



# Student Handbook 2021-2022

UPDATED: FEBRUARY 2022

STUDENT CODE OF CONDUCT AND ADMINISTRATIVE POLICIES AND  
PROCEDURES

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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 (the "Code") 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. The most current version of the Code may be found online at [codeofconduct.gsu.edu](http://codeofconduct.gsu.edu). In the event of a conflict between the Code 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 Code, 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, [deanofstudents@gsu.edu](mailto:deanofstudents@gsu.edu), 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; and
- Disciplinary or academic misconduct charges initiated or sanctions imposed against the Student from a high school or former college or university.

The university will review all reported incidents to determine if the Student's conduct poses a significant threat to the safety and well-being of the University Community.

#### 1. **Compliance with University Policy**

In addition to the general rights and obligations of the University Community, students are obligated to apprise themselves 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 Code applies equally to individual Students and Student Organizations. The university has jurisdiction to hear all matters related to violations 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 alleged General Conduct violations as defined in the Code (*see* II. General Conduct Policies and Procedures).

The Code applies to all Student conduct on University Property, at University-Sponsored Activities and programs including those in remote and international locations, and at student organization activities, or that otherwise violates the institution's student conduct policies, regardless as to where such conduct occurs. The Code continues to apply to student conduct while a conduct matter is pending even if the Student withdraws from school.

### **D. Non-Academic Withdrawal**

In the judgment of the Dean of Students, a Student may be withdrawn from the university for non-academic reasons when it is determined that the Student has demonstrated behavior that: (a) poses a significant danger or threat of physical harm to the person or property of others; or (b) interferes with the rights of other members of the University Community or with the exercise of any proper activities or functions of the university or its personnel. Except in situations where the Student is believed to be an imminent threat to others, as determined at the sole discretion of the university, a Student shall, upon request, be accorded an appropriate hearing prior to the final decision concerning his or her continued enrollment at the university. In situations involving an imminent threat, the Student will be provided a hearing as soon as possible after the withdrawal occurs. Students who are non-academically withdrawn 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).

### **E. 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. The Committee on Student Life 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.

3. **Student Media**

The publications and communications of Registered Student Organization 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.

**F. Official Means of Communication**

The university's official means of communication with students is by email to their GSU email address. An email sent by the university to a student at their GSU email address is considered to have been received by the student on the date sent. Written communication with the university should be submitted in the manner instructed, which most commonly will involve email or online submissions.

**G. Definitions**

The terms defined below are capitalized when used throughout Section I Introduction and Section II General Conduct Policies and Procedures.

"Advisor" means someone who is permitted to accompany the Respondent or Complainant to meetings and proceedings during the investigatory and/or resolution process for the express purpose of providing advice and counsel to the student. An Advisor may but does not have to be an attorney and is allowed to advise their advisee in any manner including providing questions, suggestions, and guidance on responses to any questions posed to the advisee. However, an Advisor may not advocate or participate directly during the investigation or hearing process.

"Amnesty" means that Students are encouraged to come forward and report violations of the law and/or student code of conduct notwithstanding their choice to have consumed alcohol or drugs. Information reported by a student during the conduct process

concerning their consumption of drugs or alcohol will not be voluntarily reported to law enforcement; nor will information that the individual provides be used against the individual for purposes of conduct violations. Nevertheless, these students may be required to meet with staff members regarding the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this Amnesty procedure will not be considered a sanction. Nothing in this Amnesty procedure shall prevent a university staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

"Business Day" means any day on which the Office of the Dean of Students is open.

"Code" means Student Code of Conduct.

"Complainant" means an individual who has experienced conduct alleged to have violated 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 may include their 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 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, messages, or otherwise disrupting class or scheduled university instructional activities; assembling in a manner that is disruptive and not peaceful, refusing to follow the direction of a university official, entering or attempting to enter any athletic, dance, social or other event without the credentials for admission (e.g. ticket, identification card or invitation).

"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.

"False Complaints/Statements" means giving knowingly false statements to a university official. Any person found to have knowingly submitted False Complaints, accusations, or statements, including during a hearing, shall be adjudicated pursuant to applicable Board or university policy and subject to appropriate disciplinary action up to and including suspension or expulsion.

"FERPA" means the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99), a Federal law that governs 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. Under certain conditions, FERPA requires schools to disclose personally identifiable information from a student's education records. Accordingly, per FERPA regulations, the university notifies the victim of an

alleged crime of violence or a non-forcible sex offense of the final results of a disciplinary hearing with respect to the alleged crime. (For more information: <https://registrar.gsu.edu/academic-records/records-access/#1>).

"Hazing" means to subject a student to an activity which: (1) endangers or is likely to endanger the physical health of a student; (2) forces or coerces the student through the use of social or physical pressure to consume any food, liquid, alcohol, drug, or other substance which subjects the student to a likely risk of vomiting, intoxication, or unconsciousness; or (3) 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.

Examples of activities that may violate this policy include but are not limited to the following: forcing, requiring or encouraging nudity at any time; paddle swats; treeings (e.g., tying someone up and throwing food or other substances on them); line-ups (e.g., yelling at or harassing people in a formation); calisthenics (e.g., push-ups, sit-ups, jogging, runs); causing an individual to be sleep deprived and/or to suffer from unreasonable fatigue; conducting activities that do not allow adequate time for class attendance, study and completion of assignments, participation in group projects; theft of any property; road trips (e.g., dropping someone off and leaving them to find their own way back); performing acts of personal servitude for members (e.g., driving them to class, cleaning their individual rooms, serving meals, washing cars, shopping, laundry); scavenger hunts without prior approval from the appropriate university appointed official, or which includes activity that would otherwise constitute hazing; forcing or requiring the violation of university policies, federal, state, or local law.

For purposes of this definition, Hazing occurs regardless of whether the action, activity, or situation is intentionally, negligently, or recklessly caused, and regardless of a student's willingness to participate. Also for purposes of this definition, "student group" or "school organization" means any association, corporation, order, club, society, fraternity, sorority, athletic team, or a group living together which has students or alumni as its principal members, including local affiliate organizations.

"Hearing Panel" means any entity authorized by the university established to determine whether a Student or Student Organization has violated the Code and to determine sanctions.

"Hearsay" means testimony given by a party or witness who relates what others have said, rather than what the individual knows personally, (i.e. testimony by a party or witness about statements made outside of the conduct hearing by someone other than the person that is testifying). Hearsay is admissible except in certain Title IX proceedings, but the Panel will take into consideration that the testimony is based on Hearsay rather than personal knowledge.

"Illegal Drug" means any drug the use, possession or Distribution of which 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 Respondent's case.

"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.

"Officer" means a Student holding any elected or appointed position (as defined in Section IV.H of the Code) 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" is a standard of proof that 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 reviewed as a whole indicates that responsibility for the charged violation is more probable than not. The term Information applies to any observation, admission, statement, or document which would either directly or circumstantially indicate that a charged violation has or has not occurred. A decision to suspend or expel will be supported by substantial evidence showing that a Preponderance of Information standard has been met.

"Registered Student Organization" means any organization which is registered in accordance with university policies and procedures. As used throughout the Code, "Student" may refer to a Student or Registered Student Organization.

"Reporter" means an individual who reports an allegation of conduct that may violate the Code but who is not a party to the complaint.

"Retaliation" means a reprisal against someone because they have made a report or complaint, provided information, assisted, participated or refused to participate in any investigation or resolution under applicable Board or university policy.

"Respondent" means an individual who is alleged to have engaged in conduct that violates university policy.

"Sexual Misconduct" means unwanted behavior such as but not limited to dating violence, domestic violence, nonconsensual sexual contact, nonconsensual sexual penetration, sexual exploitation, sexual harassment and stalking.

"Stalking" means Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. As used in this definition, "course of conduct" means two or more acts including but not limited to acts in which the stalker directly, indirectly, or through third parties and by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with person's property. "Reasonable person" as used herein means a reasonable person under similar circumstances and with similar identities to the victim. "Substantial emotional distress" as used herein means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

"Student" as used throughout the Code refers to both individual Students and Student Organizations. The types of student status are as follows:

- "Current Student" - a person who has been admitted and is enrolled in classes at the university. This status continues unless and until the Student drops, withdraws or is withdrawn from all classes during a semester, at which time the individual 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 an emergency 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 Registered Student Organizations.
- "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 Registered Student Organization.

"University Community" is comprised of Georgia State University students, staff and faculty.

"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.

"USG" means the University System of Georgia, including the Board of Regents, all institutions recognized as part of the system, and all students or employees thereof.

"Witness" means any person determined by the Dean of Students to have information relevant to a conduct matter. A character reference is not a Witness.

