization:** The officers of the sponsoring organization shall be responsible for maintaining order at the event. This includes meeting with the advisor and police prior to the event, administering the ticket process, checking student IDs of students and guests, ensuring compliance with maximum-event capacity, ending the event, ensuring compliance with all facility rules and expectations, etc.
- f. **Maximum Attendance and Loitering:** The maximum attendance for each event is determined by the capacity of the scheduled room. After the room capacity has been met, no one will be admitted to the event even if other patrons have left the event. No loitering is permitted in the lobby, outside the building, or in parking areas. It is the responsibility of the

organization to inform patrons of this policy during the event and utilize police officers to enforce these policies. An accurate account of all entering patrons must be recorded.

- g. **Advertising for the Event:** No advertising may be distributed for the event until the approval form has been completed and final confirmation and approval have been received by the organization. All advertisement should include the statement "This event is not a public event. Attendance is limited to Georgia State students and their invited guests in noticeable prominence." Advertisements must be in compliance with the Campus Posting Policy. Failure to comply with this regulation could result in the cancellation of the event.
- h. **Cancellation and Inclement Weather:** Cancellation policies are venue specific. Cancellations must be in writing and signed by the person that made the original reservation or by the organization's advisor. The cancellation must be made to the service provider, event venue representative, and the Student/University Center. Failure to cancel the event may result in the organization incurring minimum charges for the event. If the event is canceled by the sponsoring organization, the space arrangements may not be assumed by another student organization. If the event is canceled and another organization has time to complete the Special Event/Late Night Event approval process, the new organization must initiate the approval process as a new event. In the event that the University is closed due to inclement weather, the event will be canceled and no charges will be incurred for security support. Should inclement weather be a possibility, organizations are encouraged to listen to the local media for official announcements.
- i. **Violations of State Law and University Policy at Event:** If violations of state law or University policy occur at the event, including but not limited to, the presence of alcoholic beverages, smoking or disruptive behavior, the event could be canceled immediately by the advisor, police, student organization officials or University officials. This judgment call can be made at any time during the event in question by the aforementioned entities; however, the University police have the final decision regarding the safety of the patrons and the security of University property and may cancel the event immediately.

## 5. Student Organization Advisor Responsibility

For all Special Events/Late Night Events, the student organization's University faculty/staff advisor (or approved designee) must attend a pre-security planning meeting with respective University officials and must be present during the entire event. The advisor's responsibilities include conferring with the student organization leaders and the University police regarding security expectations; assisting with attendance requirements; and assisting in handling any problems related to the event (that is, violations of University regulations regarding alcohol, overcrowding, unruly behavior, ending the event, etc.). An event evaluation form shall be signed during the event and returned to the Office of Student Activities one business day after the event.

## 6. Security

- a. Georgia State University Police officers must be present for all special events. A minimum of two officers will be required for all events for a minimum of a four-hour time period and the student organization will be billed accordingly. Only officially assigned Georgia State University police officers may be utilized for these events. The final determination of the number of police officers necessary for a specific event will be made by the Georgia State University Police.
- b. The police officers on duty will enforce state law and University regulations. One officer will be posted at the entrance to the event to supervise admissions procedures and to provide security for any cash receipts. The other officer will patrol the event both inside the room and outside the hall. If problems occur, officers will respond and request additional support from the Georgia State University police as necessary. The organization may be billed if additional officers are needed at the event.
- c. The sponsoring organization will be responsible for all costs related to security for the event. The sponsoring organization will develop a security plan with a representative of the Georgia State University Police, in conjunction with the event venue representative and in advance of the event. The police will make decisions on the number of police officers required, the number of hours necessary and the estimated cost. Prior to the beginning of the event, the student leaders of the organization and the advisor will meet with the police officers assigned to the event for introductions, to clarify roles and to discuss any policy concerns regarding the event.
- d. Should circumstances related to the event (excessive loitering after the event, lengthy cleaning time, etc.) require the officers to work overtime, there will be additional charges

billed to the sponsoring organization. The police officers will secure the building following the event and will not leave until the building and the area are cleared of people and the area is secure. If any damages are discovered at the end of the event, the police will submit a report to the appropriate facility representative and the student organization will be billed accordingly.

**7. Damage and Excessive Clean-Up Requirements**

- a. Prior to the event, the sponsoring organization, together with the University police, will inspect the facility to ensure that there is no damage caused to the facility. If there is any damage, it will be noted by the sponsoring organization and verified by the University police. A report will be submitted to the appropriate venue documenting damages after the event has concluded. The organization is responsible for any damage that occurs during the event, in the event room, adjacent facilities (e.g. restrooms), and entry areas, regardless of who is at fault.
- b. The sponsoring organization should clean up all debris and/or decorations from the facility. Should the organization fail to clean the facility, the organization will incur additional costs related to having the excessive cleaning complete. The sponsoring organization is financially responsible for all damage or excessive clean-up costs and will be billed accordingly following the event.