Amended - University Senate - January 19, 2012

Amended - Administrative Council - January 16, 2013; May 1, 2013; May 7, 2014; February 3, 2021

Amended - Student Life Committee - March 17, 2016

Amended - Student Life Committee - March 25, 2021

Amended - Administrative Council - June 2, 2021

Amended - Administrative Council - July 1, 2021

## II. General Conduct Policies and Procedures

### A. Prohibited General Conduct

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

1. Violation of the Code 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 them 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, Retaliation, 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, or local, state or federal law.
10. Public intoxication or use, possession, consumption, Distribution or sale of alcoholic beverages except as expressly permitted by the university's Alcohol and Other Drugs Policy (*see* G. Alcohol and Other Drugs Policy).
11. Use, consumption, possession or Distribution of any narcotic, dangerous drug or Controlled Substance or possession of drug paraphernalia that would violate the university's Alcohol and Other Drug Policy and/or the law (*see* G. Alcohol and Other Drugs Policy).
12. Falsification, forgery, alteration, Fabrication or misuse of university records, data, 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-registered/unrecognized organization on any property belonging to the university.
16. Engaging in, supporting, promoting or sponsoring Hazing (*see* I. Hazing Policy).
17. Gambling as prohibited by local, state, or federal law.
18. Engaging in any Sexual Misconduct (*see* H. Sexual Misconduct Policy).
19. Commission of any offense prohibited by local, state, or federal law.
20. Failure to comply with directions of university officials or law enforcement officers acting in the 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 regarding any matter including, but not limited to, a request to meet concerning an issue, or a notice alleging a violation of the Code.
23. Failure to comply with the sanction(s) imposed for a violation of the Student Code of Conduct.

## B. Process for Resolving General Conduct Matters

### 1. Overview

#### a. Due Process

Students or Student Organizations referred for misconduct are provided due process (notice and the right to be heard) through procedures designed to result in a fair, meaningful and just decision. Students referred for a General Conduct violation of the Code may seek guidance through the Office of the Dean of Students at deanofstudents@gsu.edu or 404-413-1515.

#### b. Recusal/Challenge for Bias

The Respondent and/or Complainant may challenge the participation of any university official, employee or student panel member in the process on the grounds of personal bias by submitting a written statement to the Dean of Students setting forth the basis for the challenge. The written challenge should be submitted within a reasonable time of discovering the identity of the university official, employee, or student panel member whose involvement the alleged offender and/or Complainant wishes to challenge. The Dean of Students will determine whether to sustain or deny the challenge, and if sustained, the replacement to be appointed.

### 2. Jurisdiction

The Code applies equally to Students and Student Organizations and applies to all Student conduct on University Property, at University-Sponsored Activities and programs including those in remote and international locations, at student organization activities, and to conduct that otherwise violates the university's student conduct policies, regardless of where such conduct occurs. The Code continues to apply to student conduct while a conduct matter is pending, even if the Student withdraws from school.

### 3. Official Means of University Communication

The university's official means of communication with a student is by email to their GSU student email address. An email sent by the university to a student at their GSU student email address is considered received by the student on the date sent. Written communication by students with the university should be submitted in the manner instructed, which most commonly will involve email or online submissions.

### 4. Reporting Violations

- a. **Where to Report:** Student violations of the Code may be reported online at <https://deanofstudents.gsu.edu>. Complaints of Sexual Misconduct or discrimination by university faculty or staff should be reported to Opportunity Development/Diversity Education Planning (ODDEP) by email to [equalopportunity@gsu.edu](mailto:equalopportunity@gsu.edu). Incidents may also be reported to the police.
- b. **What to include in Report:** A report of misconduct should provide as much information as possible to enable the Dean of Students to decide whether further fact-finding is necessary (e.g. name(s), a description of the alleged

misconduct, contact information for the Respondent and individuals with knowledge of the incident, dates, times, locations, a description of available evidence, and whether a criminal complaint has been made).

- c. **Confidentiality:** The university will consider requests by Complainants that their identity be withheld or the allegation(s) not be investigated but confidentiality cannot be guaranteed and will not prohibit the university from reporting information or statistical data as required by law (e.g. under the Clery Act). When considering requests for confidentiality, the university will taking into account whether or not such request(s) may be honored while still promoting a safe and nondiscriminatory environment for the university, and conducting an effective review of the allegations.
- d. **Retaliation:** Persons who make a report or complaint, provide information, assist, participate or refuse to participate in any investigation or resolution under applicable Board or university policy shall not be subjected to Retaliation. Persons who believe they have been subjected to prohibited Retaliation should promptly report the matter at <https://deanofstudents.gsu.edu>. University Community members found to have engaged in prohibited Retaliation shall be subject to disciplinary action pursuant to the Code or other applicable university policy.
- e. **False Complaints/Statements:** Knowingly giving false statements to a university official is prohibited. Any person found to have knowingly submitted False Complaints, accusations, or statements, including during a hearing, shall be adjudicated pursuant to university policy and subject to appropriate disciplinary action.
- f. **Amnesty:** Students are encouraged to come forward and report violations of the Code even if the circumstances involve their having consumed alcohol or drugs. The university will not charge the reporting student under the code of conduct for having consumed alcohol or drugs, nor will the university seek to report the consumption to law enforcement. Nevertheless, these students may be required to meet with university staff regarding the incident and may be required to participate in appropriate educational program(s). Required participation in an educational program under this Amnesty procedure is not a sanction. Nothing in this Amnesty provision shall prevent a university staff member from reporting information or statistical data as required by law.
- g. **Consolidation of Issues:** 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 via the adjudication process for Sexual Misconduct.

## 5. Initial Evaluation of Student Conduct Reports

The university will ensure a prompt, fair, and impartial review and resolution of reported student misconduct. Reports of student misconduct will be reviewed by the university to determine whether the allegations describe conduct in violation of the Code or other policies and, if so, whether charges against the Respondent should be brought.

Reports of conduct that would not be a violation of the Code or other policies, even if true, will be dismissed.

Any report that involves allegations of conduct that could lead to the suspension or expulsion of the Respondent(s) will be promptly reported by the university to the System Director of Equity & Investigations ("System Director"). If an allegation is not initially identified as one that could lead to suspension or expulsion of the Respondent(s), but facts arise during the course of the investigation that would require notice to the System Director, then the university shall report that case to the System Director or their designee prior to proceeding.

## 6. Access to Advisors

Both Respondent and Complainant have the right to an Advisor of their choosing, at their own expense. The Advisor may but does not have to be an attorney, and may accompany the Respondent or Complainant at meetings and proceedings during the investigatory and/or resolution process for the express purpose of providing advice and counsel to the student. The Advisor may

advise their advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions posed to the advisee, but may not advocate or participate directly during the investigation or hearing process.

## 7. Interim Measures

Interim measures are designed to protect any student or other individual in the USG community and may be implemented at any point after the university becomes aware of alleged student misconduct and the conduct process has or will be initiated (i.e. interim measures may not substitute for initiating the student conduct process for determining responsibility and sanctions). Where feasible, interim measures should be imposed in a manner that minimizes the burden on both the Complainant and the Respondent. Interim measures may include, but are not limited to:

1. Change of housing assignment;
2. Issuance of a "no contact" directive;
3. Restrictions or bars to entering certain University Property;
4. Changes to academic or employment arrangements, schedules, or supervision;
5. Interim suspension; and
6. Other measures designed to promote the safety and well-being of the parties and the University Community.

As the most significant interim measure that may be imposed, interim suspension is only implemented when necessary to maintain safety and when the Respondent poses a serious and immediate danger or threat to persons or property. When determining whether to impose an interim suspension, the university will consider the existence of a significant risk to the health or safety of the Complainant or the University Community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk. The terms of an interim suspension take effect immediately.

- a. Notice of Interim Measures. The Student will be sent written notice of the interim measures, the reasons for the interim measures, and the related Code violations the Student was reported to have violated. The Dean of Students will make all reasonable effort to give the Student the opportunity to be heard prior to implementing the interim measures. The interim measures take effect 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 the report or final decision on Code charges) or until the Dean of Students determines that the interim measures are no longer warranted, whichever occurs first.
- b. Student Response. The Student shall have three (3) Business Days following the date of the notice of interim measures to respond to the reasons given by the university for having imposed the interim measures, and to show that interim measures are not necessary to protect a student or other member of the USG community. In the case of interim suspension, the Student must show the Student does not pose an immediate danger or threat to the safety and well-being of the University Community.
- c. Determination. The university will determine whether the interim measures should continue within three business days of receiving a response from the Respondent.

## 8. Investigation

- a. Rights. Parties to an investigation and resolution proceeding shall receive written notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent or otherwise not participate in or during the investigation and resolution process without it resulting in an adverse inference. If a party chooses to remain silent or otherwise not participate in an investigation, the investigation may still proceed and policy charges may still result and be resolved. Timely and equal access to information that will be used during the investigation will be provided to the Complainant and Respondent.

- b. Investigation of Misconduct that will not result in Suspension or Expulsion. The Dean of Students will conduct a prompt, fair and impartial initial investigation of all reports of Code violations to determine whether there is sufficient basis to believe that a violation of the Code may have occurred. An initial investigation may consist of requesting additional Information, and interviewing the Complainant, Respondent, Reporter and/or Witnesses. 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.
- c. Investigation of Misconduct that may result in Suspension or Expulsion.
  - 1. Any report that involves allegation(s) of conduct that could lead to the suspension or expulsion of the Respondent(s) will be promptly reported to the System Director of Equity & Compliance ("System Director") by the university. If an allegation is not initially identified as one that could lead to suspension or expulsion of the Respondent(s), but facts arise during the course of the investigation that would require notice to the System Director, then the university will report that case to the System Director or their designee prior to proceeding.
  - 2. Respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, available support services and the name of the investigator(s). A copy of the notice will be sent to the Complainant where applicable.
  - 3. The Respondent will be given five (5) business days to respond in writing to the notice with an admission or denial of the allegations, a written statement of the facts, the names and contact information of any Witnesses together with and documents in support of Respondent's position. A non-response by the Respondent will be considered a general denial of the alleged misconduct.
  - 4. The Complainant will be given five (5) business days to respond in writing to the notice.
  - 5. If the Respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
  - 6. If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of discipline, then the complaint will be dismissed.
  - 7. The Respondent and Complainant may be accompanied by an Advisor throughout the student conduct process.
  - 8. The investigation will consist of interviews of the Respondent, the Complainant, Witnesses who have relevant Information about the involved incidents, the collection and review of documents or other Information, and such other steps as appropriate. The investigator will retain written notes and/or obtain written or recorded statements from each interview. The investigator will also keep a record and written explanation regarding any proffered Witnesses not interviewed.
  - 9. The investigation shall be summarized in an initial investigative report and provided to the Respondent and Complainant via student university email address. The summary will clearly indicate any recommended charges (or the recommendation of no charges where applicable) together with the facts and evidence in support of the charges (e.g. Witness statements) and possible sanctions. For purposes of this Policy, a charge is not a finding of responsibility, but indicates that there is sufficient evidence to warrant further consideration and adjudication.
  - 10. If the initial investigative report states that the Respondent will ultimately be charged with violations of the Code, the parties will be given the opportunity to respond in writing to the investigative report within five (5) business days of the date of the investigative report. The Respondent's written response must indicate whether the Respondent does or does not accept responsibility for the charges, together with any response to

the report and included facts and evidence. No response by the Respondent will be considered a denial of responsibility for the charges.

11. Based upon the responses of the Respondent and Complainant, the investigator may conduct a further investigation and update the investigative report.
12. The final investigative report will be provided to a hearing board or the Dean of Students Designee assigned to the case for their consideration when adjudicating the charges. A copy will also be provided to the Respondent and Complainant before any hearing. The investigator may be a Witness before the hearing board regarding the investigation and findings, but will have no part in the hearing process and will not attempt to influence the panel outside of providing testimony during the hearing.

## 9. Charges or Dismissal

Based on a review of the report, and initial investigation, the Dean of Students will determine whether 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 against the Respondent for the alleged Code violations and will promptly send the Respondent a charge letter identifying all charges against the Respondent for alleged violations of the Code. The charge letter will specify allegations of misconduct in sufficient detail to enable the Respondent to respond.

## 10. Administrative Conference

- a. The Respondent 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. If the Respondent fails to schedule or attend the required Administrative Conference, the case may proceed in the Respondent's absence, including making an administrative decision about the Respondent's responsibility for the alleged Code violations.
- b. At the Administrative Conference, the Dean of Students will review the Code of Conduct with the Respondent and provide the following:
  1. an explanation of charges;
  2. a copy of the Code, upon request;
  3. a copy of the complaint;
  4. a review of the Respondent's due process rights:
    - the right to a notice of all charges; and
    - the right to be heard through a fair and impartial conduct resolution process;
  5. an explanation of the General Conduct process including:
    - the opportunity to admit or 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 their choice to accompany and advise the Respondent during any part of the conduct process;
    - the opportunity to call Witnesses to present Information relevant to the facts of the case;
    - the right to a list of Witnesses who will appear against the Respondent;
    - 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.
- 6. notice that if, during the course of an administrative resolution or a hearing, new Information is introduced which indicates that additional alleged violations of the Code may have occurred, the Dean of Students will conduct a separate investigation to determine whether or not to initiate charges.
- 7. notice that all new charges will be adjudicated after a separate investigation has occurred.
- c. At the Administrative Conference the Respondent must choose one of the resolution routes described in this policy for the general conduct case.

## 11. Resolution -- General Student Conduct (not including Title IX and non-Title IX Sexual Misconduct)

### a. Resolution Options

#### 1. Mediation:

With the prior written consent of the Dean of Students, the Respondent 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 meaningful resolution of the matter is not achieved through mediation, then the matter will be referred to and resolved through the Georgia State University General Conduct process as described in the Code. Mediation is not available in some cases of alleged Sexual Misconduct.

#### 2. Restorative Justice:

With the prior written consent of the Dean of Students, the Respondent in a General Conduct matter who accepts responsibility for the involved charges may elect to have the matter informally resolved through a restorative justice process in the Office of the Dean of Students. If meaningful resolution of the matter is not achieved through the restorative justice process (such as if the Student does not sincerely engage in the process), then the matter will be referred to and resolved through the Georgia State University General Conduct process as described in the Code. Restorative justice is not available in some cases of alleged Sexual Misconduct.

#### 3. Administrative Resolution:

The Respondent may choose to have the case resolved administratively by the Dean of Students without a formal hearing. The Dean of Students may decide to personally resolve the case or designate another impartial adjudicator to resolve the matter.

#### 4. Formal Hearing:

The Respondent may choose to have the case resolved through a formal hearing before a panel.

### b. Process for Administrative Resolution

1. The Dean of Students will meet with the Respondent who will have the opportunity to provide a statement regarding the alleged misconduct along with any other supporting Information including the names of Witnesses, who have relevant information about the facts of the case, to be interviewed. The Respondent may bring an Advisor to their meeting(s) with the Dean of Students, however the Advisor may only confer with the Respondent and may not participate directly in the proceedings.
2. The Dean of Students will also meet separately, as necessary, with the Complainant and Witnesses to gather additional Information. A good faith effort will be made to contact and obtain a statement from Witnesses

who may have relevant Information. The Dean of Students will keep a record of any proffered Witnesses not interviewed together with a brief written explanation documenting why they were not interviewed.

3. At the conclusion of all meetings, using a standard of the Preponderance of Information, 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. A decision to suspend or expel will be supported by substantial evidence. In determining the sanction(s), the Dean of Students will consider any mitigating or aggravating factors, including prior violations of the Code.
  4. The Dean of Students will inform the Respondent of the decision In Writing. The written decision will include a statement of the charges, the determination of responsibility, the sanction(s) to be imposed, if any, the evidence in support of the sanction, and will list the factors for determining sanctions. In cases of crimes of violence, the Complainant will also receive written notice of this information.
- c. **Process for Panel Hearings - Non-Sexual Misconduct Cases:**

Student Judicial Board (SJB) Hearing Panels conduct formal hearings for general student conduct cases, with the exception of sexual misconduct cases which are heard by the Sexual Misconduct Board. Each SJB Hearing Panel is comprised of three students. One (1) member, designated the chairperson, serves as the presiding Officer. The university provides annual training for members of the Student Judicial Board. The Board establishes its own rules to govern the selection process for Hearing Panel members.

1. **Pre-Hearing Procedures:**

- i. SJB Hearing Panel members are notified of their selection.
- ii. The chairperson will convene the Hearing Panel as soon as possible following receipt of the Respondent's selection of a hearing route.
- iii. The SJB Chief Justice, who may be assisted by the Student Judicial Board Advisor, will prepare and send a written notice to the Respondent and the Complainant no less than five (5) Business Days prior to the date set for the hearing. The notice will include a statement of the date, time, location and nature of the hearing; a copy of the charges; the names of all Hearing Panel members, and the GSU student email address of the chairperson.
- iv. Hearings shall be conducted in-person or via video conferencing technology.
- v. If the Respondent or the Complainant cannot attend the hearing on the date scheduled for the hearing due to extraordinary circumstances, they must notify the Dean of Students with a written request to reschedule, including the reasons for the request, no later than three (3) Business Days prior to the hearing. If the Hearing Panel determines that a party or Witness is unable to be present due to extraordinary circumstances, the hearing officer or panel may establish special procedures for providing testimony from a separate location. In doing so, the hearing officer or panel must determine whether there is a valid basis for the unavailability, ensure proper sequestration in a manner that ensures testimony has not been tainted, and make a determination that such an arrangement will not unfairly disadvantage any party. Should it be reasonably believed that a party or Witness who is not physically present has presented tainted testimony, the hearing officer or panel will disregard or discount the testimony. If the Hearing Panel determines the party does not have extraordinary circumstances preventing their attendance, the hearing may move ahead as scheduled and a determination on responsibility and sanctions may be made without the party's attendance.

- vi. No later than three (3) Business Days prior to the hearing, the parties will submit the following Information in writing to the chairperson for exchange between the parties:
  - A list of the names of the Witnesses who have with relevant information about the incidents and may be called to speak at the hearing, together with a concise summary of the anticipated statement for each respective Witness.
  - Copies of all documents or statements to be presented at the hearing.
  - The name and title of the Complainant's Advisor, if any.
  - The name and title of the Respondent's Advisor, if any.
- vii. Both the Respondent 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 Dean of Students setting forth the basis for the challenge no later than three (3) Business Days prior to the hearing. The Dean of Students 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.
- viii. 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.

**2. Hearing Procedures:**

- i. All hearings regarding charges against individual Students will be closed in accordance with FERPA to maintain the confidentiality of Student education records.
- ii. The Respondent and Complainant shall have the right to present witnesses and evidence to the hearing officer or panel. Witness testimony, if provided, must pertain to information and facts directly associated with the case being heard.
- iii. 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. At the determination of the chairperson, the questioning may take place through the submission of written questions to the panel for consideration. Advisors may actively assist with drafting questions. The panel shall ask all submitted questions as written and will limit questions only if they are unrelated to determining the veracity of the charge against the Respondent. The panel will document the reason for not asking any particular questions. Information regarding prior misconduct will not be considered for the purpose of determining responsibility but may be considered after a finding of responsibility has been made, for purposes of determining appropriate sanctions.
- iv. The Complainant will present Information (e.g. Complainant's description of the incident, Witness statements and documentation) which supports the Code charges.
- v. The Respondent will present Information (e.g. the Respondent's description of the incident, Witness statements and documentation) which supports the denial of responsibility for the alleged Code violations.