**8. Limited Reservations**

- a. Student organizations may sponsor multiple special events/late night events during a semester, provided they follow the special event/late night event approval process.
- b. Organizations may be denied approval for future special events/late night events if there are significant problems associated with a previous special event/late night event sponsored by the student organization. Significant problems may include but are not limited to, physical altercations, excessive damage to the facility, presence of alcoholic beverages or illegal substances, non-compliance with special event/late night event policy, or any violation of University policies or state law.

**9. Exceptions**

Written requests for exceptions may be made in advance to the Assistant Director for Leadership Development. These requests will be reviewed on a case by case basis.

Adopted January 1997 Student Life and Development Committee  
Amended April 7, 2005 Student Life and Development Committee  
Amended November 16, 2006 Student Life and Development Committee  
Amended January 21, 2010 Student Life and Development Committee  
Amended April 15, 2010 Student Life and Development Committee

## **K. Campus Speech, Distribution and Posting Policy**

### **1. Speeches and Demonstrations**

- a. The University strongly supports the First Amendment guarantees of freedom of speech, expression, and the right to assemble peaceably ("speech activities"). Accordingly, the University remains firmly committed to affording every member of the University community the opportunity to engage in peaceful and orderly speech that does not disrupt the operation of the University. Such opportunities are provided on an equal, content-neutral basis.
- b. In order to balance the rights, health and safety of all members of the University community, the University regulates the time, place, and manner of such expression. Accordingly, the following regulations shall apply to all students, student organizations, faculty, staff, and visitors:
  - i. Persons or organizations may engage in speech activities in the following locations: the city streets adjacent to campus buildings, Library Plaza, Unity Plaza, the Urban Life Center Plaza and the area beneath the Courtland Street viaduct. University sites (non-city streets) are available for speaking or other forms of expression between 8:00 a.m. and 9:00 p.m., Monday through Friday except when the areas have been reserved by a University-Affiliated department or student organization. Maps indicating these areas are available in the Student/University Center Office, Suite 360, (404) 413-1860
  - ii. Plans for speaking activities in other campus areas and times must be approved by the Student/University Center Reservations Office at least 72 hours in advance of the event. Such plans will be considered in a content-neutral manner.

### **2. Distribution of Written Materials**

#### **a. University Affiliated Distribution**

- i. Chartered student organizations and University departments and agencies may distribute literature and non-commercial pamphlets, handbills, circulars, newspapers, magazines, surveys, petitions, and questionnaires (or other items that require the interruption of pedestrian traffic) in the public areas on campus except in the following locations: classrooms and laboratories, dining areas, elevators, escalators, libraries, entrances and exits to buildings and other campus locations exempted by the Dean of Students.
- ii. Chartered student organizations, University departments and agencies may distribute material from tables reserved through the Student/University Center Reservations Office, Suite 345, (404) 413-1870. Chartered student organizations co-sponsoring an event or distributing written materials with a Non-University Affiliated organization must maintain a presence throughout the entire duration of the event or distribution.
- iii. All printed material must bear the name of the organization or department.
- iv. Scatter marketing (throwing multiple copies of documents on the ground for them to be seen and/or picked up) and other forms of marketing that violate City of Atlanta anti-litter ordinances are strictly prohibited. Violation of this prohibition may result in disciplinary action, fines, or both.
- v. The University makes all decisions about written material distributed on campus in a content-neutral manner.

#### **b. Non-University Affiliated Distribution**

- i. Organizations not affiliated with the University may only distribute literature and non-commercial pamphlets, handbills, circulars, newspapers, magazines, surveys, petitions, or questionnaires (or other non-commercial items that require the interruption of pedestrian traffic) in the following locations: a) properly reserved meeting spaces or b) the city streets adjacent to campus buildings, Library Plaza, Unity Plaza, the Urban Life Center Plaza and the area beneath the Courtland Street viaduct. Maps indicating valid areas to distribute materials shall be made available in the Student/University Center Office, Suite 360, (404) 413-1860.
- ii. All printed material must bear the name of the individual or organization and may not solicit for donations, membership fees or sales.
- iii. Requests to distribute written material must be made in advance to the Executive Director of the Student/University Center and such activity may be limited by the Dean of Students to specific areas. Authorized representatives of a Non-University Affiliated organization engaging in activities under this section must maintain a presence throughout the entire duration of the event or distribution.
- iv. Scatter marketing (throwing multiple copies of documents on the ground for them to be seen and/or picked up) and other forms of marketing that violate City of Atlanta anti-litter ordinances are strictly prohibited. Violation of this prohibition may result in disciplinary action, fines, or both.
- v. The University makes all distribution decisions on a content-neutral basis.