- vi. 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).
- vii. Both the Respondent and the Complainant may be assisted throughout the proceeding by an Advisor. The Advisor may only communicate with the party being advised and not directly to the Hearing Panel or other parties involved.
- viii. Witnesses will be excluded from the hearing except during their specific Witness testimony.
- ix. The Respondent and the Complainant shall have the right to question any Witness, including the other party, by submitting written questions to the hearing officer for consideration. Advisors may actively assist the party being advised with drafting questions.
- x. Documentation shall be maintained of the Hearing, which may include written findings of fact, transcripts, audio recordings, and/or video recordings. A copy of the record is available to the Respondent or the Complainant upon payment of the cost of the reproduction.
- xi. Student cases may be combined and heard jointly for matters arising from the same set of circumstances or events.
- xii. Any student found to have knowingly submitted False Complaints, accusations, or statements, including during a hearing, shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudication under the student conduct policy.
- xiii. If, during the course of the hearing, new Information is introduced which indicates that additional alleged violations of the Code may have occurred, the Dean of Students will conduct a separate investigation to determine whether or not to initiate charges.
- xiv. Upon the conclusion of the Information stage of the hearing, the Hearing Panel will adjourn to review the Information and determine whether it is more likely than not that the Respondent 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.
- xv. After deliberating, the Hearing Panel, using a standard of the Preponderance of Information, shall forward the determination to the Dean of Students within five (5) Business Days of the hearing regarding the responsibility for the violation(s) and appropriate sanction(s).
- xvi. Following the hearing, both the Respondent and Complainant (where applicable) shall be simultaneously provided the written decision via GSU email of the outcome and any resulting sanctions. The written decision will summarize the evidence relied on in support of the outcome and the rationale for the resulting sanction. It will also include details on how to appeal.

## **C. Process for Resolving Sexual Misconduct Matters (Title IX and Non-Title IX)**

**Initial Evaluation of Sexual Misconduct Reports:** Upon notice of the alleged sexual misconduct the Title IX Coordinator ("Coordinator") will assess whether a formal investigation, informal resolution, or dismissal would be appropriate. In making this determination, the Coordinator will assess whether the allegation(s), if true, would rise to the level of prohibited conduct, whether a Formal Complaint must be filed, whether an investigation is appropriate in light of the circumstances, whether the parties prefer an informal resolution, and whether any safety concerns exist for the campus community. The need to issue a broader warning to the community in compliance with the Clery Act shall be assessed in compliance with federal law.

**Confidentiality:** Where a Complainant requests that their identity be withheld or the allegation(s) not be investigated, the Coordinator should consider whether or not such request(s) can be honored while still providing a safe and nondiscriminatory environment for the institution. The institution should inform the Complainant that the institution cannot guarantee confidentiality and that even granting confidentiality shall not prevent the institution from reporting information or statistical data as required by law, including the Clery Act. However, there are persons on campus who serve as confidential reporters in the Office of Student Victim Assistance and the Counseling Center to whom Complainants may report alleged sexual misconduct without having their identity or the circumstances reported (beyond the statistical data required by law).

**Retaliation:** Anyone who has made a report or complaint, provided information, assisted, participated, or refused to participate in any manner in the sexual misconduct process, shall not be subjected to retaliation. Anyone who believes that they have been subjected to retaliation should immediately contact the Coordinator or their designee. Any person found to have engaged in retaliation in violation of this Policy shall be subject to disciplinary action.

**False Complaints/Statements:** Individuals are prohibited from knowingly making false statements or knowingly submitting false information to a system or institution official. Any person found to have knowingly submitted False Complaints, accusations, or statements, including during a hearing, in violation of this Policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) under the appropriate institutional process.

**Amnesty:** Students should be encouraged to come forward and to report sexual misconduct notwithstanding their choice to consume alcohol or to use drugs. Information reported by a student during the sexual misconduct process concerning use of drugs or alcohol will not be used against the particular student in a disciplinary proceeding or voluntarily reported to law enforcement; however, students may be provided with resources on drug and alcohol counseling and/or education, as appropriate. Nevertheless, these students may be required to meet with staff members in regards to the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this Amnesty procedure will not be considered a sanction.

Nothing in this Amnesty provision shall prevent an institution staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

**Jurisdiction:** Each institution shall take necessary and appropriate action to protect the safety and well-being of its community. Accordingly, Sexual Misconduct should be addressed when such acts occur on institution property, at institution-sponsored or affiliated events, or otherwise violates the institution's student conduct policies, regardless of where such conduct occurs.

## Access to Advisors

1. For Formal Title IX Complaints: Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an Advisor (who may or may not be an attorney) of the party's choosing. The Advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the sexual misconduct process, including providing questions, suggestions and guidance to the party, but may not actively participate in the process except to conduct cross-examination at the hearing as outlined in the Resolution/Hearing section below. If a party chooses not to use an Advisor during the investigation, the institution will provide an Advisor for the purpose of conducting cross-examination on behalf of the relevant party.

All communication during the sexual misconduct process will be between the institution and the party and not the Advisor. The institution will copy the party's Advisor prior to the finalization of the investigation report when the institution provides the parties the right to inspect and review directly related information gathered during the investigation. With the party's permission, the Advisor may be copied on all communications.

2. For non-Title IX Sexual Misconduct Reports: Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an Advisor (who may or may not be an attorney) of the party's choosing at the party's own expense. The Advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the sexual misconduct process but may not actively participate in the process. All communication

during the sexual misconduct process will be between the institution and the party and not the Advisor. With the party's permission, the Advisor may be copied on all communications.

**Interim Measures:** Interim measures may be implemented at any point after the institution becomes aware of an allegation of sexual misconduct and should be designed to protect any student or other individual in the USG community. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual misconduct and retaliation. Interim measures must be provided consistent with the provisions in applicable Board and institutional policies and procedures.

An interim suspension should only occur where necessary to maintain safety and should be limited to those situations where the Respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of a significant risk to the health or safety of the Complainant or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.

Before an interim suspension is issued, the institution must make reasonable efforts to give the Respondent the opportunity to be heard on whether their presence on campus poses a danger. If an interim suspension is issued, the terms of the interim suspension take effect immediately. The Respondent shall receive notice of the interim suspension and the opportunity to respond to the interim suspension. Within three business days of receiving the challenge the institution will determine whether the interim suspension should continue.

## Process for Investigating and Resolving Sexual Misconduct Reports

### Investigation

Throughout any investigation and resolution proceeding, a party shall receive written notice of the alleged sexual misconduct, shall be provided an opportunity to respond, and shall be allowed the right to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting.

If a party chooses to remain silent or otherwise not participate in the investigation or resolution process, the investigation and resolution process may still proceed, and policy violations may still result. A party's choice to remain silent or otherwise not participate will be considered a general denial.

Until a final determination of responsibility, the Respondent is presumed to have not violated the Sexual Misconduct Policy. Prior to the finalization of the investigation report, timely and equal access to information directly related to the allegations that has been gathered during the investigation and may be used at the hearing will be provided to the Complainant, the Respondent, and a party's Advisor (where applicable). Formal civil rules of evidence do not apply to the investigation process, additionally the standard of review throughout the sexual misconduct process is a preponderance of the evidence.

1. The parties shall be provided with written notice of the: report/allegations with sufficient details, pending investigation, possible charges, possible sanctions, available support services and interim measures, and other rights under applicable institutional policies. For the purposes of this provision sufficient details include the identities of the parties involved, if known, the conduct allegedly constituting sexual misconduct, and the date and location of the alleged incident, if known. This information will be supplemented as dictated by evidence collected during the investigation. The notice should also include the identity of any investigator(s) involved. Notice should be provided via institution email to the party's institution email.
2. Upon receipt of the written notice, the parties shall have at least three business days to respond in writing. In that response, the Respondent shall have the right to admit or deny the allegations, and to set forth a defense with facts, Witnesses, and supporting materials. A Complainant shall have the right to respond to and supplement the notice. Throughout the sexual misconduct process the Complainant and the Respondent shall have the right to present Witnesses and other inculpatory and exculpatory evidence.
3. If the Respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.

4. An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any party's proffered Witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.
5. An investigator shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
6. The initial investigation report shall be provided to the Complainant, the Respondent, and a party's advisor (if applicable). This report should fairly summarize the relevant evidence gathered during the investigation and clearly indicate any resulting charges or alternatively, a determination of no charges. For purposes of this Policy, a charge is not a finding of responsibility.
7. The Complainant and the Respondent shall have at least 10 calendar days to review and respond in writing to the initial investigation report and directly related information gathered during the investigation. The investigator will review the Complainant's and the Respondent's written responses, if any, to determine whether further investigation or changes to the investigation report are necessary.
8. The final investigation report should be provided to the Complainant, the Respondent, and a party's Advisor, if applicable, at least 10 calendar days prior to the Hearing. The final investigation report should also be provided to all Hearing Panel members for consideration during the adjudication process.