### 3. Commercial and Nonprofit Solicitation/Sales

All commercial solicitations or sales by University Affiliated and Non-University Affiliated persons or organizations on the University campus must be cleared in advance through the Office of Student/University Center Administration. All sales of materials, memberships, applications or other commercial enterprises – whether temporary or extended in nature - must be conducted in compliance with the University Commercial Solicitation Agreement. However, certain fundraising activities (e.g. candy sales, bake sales, etc.) held by members of the University community or token giveaways by significant sponsors of University events are exempt from the Agreement. The Commercial Solicitation Agreement is available through the Student/University Center Office, Suite 345, (404) 413-1870.

### 4. Other Provisions

Reasonable limitations may be placed on the time, manner, and place of the above activities in order to serve the interests of health and safety, prevent disruption of the educational process, and protect against threats to the rights of others. Accordingly, all University Affiliated and Non-University Affiliated persons or organizations must comply with the following provisions, or be asked by the Student/University Center Reservations Office to cease activities and leave campus.

- a. Activities may not obstruct, or aggressively confront, vehicular, pedestrian or other traffic.
- b. Use of sound amplification or unreasonable noise on the University campus is prohibited if it disrupts University activities. Use of sound amplification may be limited to certain specified hours at various campus locations, such as the Stage at Library Plaza, Unity Plaza, and the Urban Life Plaza (hours during which sound amplification is allowed may be obtained from the Student/University Center Reservations Office). The Reservations Office staff reserves the right to monitor sound levels and to require sound level modification. Failure to promptly comply with University directives to reduce sound levels may result in the immediate cancellation of the reservation and/or event.
- c. There must be no obstruction of entrances or exits to buildings.
- d. There must be no interference with educational activities inside or outside of buildings.
- e. There must be no interference with scheduled University ceremonies, events or activities.
- f. Malicious or unwarranted damage or destruction of property owned or operated by the University or property belonging to students, student organizations, faculty, staff or visitors of the University is prohibited. Persons or organizations causing such damage may be held financially responsible.
- g. Persons or organizations operating under these provisions on or adjacent to the University campus must remove all resulting structures, signs, and litter from the area at the end of their activities. If this is not accomplished, persons or organizations responsible for the activities may be held financially responsible.
- h. Persons or organizations must be in compliance with all applicable federal, state and local laws and ordinances as well as all University policies, rules, and regulations.
- i. Chartered student organizations co-sponsoring an event or distributing written materials with a Non-University Affiliated organization must maintain a presence throughout the entire duration of the event or distribution.

### 5. Campus Posting Policy

#### a. Introduction

In order to create and maintain an aesthetic environment and neat campus, Georgia State University established the following guidelines regarding posting of informational material in campus facilities. Questions about the Campus Posting Policy may be addressed to the Student/University Center Administrative Office, 44 Courtland Street, Suite 360, Atlanta, Georgia 30303-3973, (404) 413-1860.

#### b. Posting Prohibitions

Posters, flyers, notices or similar items may not be attached to unauthorized campus facilities including, but not limited to, doors, walls, windows, trees, vehicle windshields, trash cans, recycling bins, benches, campus maps, light poles or exterior surfaces of buildings. Items posted improperly will be removed daily and destroyed. Persons and organizations that post items improperly may be subject to disciplinary sanctions and/or charged for the cost of removal and any damage to University property. Georgia State University is not responsible for maintaining or returning items that are improperly posted and removed.

#### c. Public Notices Posted by Affiliated Individuals or Organizations

Chartered student organizations, Georgia State departments, students, faculty and staff may post information related to official University activities in other locations on campus.

- i. Posting of materials on any campus bulletin board that is assigned to a University department or unit requires the approval of that department or unit, and must follow its applicable policies and practices relating to the posting of materials. Any materials not authorized by the applicable department or unit will be removed and discarded.

- ii. Specific department or unit bulletin boards authorized for posting include, but are not limited to, those found in the Student/University Center, the Sports Arena and University athletic facilities, the University Library, University Housing, University classroom buildings, the Alpharetta Center and the Student Recreation Center. Information regarding posting guidelines for any of the above locations can be obtained from the respective department or unit.
- iii. University-affiliated individuals or organizations seeking to post personal or non-University-related materials may only do so in explicitly designated bulletin boards described in subsection (d) below.
- iv. Georgia State University is not responsible for maintaining or returning items that are improperly posted and removed. Persons and organizations that post items improperly may be subject to disciplinary sanctions and/or charged for the cost of removal and any damage to University property.

**d. Public Notices Posted by Non-Affiliated Individuals or Organizations**

Persons and organizations not affiliated with the University may post public notices on explicitly designated bulletin boards located in University buildings. Notices are removed each Friday. The University assumes no responsibility for the content of the material posted nor does this posting constitute any endorsement by the University. Georgia State University is not responsible for maintaining or returning items that are improperly posted and removed. A list of the designated bulletin board locations may be obtained at the Student/University Center Administrative Office (SC 360). In addition, non-University affiliated persons and organizations may not post items on the University grip strips reserved for University-related programs located in campus facilities. Finally, persons or organizations non affiliated with the University may purchase advertisements through the Signal, the campus newspaper, whose business office is located in the University Center (UC 200).