### **Resolution/Hearing**

The Respondent and the Complainant, as parties to the matter, may have the option of selecting informal resolution as a possible resolution in certain cases where the parties agree, and it is deemed appropriate by the institution. Where a matter is not resolved through informal resolution the case shall be set for a hearing before a 3-person Hearing Panel of the Sexual Misconduct Board which is comprised of faculty and staff members. The university provides annual training for members of the Sexual Misconduct Board.

All sexual misconduct cases shall be heard by a panel of faculty and/or staff. All institutional participants in the sexual misconduct resolution process shall receive appropriate annual training as directed by the System Director or Coordinator and required by the Clery Act and Title IX.

In no case shall a hearing to resolve a sexual misconduct allegation take place before the investigation report has been finalized. The investigator may testify as a Witness regarding the investigation and findings but shall otherwise have no part in the hearing process and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing. All directly related evidence shall be available at the hearing for the parties and their advisors to reference during the hearing.

Relevant facts or evidence that were not known or knowable to the parties prior to the issuance of the final investigative report shall be admissible during the hearing. The institution will determine how the facts or evidence will be introduced. The admissibility of any facts or evidence known or knowable by the parties prior to the issuance of the final investigative report, and which were not submitted during the investigation, shall be determined by the institution in compliance with the obligation to provide both parties an equal opportunity to present and respond to Witnesses and other evidence.

Notice of the date, time, and location of the hearing as well as the selected hearing panel members shall be provided to the Complainant and the Respondent at least 10 calendar days prior to the hearing. Notice shall be provided via institution email to the parties' institution email. Parties may attend the hearing with their Advisor.

Hearings shall be conducted in-person or via video conferencing technology. Where the institution determines that a party or Witness is unable to be present in person due to extenuating circumstances, the institution may establish special procedures to permit that individual to provide testimony from a separate location. In doing so, the institution must determine whether there is a valid basis for the individual's unavailability, require that the individual properly sequester in a manner that ensures testimony has not been tainted, and make a determination that such arrangement will not unfairly disadvantage any party. Should it be reasonably believed that the individual presented tainted testimony, the hearing panel will disregard or discount the testimony. Parties may also request to provide testimony in a separate room from the opposing party, so long as no party is unfairly disadvantaged, and they have the opportunity to view the testimony remotely and submit follow-up questions.

At all times participants in the hearing process, including parties, a party's Advisor, and institution officials, are expected to act in a manner that promotes dignity and decorum throughout the hearing. Participants are expected to be temperate, respectful to others, and follow procedural formalities outlined by this Policy and the institution. The institution reserves the right to remove any participant from the hearing environment if the participant refuses to adhere to established rules of decorum.

Each institution shall maintain documentation of the investigation and resolution process, which may include written findings of fact, transcripts, audio recordings, and/or video recordings. Any documentation shall be maintained for seven years.

The following standards will apply to Title IX and Non-Title IX Sexual Misconduct hearings:

**1. Title IX Hearings**

- a. Where a party or a Witness is unavailable, unable, or otherwise unwilling to participate in the hearing, including being subject to cross-examination, the hearing panel shall not draw an adverse inference against the party or witness based solely on their absence from the hearing or refusal to subject to cross-examination.
- b. The parties shall have the right to present Witnesses and evidence at the hearing.
- c. The parties shall have the right to confront any Witness, including the other party, by having their Advisor ask relevant questions directly to the Witness. The Hearing Officer shall limit questions raised by the Advisor when they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any such event, the Hearing Officer shall err on the side of permitting all the raised questions and must document the reason for not permitting any particular questions to be raised.
- d. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, shall be deemed irrelevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or consent between the parties during the alleged incident.
- e. The hearing panel shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
- f. Formal civil rules of evidence do not apply to the resolution process and the standard of evidence shall be a preponderance of the evidence.
- g. Following a hearing, the parties shall be simultaneously provided a written decision via institution email of the hearing outcome and any resulting sanctions or administrative actions. The decision must include the allegations, procedural steps taken through the investigation and resolution process, findings of facts supporting the determination(s), determination(s) regarding responsibility, and the rationale for any sanction or other administrative action. The institution shall also notify the parties of their right to appeal as outlined below.

**2. Non-Title IX Sexual Misconduct Hearings**

- a. The parties shall have the right to present Witnesses and evidence at the hearing. Witness testimony, if provided, shall pertain to knowledge and facts directly associated with the case being heard.
- b. The parties shall have the right to confront any Witnesses, including the other party, by submitting written questions to the Hearing Officer for consideration. Advisors may actively assist in drafting questions. The Hearing Officer shall ask the questions as written and will limit questions only if they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any such event, the Hearing Officer shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.

- c. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, shall be deemed irrelevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or consent between the parties during the alleged incident.
- d. The hearing panel shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
- e. Formal civil rules of evidence do not apply to the resolution process and the standard of evidence shall be a preponderance of the evidence.
- f. Following a hearing, the parties shall be simultaneously provided a written decision via institution email of the hearing outcome and any resulting sanctions or administrative actions. The decision must include the allegations, procedural steps taken through the investigation and resolution process, findings of facts supporting the determination(s), determination(s) regarding responsibility, and the evidence relied upon and rationale for any sanction or other administrative action. The institution shall also notify the parties of their right to appeal, as outlined below.

## **D. Sanctions for General Conduct Violations and Sexual Misconduct**

1. The severity of sanctions or corrective actions will be determined taking into account the severity, frequency and/or nature of the offense, history of past conduct, the Respondent's willingness to accept responsibility, previous university response to similar conduct, strength of the evidence, and the wellbeing of the University Community.
2. Students or Student Organizations who are found responsible for violating university rules, procedures or policies may be subject to one or more of the sanctions outlined below, which may be imposed on a temporary or permanent basis.
3. Sanctions take effect as soon as notification is sent to the student and remain in effect for the period imposed unless and until overturned on appeal.
4. 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.
5. **Types of Sanctions:**
  - a. **Written Reprimand** - A written statement that the Student has violated regulations and is a notice that continuation or repetition of Code violations may result in more severe action.
  - b. **Educational Sanctions** - Sanctions assigned by the Dean of Students such as alcohol awareness programs, risk management programs, community service, 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. **Restriction** - Restricted from accessing a specific campus location or using a specific student service for a defined period of time.

- e. **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 cannot be transferred to Georgia State University. 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. Students who are expelled 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).
  - g. **Transcript Annotation** - Temporary for a period of five years or permanent, as design.
6. **Additional Sanctions Applicable to Registered Student Organizations:**
- a. **Suspension of University Registration** - 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.
  - b. **Recommendation for Registration Revocation** - An official request to a national office that the local chapter's Registration be revoked.
  - c. **Revocation of University Registration** - Permanent severance of the organization's relationship with the university.

## E. Appeals in General Conduct and Title IX and Non-Title IX Sexual Misconduct Matters

The Respondent (and in Sexual Misconduct, discrimination and harassment cases, both the Respondent and Complainant) shall have the right to appeal the outcome on any of the following grounds: (1) to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing or appeal, because such information was not known or knowable to the person appealing during the time of the hearing or appeal; (2) to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing or appeal, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, investigators, decision makers; or (3) to allege that the finding was inconsistent with the weight of the information.

The appeal must be made in writing, and must set forth one or more of the bases outlined above, and must be submitted within five business days of the date of the final written decision. The appeal shall be a review of the record only, and no new meeting with the Respondent or any Complainant is required.

### 1. University

An appeal of a sanction imposed that includes a suspension or expulsion (even for one held in abeyance) may be made to the President or designee by electronically submitting a letter to deanofstudents@gsu.edu, within five (5) Business Days after the decision is made (as determined by the date of the decision letter). The President may affirm the original finding and sanction, affirm the original finding but issue a new sanction of greater or lesser severity, remand the case back to the decision maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The President's decision shall be simultaneously issued in writing to the Respondent and the Complainant (where applicable) within a reasonable time period. The President's decision shall be the final decision of the institution.

## 2. **To the Board of Regents**

Should the Respondent or Complainant (where applicable) wish to appeal the university decision, they may request review by the Board of Regents in accordance with the Board of Regents' Policy on Discretionary Review.

Appeals received after the designated deadlines above will not be considered unless the institution or Board of Regents has granted an extension prior to the deadline. If an appeal is not received by the deadline the last decision on the matter will become final.

## **F. 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 may notify the parents/guardians of students under the age of 21 who are found responsible for alcohol or other drug violations of the Code.

## **G. 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 Respondent. For cases of Sexual Misconduct and crimes of violence which result in the Respondent being found responsible, the final results may be disclosed to anyone. Registered Student Organization 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 Committee - April 15, 1992

Amended - Student Life Committee - 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 - Student Life Committee - August 26, 2006; February 22, 2007

Amended - University Senate - April 5, 2007; April 17, 2008

Amended - Student Life Committee - 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

Amended - Student Life Committee - March 17, 2016

Amended - Administrative Council - December 11, 2017

Amended - Administrative Council - February 3, 2021

Amended - Student Life Committee - March 25, 2021

Amended - Administrative Council - June 2, 2021

# III. 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 (<https://faculty.gsu.edu/faculty-handbook/>) 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.