Amended March 20, 2008 Student Life and Development Committee  
Approved April 17, 2008 University Senate  
Amended October 16, 2008 Student Life and Development Committee

## **L. STUDENT TRAVEL AGREEMENT**

Any student representing Georgia State University while attending any conference, workshop, or other activity and while traveling to and from these events is considered to be on official university business and is therefore governed by the Student Code of Conduct and other Administrative Policies. Any violation of the Code of conduct may result in appropriate disciplinary action as allowed by the Code.

In addition, all Georgia State University students on official university travel must follow the procedures below:

### **1. Participation**

Students are expected to participate fully in the conference, workshop, or other activity by attending all programs and events as outlined by the conference when feasible. If participating as a part of a group, the group will seek to attend as many different sessions as possible in order to obtain the greatest amount of information and/or resources.

### **2. Proper Dress**

Students must dress appropriately for the conference event based on the guidelines provided by the conference organizers and conference materials. Any questions about proper attire should be directed to the advisor or the conference organizers prior to leaving for the conference.

### **3. Alcohol Use**

Students must comply with the Alcohol Policy while on university travel.

### **4. Vehicle Privileges**

All trips that require usage of a University vehicle will follow all the rules as outlined by the Student\*University Center and/or Department of Recreational Services. Failure to follow the rules may result in temporary or permanent loss of driving privileges. Such acts include, but are not limited to: reckless driving, possession and/or consumption of alcoholic beverages in the vehicle, littering, failure to return the vehicle at the agreed time, personal use of the vehicle and using the vehicle as a taxi for students.

### **5. Budget Office Regulations**

Travelers are expected to follow the DOS Budget Office's regulation(s) for financial reimbursement and travel-expense limitations. Any expenditures not pre-authorized on the original travel authorization may not be reimbursed.

## **M. UNIVERSITY INFORMATION SYSTEMS USE POLICIES**

<http://technology.gsu.edu/about/technology-policies/>

### **i. Introduction**

Georgia State University's information systems are critical resources and play an integral part in the fulfillment of the university's objectives of teaching, research, and extension of knowledge to the public. The Georgia State University Information Systems Use Policies provide guidelines for the access, use, and protection of these resources. Current guidelines and policies can be accessed at <http://www.gsu.edu/ist/infosysuse.html>.

### **ii. Purpose**

The purpose of this document is to summarize and provide in a single location all approved policies aimed at ensuring that the access, use, and protection of the information systems promote the university's objectives. These policies will achieve the following principles:

- ensure that users abide by state and federal laws, as well as the policies of the university and the University System of Georgia;
- ensure that all individuals accessing or using the information systems assume responsibility for protecting these resources from unauthorized access, modification, destruction, or disclosure;
- ensure the integrity, reliability, and availability of the information systems; and
- ensure that individuals do not abuse the university's information systems and do respect the rights of members of the university community.

### **iii. Policies**

The following webpage, [http://www.gsu.edu/ist/infosysuse\\_chart.html](http://www.gsu.edu/ist/infosysuse_chart.html), links to the current [Information System Use Policies Chart](#) in practice at Georgia State University.

## N. POTENTIAL CONFLICT OF INTEREST IN AMOROUS RELATIONSHIPS

The integrity of academic and work relationships is the foundation of the University's educational mission. These relationships vest considerable trust in persons with authority whether as mentor, educator, evaluator and/or administrator. The unequal institutional power inherent in University academic and work relationships heightens the vulnerability of those in subordinate positions. The University must protect itself from influences or activities that interfere with intellectual, professional and personal growth, or with the University's financial interests. Consequently, people in positions of authority within the University community must be sensitive to the potential for conflict of interest as well as sexual harassment in amorous relationships with people over whom they have a professional power/status advantage. (See Section 206.03 of the Faculty Handbook, Section 6-1 of the Classified Employee Handbook, and the GSU General Catalog for the Sexual Harassment Policy of the University.)

The individual in authority bears the primary responsibility for any negative consequences resulting from an amorous relationship. It is in the interest of the University to provide clear direction and educational opportunities to the University community about potential professional risks associated with consensual amorous relationships between members of the University community where a power/status advantage exists.

### a. Power Advantages

**Academic Relationship Advantage:** A faculty member or other instructor always will be treated as having a power advantage when that faculty member or instructor has authority to assign grades; serves on thesis, dissertation, or scholarship awards committees; provides research and/or training opportunities, etc.

**Staff Advantage:** A staff member will always be treated as having a power advantage when the staff member has the authority to evaluate, determine salary, and/or make employment decisions.

**Other Power Advantage:** Power advantages also can occur between junior and senior faculty, faculty and administrators, and faculty/administrators and staff.

### b. Conflict of Interest

Relationships that are mutual and consensual may be viewed by others as exploitative and may adversely affect the work environment in that serious conflicts of interests may be perceived to exist. In particular, the parties to an amorous relationship should be aware that such relationships often create general conflicts of interest and the fear from co-workers or students of unfair treatment in terms of promotions, grades, etc. Therefore, Georgia State University prohibits the parties who are or have been involved in any amorous relationship from evaluating each other.

There are situations sufficiently complex that judgments may differ as to whether there is or may be a conflict of interest, and individuals may inadvertently place themselves in situations where conflict exists. Accordingly, for the common good, should a situation arise in which parties who are or have been involved in any amorous relationship come into a position in which they would normally be called upon to evaluate one another, the individual in authority must promptly report this fact to his or her supervisor. The supervisor will then make arrangements to see that those who are or have been involved in any amorous relationship do not evaluate each other. In particular, if a faculty member has had or comes to have an amorous relationship with a student over whom the faculty member has authority as described above, the faculty member must promptly report this to the department/school chair who will make arrangements for an alternate evaluation mechanism. Should the individual in authority fail to promptly report an amorous relationship with a person the individual in authority evaluates, the individual in authority has violated University policy and is subject to disciplinary action as outlined in the Faculty Handbook, Classified Employee Handbook or appropriate student catalogue, handbook, or college regulations (depending on whether the individual in authority is faculty, staff or a student).

**c. Malicious Use of This Policy**

It is important to avoid conflict of interests resulting from amorous relationships; it is equally important to recognize that malicious accusations of inappropriate amorous relationships have the potential to severely damage a person's career and reputation. Therefore, Georgia State University prohibits making knowingly false accusations that an unreported amorous relationship exists or existed between two parties now in a position to evaluate each other.

**d. Due Process**

Due process rights are matters of fundamental fairness. Therefore, any disciplinary action initiated will be taken in accordance with the procedures set out in the Faculty Handbook, Classified Employee Handbook or appropriate student catalogue, handbook, or college regulations.

.Amended February 28, 2008, Student Life and Development Committee

## **O. SMOKING/TOBACCO FREE CAMPUS POLICY**

Georgia State University (GSU) promotes a clean, healthy, productive and safe environment for all students, faculty, staff and visitors.

Smoking and tobacco use of any kind is prohibited on all GSU owned and/or leased locations/premises; all internal and external areas, parking garages, and parking lots; in all GSU owned and/or leased vehicles. Smoking is also prohibited within 25-feet of all GSU building entrances and exits. University Housing will designate limited exterior smoking/tobacco use areas within the grounds of residential facilities.

GSU reserves the right to initiate disciplinary procedures against any individual found to be in continuous violation of this policy; however all faculty, staff and students have a collective responsibility to promote the safety and health of the campus community and therefore share in the responsibility of enforcement. Individuals observed smoking/using tobacco are to be reminded in a professional and courteous manner of this policy.

Approved by University Senate - October 18, 2012

## **P. GEORGIA STATE UNIVERSITY POLICY/PROCEDURES FOR STUDENT COMPLAINTS, PETITIONS FOR POLICY WAIVERS/VARIANCES AND APPEALS**

### **I. Purpose and Applicability**

Georgia State University seeks to maintain the highest standards of integrity and fairness in its relationships with students. The Undergraduate Catalog and the Graduate Catalog (both found at [http://www.gsu.edu/es/catalogs\\_courses.html](http://www.gsu.edu/es/catalogs_courses.html)), and the [Student Code of Conduct](#) set forth policies and requirements for Georgia State students. Students are expected to know and comply with these policies. Students may, however, seek relief or resolution when they believe that:

- A. The application of these policies and procedures will create undue hardship for them or will not recognize their extraordinary or extenuating circumstances; or
- B. Specific actions, practices, or decisions on academic or non-academic matters have been made or carried out in an arbitrary, discriminatory, or inequitable manner. The procedures set forth below cover complaints, petitions, and appeals related to University-wide and college-based policies. Individual colleges or departments may have additional or more specific procedures that may also apply to complaints, petitions, and appeals. Students are referred to the office of the dean of the particular college for information about additional or more specific procedures that apply. In case of conflict among policies, this University policy takes precedence over College and Departmental policies. The following policies include their own complaint, petition and waiver procedures. This policy may not be used in lieu of these policies.
  1. Any policy for anyone other than a student to make a complaint, file a grievance, or request a waiver, such as policies that govern faculty and staff.
  2. All policies in the student code of conduct
  3. Emergency withdrawal policy
  4. Admission, readmission, and exclusion policies
  5. Discriminatory and sexual harassment policies
  6. Disability policies
  7. College of Law Honor Code
  8. Student parking policy

The procedures set forth below are applicable to undergraduate and graduate students of the University. All appeals under these procedures will be made based only on the written record. A student's appeal under these procedures will be granted only if the student can prove by preponderance of evidence that a decision was arbitrary, discriminatory, or inequitable.