Unauthorized Public Posting and Distribution. The selling, sharing, publishing, presenting, or distributing of instructor-prepared course lecture notes, videos, audio recordings, or any other instructor-produced materials from any course for any commercial purpose is strictly prohibited unless explicit written permission is granted in advance by the course instructor. This includes

posting any materials on websites such as Chegg, Course Hero, OneClass, Stuvia, StuDocu and other similar sites. Unauthorized sale or commercial distribution of such material is a violation of the instructor's intellectual property and the privacy rights of students attending the class, and is prohibited.

### **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 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 Georgia State University. 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 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

Amended - University Senate - August 21, 2020

## **IV. Administrative Policies**

### **A. Disruptive Student Conduct in the Classroom or Other Learning Environment - RESCINDED**

**February 9, 2022 by the Administrative Council**

#### **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 Office of the Dean of Students, 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 five (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 five (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 Dean of Students, who will send an email requesting the withdrawal to the Registrar. A copy of the withdrawal email to the Dean of Students 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 five (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 five (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 five (5) working days of the date of notification of the Dean's decision. The Provost, except for extenuating circumstances, will make a decision within five (5) calendar days and notify the student via 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 five (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. The 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 - University Senate - April 20, 2006

## 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 an oral warning.</li> <li>2. Require student to leave the class.</li> <li>3. Have security remove the student.</li> <li>4. Readmit the 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 the Chair.</li> <li>2. Include written report of the incident.</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 the Student with notice that (a) request for removal has been submitted to the 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 five (5) days of notification date.</li> </ol>

	Working Days 3-8	Student may respond	<p>The Student may:</p> <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 the Office of the Ombudsperson, the Office of the Dean of Students, or other university offices.</li> </ol>
	Working Days 9-13	<p>Chair notifies student of decision</p> <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>	<p>The Chair will:</p> <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 send an email requesting a withdrawal to the Dean of Students.</li> </ul> <ol style="list-style-type: none"> <li>2. Send an email notification to the student.</li> <li>3. 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>4. Notify academic Dean and Dean of Students of charges and action taken.</li> <li>5. Notify the Dean of Students to withdraw the student from the class, if a class withdrawal is desired.</li> </ol>
Step Three	Working Days 14-18	Student may appeal to Dean	The Student may submit written appeal to Dean within five (5) working days.
	Working Day 23	Dean responds to students appeal	<p>The Dean will:</p> <ol style="list-style-type: none"> <li>1. Notify student of decision via e-mail and U.S. mail within five (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 five (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 five (5) working days.
	Working Day 33	Provost responds to students' appeal	<p>The Provost will:</p> <ol style="list-style-type: none"> <li>1. Notify student of decision via e-mail and U.S. mail within five (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 five (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 Registered Student Organization may engage in discriminatory conduct whether collectively or through the actions of its individual members (*see* J. Registered Student Organizations).

### 2. Reporting

Members of the university community who believe they have been discriminated against by the university or a Registered 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 303, Student Center East, 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), Suite 527, 1 Park Place South, 404-413-2567, equalopportunity@gsu.edu.

### 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 Code charges regarding the alleged Code violation (*see* II. General Conduct Policies and Procedures).

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

- a. Violations of this policy by a Registered Student Organization will be adjudicated and may result in disciplinary action up to and including revocation of the organization's university registration.
- 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 registration 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 registration 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 registration.

Amended and Approved - University Senate - October 21, 2004

Amended - Administrative Council - October 12, 2011

Amended - Administrative Council - January 16, 2013

Amended - Administrative Council - June 2, 2021

## **C. 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; and
- C. Illness that is too severe or contagious for students to attend class.

Adopted - Student Life Committee - Fall 1998

Amended - University Senate - March 29, 2010

## **D. 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 <https://registrar.gsu.edu/academic-records/records-access/>.

## **E. Potential Conflict of Interest in Amorous Relationships**

Georgia State University prohibits amorous relationships between faculty, staff, and students within the Georgia State community if one individual could reasonably be expected to exercise academic, employment, or evaluative authority or influence over the other. (Graduate assistants or other student employees are considered both staff and students for the purposes of this Policy.) Additionally, Georgia State University prohibits faculty and staff from having any evaluative authority (e.g., supervising, serving on hiring or dissertation committee) over a current or prospective faculty/staff member or student with whom the faculty/staff member has had a past amorous relationship, if there is a risk of a conflict of interest.

### **Reporting**

The individual in authority, as described above, shall report to the individual's supervisor any amorous relationship with a current or prospective faculty/staff member, if there is a possible conflict of interest. Further, any faculty/staff member shall report to the faculty/staff member's supervisor if the faculty/staff member has an amorous relationship with a current Georgia State University student. That supervisor will then confer with other campus units (e.g., Human Resources, Office of Legal Affairs), as needed, to assist in determining whether there may be a conflict of interest and the proper resolution. If appropriate, the supervisor and other campus units may prepare a written management plan in order to mitigate any conflict of interest (e.g., a mitigation plan could include a change in committee assignments or reporting lines).

There is no requirement to report the same relationship more than once, though the individual in authority may request a modification to a management plan if needed (e.g., because of a change in supervisory structure). Any individual who violates paragraphs I or II of this policy is subject to disciplinary action commensurate with the offense, up to and including termination.

### **Third Party Reporting**

Any third party who believes that a faculty/staff member is in an amorous relationship with an individual under the faculty/staff member's authority may report the alleged relationship to the individual's supervisor or to Human Resources. That supervisor or Human Resources representative will then confer with other campus units, as needed, to assist in determining whether there may be a conflict of interest and the proper resolution.

When considering a faculty spousal hire, the hiring unit should evaluate whether one spouse could reasonably be expected to exercise academic, employment, or evaluative authority or influence over the other. The potential supervisor should then confer with other campus units, (e.g., Human Resources, Office of Legal Affairs), as needed, to assist in determining whether there may be a conflict of interest and the proper resolution.

Related Policies: USG Amorous Relationship Policy (USG Policy Manual 8.2.18.6), Georgia State University Policy on Individual Conflict of Commitment and Conflict of Interest  
Amended - Student Life Committee - February 28, 2008  
Amended - University Senate - February 11, 2021

## **F. Policy/Procedures for Student Complaints, Petitions for Policy Waivers/Variations 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; or
  - 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 calendar 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 <https://www.gsu.edu/administration/>) 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 calendar 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. (<https://www.gsu.edu/administration/>). 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 calendar 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 calendar 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.

Revised - University Senate - December 11, 2008

Revised - University Senate Executive Committee - February 25, 2009

Revised - University Senate - October 27, 2011

Revised - University Senate - October 10, 2013

## G. 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 Substance Use Risk Reduction Program (SURRP) 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 SURRP 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 <https://myhousing.gsu.edu/current-residents/documents-and-forms/>. 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 to 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 <https://legalaffairs.gsu.edu/legal-services-forms/>. 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.** If a Registered Student Organization is hosting the event, its campus advisor is responsible for reviewing the provisions of this policy with the Registered Student Organization. If a university unit is hosting the event, the administrative supervisor of the unit is responsible for reviewing the provisions of this policy with the unit 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; provided, there are limited circumstances when the President or his designee may grant university departments permission to serve alcohol without a caterer. The group sponsoring the event is responsible for providing the caterer with a copy of this Policy. The caterer 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 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 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 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 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 designated 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 non-alcoholic 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, 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, Registered 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 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 Registered Student Organizations; and (2) events sponsored by university units if university students will be in attendance.
- a. **Review of Policy Requirements.** The student group campus 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 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. The caterer 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 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 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 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 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 non-alcoholic 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, Registered 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 campus 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 Registered 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 Division of Student Success each academic year that the organization is aware of and will comply with the provisions of this policy.
- F. Campus 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.

Approved - Administrative Council - August 5, 2009

## H. Sexual Misconduct Policy

**Georgia State University is a public institution in the University System of Georgia.** *The following is the Board of Regents Sexual Misconduct Policy which may also be located on their website at <https://www.usg.edu/policymanual/section6/C2655>*

### 6.7 Sexual Misconduct Policy

In accordance with federal and state law including, Title IX of the Education Amendments of 1972 ("Title IX") and Title VII of the Civil Rights Act of 1964 (Title VII), the University System of Georgia (USG) prohibits discrimination on the basis of sex in

any of its education programs or activities or in employment. The USG is committed to ensuring the highest ethical conduct of the members of its community by promoting a safe learning and working environment. To that end, this Policy prohibits Sexual Misconduct, a form of sex discrimination, as defined herein.

USG institutions are committed to reducing incidents of Sexual Misconduct, providing prevention tools, conducting ongoing awareness and prevention programming, and training the campus community in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") and the Violence Against Women Act ("VAWA"). Prevention programming and training will promote positive and healthy behaviors and educate the campus community on consent, sexual assault, sexual harassment, alcohol and drug use, dating violence, domestic violence, stalking, bystander intervention, and reporting.

When Sexual Misconduct does occur, all members of the USG community are strongly encouraged to report it promptly through the procedures outlined in this Policy. The purpose of this Policy is to ensure uniformity throughout the USG in reporting and addressing sexual misconduct. This Policy applies to all members of the USG community. This Policy is not intended to infringe or restrict rights guaranteed by the United States Constitution including free speech under the First Amendment, or the due process clauses of Fifth and Fourteenth Amendments.

## Reporting Structure

Title IX Coordinators ("Coordinators") at USG institutions shall have a direct reporting relationship to both the institution's President or the President's designee and the USG System Director for Equity and Investigations ("System Director"). The President of each institution shall determine the organizational and operating reporting relationships for the Coordinators at the institution and exercise oversight of institutional issues relating to Sexual Misconduct. However, the System Director shall have authority to direct the Coordinators' work at each institution as needed to address system-wide issues or directives. The President of each institution shall consult with the System Director on significant personnel actions involving Coordinators, to include but not be limited to, appointment, evaluation, discipline, change in reporting structure, and termination.

### 6.7.1 Definitions and Prohibited Conduct

**Community:** Students, faculty, and staff, as well as contractors, vendors, visitors and guests.

**Complainant:** An individual who is alleged to have experienced conduct that violates this Policy.

**Consent:** Words or actions that show a knowing and voluntary willingness to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, intimidation or coercion; by ignoring or acting in spite of objections of another; or by taking advantage of the incapacitation of another where the respondent knows or reasonably should have known of such incapacitation. Minors under the age of 16 cannot legally consent under Georgia law.

Consent is also absent when the activity in question exceeds the scope of consent previously given. Past consent does not imply present or future consent. Silence or an absence of resistance does not imply consent.

Consent can be withdrawn at any time by a party by using clear words or actions.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such relationship shall be determined based on the totality of the circumstances including, without limitation to: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

**Domestic Violence:** Violence committed by a current or former spouse or intimate partner of the alleged victim; by a person with whom the alleged 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, or by a person similarly situated to a spouse of the alleged victim.

**Incapacitation:** The physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep or any state of unconsciousness, involuntary physical restraint, status as a minor under the age of 16, or from intentional or unintentional taking of alcohol and/or other drugs. Whether someone is incapacitated is to be judged from the perspective of an objectively reasonable person.

**Nonconsensual Sexual Contact:** Any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to the touching of a person's intimate parts (for example, genitalia, groin, breasts, or buttocks); touching a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts. This provision also includes "Fondling" as defined by the Clery Act.

**Nonconsensual Sexual Penetration:** Any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and the genitals or anus of another person. This provision also includes "Rape, Incest, and Statutory Rape" as defined by the Clery Act.

**Confidential Employees:** Institution employees who have been designated by the institution to talk with a Complainant or Respondent in confidence. Confidential Employees must only report that the incident occurred and provide date, time, location, and name of the Respondent (if known) without revealing any information that would personally identify the alleged victim. This minimal reporting must be submitted in compliance with Title IX and the Clery Act. Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety.

**Privileged Employees:** Individuals employed by the institution to whom a complainant or alleged victim may talk in confidence, as provided by law. Disclosure to these employees will not automatically trigger an investigation against the complainant's or alleged victim's wishes. Privileged Employees include those providing counseling, advocacy, health, mental health, or sexual-assault related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers) or as otherwise provided by applicable law. Exceptions to confidentiality exist where the conduct involves suspected abuse of a minor (in Georgia, under the age of 18) or otherwise provided by law, such as imminent threat of serious harm.

**Reasonable Person:** An individual who is objectively reasonable under similar circumstances and with similar identities to the person being evaluated by the institution.

**Reporter:** An individual who reports an allegation of conduct that may violate this Policy but who is not a party to the complaint.

**Respondent:** An individual who is alleged to have engaged in conduct that violates this Policy.

**Responsible Employees:** Those employees who must promptly and fully report complaints of or information regarding sexual misconduct to the Coordinator. Responsible Employees include any administrator, supervisor, faculty member, or other person in a position of authority who is not a Confidential Employee or Privileged Employee. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this Policy (e.g., teaching assistants, residential assistants, student managers, orientation leaders).

**Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited.

Examples of sexual exploitation may include, but are not limited to, the following:

1. Invasion of sexual privacy;
2. Prostituting another individual;
3. Non-consensual photos, video, or audio of sexual activity;

4. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity or capturing of the activity was consensual;
5. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
6. Knowingly transmitting an STD or HIV to another individual through sexual activity;
7. Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or
8. Sexually-based bullying, the activity was consensual;

**Sexual Harassment (Student on Student):** Unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes), determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity in violation of Title IX.

**Sexual Harassment (Other than Student on Student):** Unwelcome verbal, nonverbal, or physical conduct, based on sex (including gender stereotypes), that may be any of the following:

1. Implicitly or explicitly a term or condition of employment or status in a course, program, or activity;
2. A basis for employment or educational decisions; or
3. Is sufficiently severe, persistent, or pervasive to interfere with one's work or educational performance creating an intimidating, hostile, or offensive work or learning environment, or interfering with or limiting one's ability to participate in or to benefit from an institutional program or activity.

The USG also prohibits unwelcome conduct determined by a Reasonable Person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a USG education program or activity in violation of Title IX.

**Sexual Misconduct:** Includes, but is not limited to, such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, nonconsensual sexual penetration, sexual exploitation, sexual harassment and stalking.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with person's property.
2. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

## 6.7.2 Reporting Sexual Misconduct

USG encourages the reporting of all Sexual Misconduct as soon as possible. While there is no statute of limitations on an institution's ability to respond to a report, the ability to respond diminishes with time as information and evidence may be more difficult to secure.

### 6.7.2 (A) Institutional Reports

An institutional report occurs when the institution has notice of a complaint. That notice occurs in two instances:

1. When a Responsible Employee receives a complaint; or
2. When the Title IX Coordinator or their designee receives a complaint.

Any individual may make a report, but the institution does not have notice of the report until information is known to a Responsible Employee or the Coordinator. The report may be made directly to the Coordinator in multiple formats to include: writing, email, phone, letter, fax, interview, or other method that provides the basis of the complaint of sexual misconduct. There is no specific information required to constitute a report; however, the report should contain as much information as can be provided. Reporting options should be included on the Title IX website.

Complainants, or anyone with knowledge of Sexual Misconduct, may file a report with a Responsible Employee or the Coordinator. That Responsible Employee must provide a complete reporting of all information known to them to the Coordinator. Responsible Employees informed about Sexual Misconduct allegations should not attempt to resolve the situation, but must notify and report all relevant information to the Coordinator as soon as practicable. Upon receipt of an institutional report, the Coordinator will contact the Complainant. That contact will discuss the availability of supportive measures, the invitation to discuss their wishes with respect to implementation of supportive measures, and explain the process of filing a complaint. An institutional report does not automatically prompt an investigation.

The Coordinator's identity and contact information shall be published by each institution prominently on the institution's website, as well as in any relevant publication. Each institution may choose to have Deputy Title IX Coordinators to whom reports may be made, as well.

The Coordinator shall notify the System Director of any allegation(s) of Sexual Misconduct that could, standing alone as reported, lead to the suspension or expulsion of the Respondent(s). The System Director will work with the institution to determine whether any support services or interim measure(s) are necessary and to assign an investigator who will work under the direction of the System Director or designee, if directed by System Director. If an allegation is not initially identified as one that would lead to the suspension or expulsion of the Respondent(s), but facts arise during the course of the investigation that could lead to the Respondent's suspension or expulsion, the Title IX Coordinator shall notify the System Director or designee. The System Director shall have the discretion oversee the handling of the complaint.

## 6.7.2 (B) Confidential Reports

Confidential Employees or Privileged Employees may receive reports of Sexual -based Misconduct without the requirement to report that information to the Coordinator, except as dictated by law or professional standards. Upon request by the Complainant, Confidential Employees and Privilege Employees may make a report to the Coordinator within the degree of specificity dictated by the Complainant.

Nothing in this provision shall prevent an institution staff member who is otherwise obligated by law (i.e, the Clery Act) to report information or statistical data as required.

## 6.7.2.(C) Law Enforcement Reports

Because Sexual Misconduct may constitute criminal activity, a Complainant also has the option, should the Complainant so choose, of filing a report with campus or local police, for the Complainant's own protection and that of the surrounding community. The institution may assist the Complainant in reporting the situation to law enforcement officials. Filing a criminal report does not automatically constitute an institutional report.

## 6.7.2 (D) Anonymous Reports

Each institution shall provide a mechanism by which individuals can report incidents of alleged Sexual Misconduct anonymously. Individuals should understand, however, that it will be more difficult for the institution to respond and to take action upon anonymous reports.

### 6.7.2 (E) Complaint Consolidation

Each institution may consolidate complaints as to allegations of Sexual Misconduct against more than one Respondent, by more than one Complainant against one or more Respondents, or cross-complaints between parties, where the allegations of sexual misconduct arise out of the same facts or circumstances.

Parties shall have the opportunity to request or object to the consolidation; however, the institution shall have the authority to make the final determination. For the purpose of this Policy consolidation may occur during the investigation and/or the adjudication phases of the sexual misconduct process.

### 6.7.2 (F) Complaint Dismissal

Each institution is permitted, but not required, to dismiss complaints on the following grounds:

1. The alleged conduct, even if proved, would not constitute sexual misconduct;
2. The Complainant notifies the Coordinator in writing that they would like to withdraw the complaint;
3. The Respondent is no longer enrolled or employed by the institution; or
4. There are circumstances that prevent the institution from gathering evidence sufficient to reach a determination regarding the complaint.

The parties shall receive simultaneous written notice of the dismissal and the reason(s) for the dismissal. The parties shall have a right to appeal the institution's decision to dismiss the complaint.