### **II. Student Complaints on Academic Matters**

- A. College-Level Academic Complaints
  1. Final Course Grade Appeals
    - a. Students are encouraged to discuss concerns and disputes over final course grades with the instructor prior to filing a formal grade appeal, in an effort to gain understanding about the basis of his/her grade. Instructors are encouraged to be available to students for such discussion regarding grades so that grade disputes, to the extent possible, are resolved informally. The Office of the Ombudsperson can provide assistance to students, instructors and administrators with resolving disputes informally through voluntary facilitated discussions, in an effort to bring resolution to the matter prior to the initiation of a formal complaint.
    - b. In situations where such informal resolution does not occur or is not successful, the student may appeal the final course grade to the Department Chair. The appeal must be in writing and describe the precise reason for the appeal. Any pertinent information must be submitted with the appeal in order



to be considered in this or subsequent appeals. The appeal must be submitted within 10 business days of the beginning of the academic term (fall, spring, summer) that follows the term in which the final grade was submitted by the instructor. For example, if a student took an incomplete in a fall term course and completed the course works in the following spring semester, then an appeal of that grade must be submitted within 10 business days of the beginning of the summer term. The Department Chair will provide a decision in writing to the student, normally within 10 business days of the receipt of the complaint in the Department.

- c. The student may appeal the decision of the Department Chair, as described in section 2-c through 2-e below.
2. Other College-Level Academic Complaints
    - a. Judgments on the suitability of academic decisions made within a college are most appropriately made by individuals with expertise in the particular academic discipline involved. For this reason, resolution of student complaints about college level academic decisions, actions, or practices is the responsibility of the department and college involved. Normally, such complaints can be resolved quickly and informally through discussion with the faculty member directly involved. The Office of the Ombudsperson can provide assistance to students, instructors and administrators with resolving disputes informally through voluntary facilitated discussions, in an effort to bring resolution to the matter prior to the initiation of a formal complaint.
    - b. In situations where such informal resolution does not occur or is not successful, the student may submit a formal complaint to the Chair of the appropriate academic department. The student's complaint must be submitted in writing and be accompanied by pertinent documentation describing (a) the specific action, practice, or decision that is problematic; (b) the impact of that decision; (c) what resolution is being sought; (d) and why it should be granted. To promote prompt resolution, complaints must include current contact information and be submitted at the earliest possible time. Consideration will not be given to any complaint submitted later than the end of the term immediately following the term in which the matter in question arose. The Department Chair will provide a decision in writing to the student, normally within 10 business days of the receipt of the complaint in the Department.
    - c. The student may appeal the Department Chair's decision within 10 business days of being notified of the Chair's decision. Such appeal will be made, in writing, to the Dean of the College in which the Department is located. At the discretion of the Dean, an advisory panel may be appointed to review the written documentation and make a recommendation to the Dean. The Dean will issue a decision to the student in writing, normally within 10 business days of the receipt of the appeal.
    - d. A student may appeal the Dean's decision to the Provost, in writing, within 10 business days of being notified of the Dean's decision. The Provost will issue a decision to the student, in writing within 20 business days of receiving the appeal.
    - e. The student may appeal the Provost's decision to the President, in writing, within 10 business days of being notified of the Provost's decision. The President will issue a decision to the student in writing within 20 business days of receiving the appeal.
    - f. The student may appeal the President's decision to the Board of Regents, in writing, within 20 business days of being notified of the President's decision. Decisions regarding grades may not be appealed to the Board of Regents (BOR Policy 407.01).

**B. University-Level Academic Complaints**

1. Judgments on the suitability of academic decisions made at the University level are most appropriately made by individuals with expertise in the particular area. Normally, such complaints can be resolved quickly through discussion with the Academic Administrator directly involved. (See the University Organizational Chart at [http://www.gsu.edu/administrative\\_organization.html](http://www.gsu.edu/administrative_organization.html).) Students can contact the Office of the Ombudsperson for assistance in preparing for discussion with academic administrators. The Office of the Ombudsperson can also provide assistance to students and academic administrators with resolving disputes informally through voluntary, facilitated discussions, in an effort to bring resolution to the matter prior to the initiation of a formal complaint.
2. In situations where such informal resolution does not occur or is not successful, the student may submit a formal complaint to the Vice Provost. The student's complaint must be submitted in writing, and be accompanied by pertinent documentation describing (a) the specific action, practice, or decision that is problematic; (b) the impact of that decision; (c) what resolution is being sought; and (d) why it should be granted. To promote prompt resolution, complaints must include current contact information and be submitted as early as possible, but no later than the end of the term immediately following the term in which the matter arose. The Vice Provost will normally issue a decision to the student in writing, within 10 business days of receiving the complaint.
3. The student may appeal the Vice Provost's decision to the Provost within 10 business days of being notified of the decision. The Provost will respond in writing to the appeal within 20 business days of receiving the appeal.
4. The student may appeal the Provost's decision to the President in writing within 10 business days of being notified of the Provost's decision. The President will respond in writing to the appeal within 20 business days of receiving the appeal.
5. The student may appeal the President's decision to the Board of Regents in writing within 20 business days of being notified of the President's decision. Decisions regarding residency and the Guaranteed Tuition Plan may not be appealed to the Board of Regents (BOR Policy 407.01).

**III. Non-Academic Complaints**

1. Judgments on the suitability of non-academic decisions are most appropriately made by individuals with expertise in the particular area. Normally, such complaints can be resolved quickly through discussion with the Administrator in charge of the department making the decision. (See the [University Organizational Chart](#).) Students can contact the Office of the Ombudsperson for assistance in preparing for discussion with non-academic administrators. The Office of the Ombudsperson can also provide assistance to students and non-academic administrators with resolving disputes informally through voluntary, facilitated discussions, in an effort to bring resolution to the matter prior to the initiation of a formal complaint.
2. In situations where such informal resolution does not occur or is not successful, the student may submit a formal complaint to the Vice President or Vice Provost who oversees the area. The student's complaint must be submitted in writing, and be accompanied by pertinent documentation describing (a) the specific action, practice, or decision that is problematic; (b) the impact of that decision; (c) what resolution is being sought; and (d) why it should be granted. To promote prompt resolution, complaints must include current contact information and be submitted as early as possible, but no later than the end of the term immediately following the term in which the matter arose. The Vice President or Vice Provost will provide a decision to the student in writing, normally within 10 business days of the receipt of the complaint.
3. The student may appeal the Vice President's or Vice Provost's decision to the Provost in writing within 10 business days of being notified of the decision. The Provost will respond in writing to the appeal within 20 business days of receiving the appeal.

4. The student may appeal the Provost's decision to the President in writing within 10 business days of being notified of the Provost's decision. The President will respond in writing to the appeal within 20 business days of receiving the appeal.
5. The student may appeal the President's decision to the Board of Regents in writing within 20 business days of being notified of the President's decision. Decisions regarding traffic citations may not be appealed to the Board of Regents (BOR Policy 407.01).

#### **IV. Student Petitions for Academic Policy Waiver or Variance**

- A. College-Level Policy Waiver or Variance Petitions
  1. Students may petition for a waiver or variance of a department-level or college-level policy. The appropriate College Office of Academic Assistance can provide the student with college policies and petition procedures.
  2. The student must submit a petition, in writing, to the Office of Academic Assistance of the College which has made the policy in question. The petition must include the following: (a) the policy from which the student is seeking a waiver or variance, (b) the deviation being sought; and (c) the reason(s) why the exception should be granted. The Office of Academic Assistance representative will determine whether the petition needs to be addressed at the departmental or college level, and will forward the petition to the appropriate administrator who will notify the student of his or her decision.
  3. The student may appeal the decision, in writing, following the procedures stated in Section II.A.2.c through f above, the College-Level Academic Complaint Policy and Procedures. If the original decision was rendered by a Department Chair, the appeal should be initiated at the level of the Dean; if the original decision was rendered by the Dean (or his or her designate), the appeal should be initiated at the level of the Provost.
- B. University-Level Policy Waiver or Variance Petitions
  1. Students may request a waiver or variance of a policy established by the University or the Board of Regents.
  2. All requests for waivers or variances from university-level policies will be made based only on the written record.
  3. The petition must include the following: (a) The section number from the Catalog (or other official University document) of the policy or requirement from which the student is requesting a waiver; (b) the deviation being sought; (c) the reason(s) why the exception should be granted; (d) a current copy of the student's academic evaluation record; and (e) a current copy of the student's Georgia State University transcripts (unless the petitioner is not a yet a Georgia State student); and (f) transcripts from any other college the student has attended (if the petitioner has attended other colleges).
  4. Financial Appeals
    - a. Appeals of tuition and fee rules (currently in sections 1210.10, 1210.20 and 1210.30 of the Catalog), Georgia resident status rules (currently in section 1220), and financial aid rules (currently in section 1230) will be made by the University Registrar.
    - b. If the petition is denied, the student may appeal to the Financial Appeals Committee, a committee appointed by the Vice Provost. The student must appeal in writing and within 10 business days of being notified of the decision of the University Registrar.
    - c. Appeals of the financial rules of colleges and departments (e.g., lab fees, graduate assistantship rules, etc.) are considered by the college or department. See Section IV.A. above.

5. Add, Drop and Withdrawal Appeals (Appeals of Rules Currently in Section 1332 of the Catalog)
  - a. Appeals of add, drop and withdrawal rules will be made in the first instance by the University Registrar.
  - b. If the petition is denied, the student may appeal to the Registration Appeals Committee, a subcommittee of the Senate Committee on Admissions and Standards. The student must appeal in writing and within 10 business days of being notified of the decision of the University Registrar.
  - c. The Registrar will copy of the Chair of the Registration Appeals Committee on all letters to students notifying them of the results of their petitions. Every semester, the Registrar will distribute to the Senate Committee on Admissions and Standards a report that indicates (at a minimum) the number of petitions filed, the number granted, and the number denied. Any member of Admissions and Standards may review the documents of any petition when there is a legitimate educational interest.
  - d. This policy does not change the Emergency Withdrawal policy.
  
6. Course Load, Scholastic Discipline, Course Substitution in the Core, and Regents Test Appeals (Appeals of Rules Currently in Section 1330.30, 1360, 1410, and 1420 of the Catalog)
  - a. Appeals of rules regarding course load, scholastic discipline, course substitution in the core and Regents Test will be made in the first instance by the head of the University Advisement Center. However, appeals for waivers of Section 1330.30 (Course Load) will be considered by the student's college if the student has declared a college and will follow the procedure outlined in Section IV.A above.
  - b. If the petition is denied by the head of the University Advisement Center, the student may appeal to the Academic Regulations Appeals Committee, a subcommittee of the Senate Committee on Admissions and Standards. The student must appeal in writing and within 10 business days of being notified of the decision of the Director of the University Advisement Center.
  - c. The head of the University Advisement Center will copy of the Chair of the Academic Regulations Appeals Committee on all letters to students notifying them of the results of their petitions. Every semester, the head of the University Advisement Center will distribute to the Senate Committee on Admissions and Standards a report that indicates (at a minimum) the number of petitions filed, the number granted, and the number denied. Any member of Admissions and Standards may review the documents of any petition when there is a legitimate educational interest.
  
7. Academic Regulation and Graduation Requirement Appeals (Appeals of Rules Currently in other parts of Sections 1300 and 1400 of the Catalog)
  - a. Appeals of other university-level rules and graduation requirements will be made in the first instance by the Assistant Vice President for Student Retention. However, appeals for waivers of Section 1330.30 (Course Load) will be considered by the student's college if the student has declared a college and will follow the procedure outlined in Section IV.A above.
  - b. If the petition is denied, the student may appeal to the Academic Regulations Appeals Committee, a subcommittee of the Senate Committee on Admissions and Standards. The student must appeal in writing and within 10 business days of being notified of the decision of the Assistant Vice President for Student Retention.
  - c. The Assistant Vice President for Student Retention will copy of the Chair of the Academic Regulations Appeals Committee on all letters to students notifying them of the results of their petitions. Every semester, the Assistant Vice President for Student Retention will distribute to the Senate Committee on Admissions and Standards a report that indicates (at a minimum) the number of petitions filed, the number granted, and the number denied. Any member of Admissions and Standards may review the documents of any petition when there is a legitimate educational interest.

8. Subsequent Appeals

- a. The student may appeal the decisions of the Admissions Appeals Committee, Financial Aid Appeals Committee, the Registration Appeals Committee and Academic Regulations Appeals Committee to the Vice Provost in writing within 10 business days of being notified of the decision. The Vice Provost will respond in writing to the appeal within 20 business days of receiving the appeal.
  - b. The student may appeal the Vice Provost's decision to the Provost in writing within 10 business days of being notified of the decision. The Provost will respond in writing to the appeal within 20 business days of receiving the appeal.
  - c. The student may appeal the Provost's decision to the President in writing within 10 business days of being notified of the Provost's decision. The President will respond in writing to the appeal within 20 business days of receiving the appeal.
  - d. The student may appeal the President's decision to the Board of Regents in writing within 20 business days of being notified of the President's decision.
9. Should a reorganization of offices lead to case where the position of University Registrar or one of the heads/directors noted above no longer exists, the Vice Provost and Chair of the Senate Committee on Admissions and Standards will jointly designate an individual to handle petitions until the Senate can revise this policy to reflect the new organization.

**V. Deadlines**

- A. All deadlines established in this Policy are stated in terms of business days. If a deadline falls on a weekend or scheduled holiday, the deadline will be the next scheduled workday of Georgia State University.
- B. Students lose their right to continue to the next step of the procedures if they miss a stated or agreed-upon deadline.

**VI. Mediation**

Students who have filed formal complaints or petitions or those who have had formal complaints filed against them under Sections II A or B of this Policy (except for grade appeals) may request that the matter be submitted to mediation in an effort to achieve resolution. Mediation is a voluntary, confidential process whereby a neutral person facilitates discussion between the parties in a mutual attempt to reach resolution on the issues raised by the parties. In the event mediation is agreed upon by both parties, the timelines under this policy shall be suspended until which time the mediation is completed. In the event that mediation results in agreement, the student's complaint will be considered resolved. In the event that mediation does not result in resolution of the matter, the student may appeal to the next level of review under this policy. Information derived from mediation discussion may not be used as the basis for higher levels of appeal, nor can the mediator be asked to provide information or make any decision at any level of the formal appeals process. Persons interested in mediation should contact the Office of the Ombudsperson.