### 6.7.2 (G) Retaliation

Anyone who has made a report or complaint, provided information, assisted, participated or refused to participate in any manner in the Sexual Misconduct Process, shall not be subjected to retaliation. Anyone who believes that of they have subjected to retaliation should immediately contact the Coordinator or their designee. Any person found to have engaged in retaliation in violation of this Policy shall be subject to disciplinary action.

### 6.7.2 (H) False Complaints

Individuals are prohibited from knowingly making false statements or knowingly submitting false information to a system or institution official. Any person found to have knowingly submitted False Complaints, accusations, or statements, including during a hearing, in violation of this Policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated under the appropriate institutional process.

### 6.7.2 (I) Amnesty

Individuals should be encouraged to come forward and to report Sexual Misconduct notwithstanding their choice to consume alcohol or to use drugs. Information reported by a student during an investigation concerning the consumption of drugs or alcohol will not be used against the particular student in a disciplinary proceeding or voluntarily reported to law enforcement; however, students may be provided with resources on drug and alcohol counseling and/or education, as appropriate. Nevertheless, these students may be required to meet with staff members in regards to the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this Amnesty procedure will not be considered a sanction.

Nothing in this Amnesty provision shall prevent an institution staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

## **6.7.3 Responding to Reports of Sexual Misconduct**

### **6.7.3 (A) Support Services**

Once the Title IX Coordinator has received information regarding an allegation of Sexual Misconduct the parties will be provided written information about support services. Support services are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without charge that are made available to the Complainant and Respondent before or after the filing of a complaint or where no complaint has been filed. Support services include counseling, advocacy, housing assistance, academic support, disability services, health and mental services, and other services, available at the student's institution. Available support services should also be listed on the institution's Title IX website.

### **6.7.3 (B) Interim Measures**

Interim measures may be implemented at any point after the institution becomes aware of an allegation of sexual misconduct and should be designed to protect any student or other individual in the USG community. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the campus community, or deter Sexual Misconduct and retaliation. Interim measures must be provided consistent with the provisions in applicable Board and institutional policies and procedures.

### **6.7.3 (C) Jurisdiction**

Emergency removal should only occur where necessary to maintain safety and should be limited to those situations where the Respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of a significant risk to the health or safety of the Complainant or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.

### **6.7.3 (D) Jurisdiction**

Each USG institution shall take necessary and appropriate action to protect the safety and well-being of its community. Sexual misconduct allegedly committed is addressed by this Policy when the misconduct occurs on institution property, or at institution-sponsored or affiliated events, or off-campus, as defined by other Board or institution student conduct policies.

### 6.7.3 (E) Advisors

Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing at the party's own expense. The advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the Sexual Misconduct process, including providing questions, suggestions and guidance to the party, but may not actively participate in the process except as outlined in BOR 6.7.4 (D). All communication during the Sexual Misconduct process will be between the institution and the party and not the advisor. With the party's permission, the advisor may be copied on all communications.

### 6.7.3 (F) Informal Resolutions

Allegations of Sexual Misconduct may be resolved informally. The Complainant, the Respondent, and the institution must agree to engage in the informal resolution process and to the terms of the informal resolution. The Complainant(s) and the Respondent(s) have the option to end informal resolution discussions and request a formal process at any time before the terms of an informal resolution are reached. However, matters resolved informally shall not be appealable.

### 6.7.3 (G) Timeframe

Efforts will be made to complete the investigation and resolution within 120 business days. Temporary delays and limited extensions may be granted by the institutions for good cause throughout the investigation and resolution process. The parties will be informed in writing of any extension or delay and the applicable reason. The institution shall keep the parties informed of the status of the investigation.

## **6.7.4 Responding to Reports of Sexual Harassment Pursuant to Title IX**

The implementing Title IX regulations require special handling of complaints of sexual harassment, as defined in the regulations and listed below. The following section outlines the required specialized handling of these matters that may differ from an institution's handling of Sexual Misconduct, as defined in this Policy. Unless expressly mentioned in this section, other provisions of this Policy shall apply to all alleged Sexual Misconduct.

Other Title IX sex-discrimination allegations are handled pursuant to other applicable Board and/or institutional policies.

### 6.7.4 (A) Definition of Sexual Harassment

Under Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or
3. "Sexual assault" as defined by the Clery Act and "dating violence," "domestic violence," and "stalking" as defined by the VAWA Amendments.

#### 6.7.4. (B) Jurisdiction

Alleged misconduct is addressed by Title IX when the misconduct occurs against a person in the United States on institution property, or at institution-sponsored or affiliated events where the institution exercises substantial control over both the Respondent and the context, or in buildings owned or controlled by a student organization that is officially recognized by the institution.

#### 6.7.4 (C) Formal Complaints

A Formal Complaint is a written document filed by the Complainant or signed by the Coordinator alleging sexual harassment, as defined by Title IX and its implementing regulations, against a Respondent and requesting that the institution open an investigation. In order to file a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the institution occurring within the United States at the time of the filing.

#### 6.7.4 (D) Informal Resolution

Formal Complaints may be resolved informally, except in the instance of an allegation by a student against an institution employee. The following must be met in order to proceed with the informal resolution process:

1. The parties have received written notice of the allegations
2. The parties have received written explanation of the informal process to include, but not limited to:
  - a. Written agreement of the parties to initiate the informal resolution process;
  - b. Written notice that the parties may withdraw from the process at any time prior to the agreement of the terms of the resolution;
  - c. Written notice that the final resolution precludes any further institutional actions on the allegations
3. The institution has agreed to engage in the informal resolution process.

#### 6.7.4 (E) Advisors

Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing. The advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the Sexual Misconduct process but may not actively participate in the process except to conduct cross-examination at the hearing. If a party chooses not to use an advisor during the investigation, the institution will provide an advisor for the purpose of conducting cross-examination on behalf of the relevant party.

All communication during the Sexual Misconduct process will be between the institution and the party and not the advisor. The institution will copy the party's advisor prior to the finalization of the investigation report when the institution provides the parties the right to inspect and review directly related information gathered during the investigation. With the party's permission, the advisor may be copied on all communications.

## 6.7.4 5 Investigations

All Sexual Misconduct investigations involving a student Respondent, shall follow the investigation process set forth in Section 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings.

All Sexual Misconduct investigations involving an employee Respondent, shall be addressed utilizing Board and institutional employment policies and procedures.

## 6.7.5 Hearings, Possible Sanctions and Appeals

All Sexual Misconduct hearings, sanctions, and appeals involving a student Respondent, shall follow the hearing and resolution process set forth in this Policy and Section 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings.

All Sexual Misconduct adjudication involving an employee Respondent, shall be addressed utilizing Board and institutional employment policies and procedures.

## 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 [victimassistance.gsu.edu/sexual-violation](http://victimassistance.gsu.edu/sexual-violation).

## On-Campus Support Services/Resources

Confidential Employees

Counseling Center  
[counseling.gsu.edu](http://counseling.gsu.edu)

Student Health Clinic  
[health.gsu.edu](http://health.gsu.edu)

Student Victim Assistance  
[victimassistance.gsu.edu](http://victimassistance.gsu.edu)

Incident Report

Office of the Dean of Students  
Sexual Misconduct by Students  
[deanofstudents.gsu.edu](http://deanofstudents.gsu.edu)

Human Resources - Administration  
Sexual Misconduct by faculty/staff/contractors  
[odaa.gsu.edu](http://odaa.gsu.edu)

Law Enforcement Report  
GSU Police Department  
[safety.gsu.edu](http://safety.gsu.edu)

## 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)

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)

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

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)

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

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

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

# 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 non-habitability demonstrate the necessity of immediate action by campus personnel.

# I. 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 to subject a student to an activity which: (1) endangers or is likely to endanger the physical health of a student; (2) forces or coerces the student through the use of social or physical pressure to consume any food, liquid, alcohol, drug, or other substance which subjects the student to a likely risk of vomiting, intoxication, or unconsciousness; or (3) 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.

Examples of activities that may violate this policy include but are not limited to the following:

- forcing, requiring or encouraging nudity at any time;
- paddle swats;
- treeings (e.g., tying someone up and throwing food or other substances on them);
- line-ups (e.g., yelling at or harassing people in a formation);
- calisthenics (e.g., push-ups, sit-ups, jogging, runs);
- causing an individual to be sleep deprived and/or to suffer from unreasonable fatigue;
- conducting activities that do not allow adequate time for class attendance, study and completion of assignments, participation in group projects;
- theft of any property;
- road trips (e.g., dropping someone off and leaving them to find their own way back);
- performing acts of personal servitude for members (e.g., driving them to class, cleaning their individual rooms, serving meals, washing cars, shopping, laundry);
- scavenger hunts without prior approval from the appropriate university appointed official, or which includes activity that would otherwise constitute hazing;
- forcing or requiring the violation of university policies, federal, state or local law.

For purposes of this definition, Hazing occurs regardless of whether the action, activity, or situation is intentionally, negligently, or recklessly caused, and regardless of a student's willingness to participate. Also for purposes of this definition, "student group" or "school organization" means any association, corporation, order, club, society, fraternity, sorority, athletic team, or a group living together which has students or alumni as its principle members, including local affiliate organizations.

### 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 Division of Student Success.

### 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 code process.

Adopted - Student Life Committee - March 20, 2008

Approved - University Senate - April 17, 2008

Amended - Student Life - April 15, 2010

Amended - Administrative Council - February 3, 2021

Amended - Administrative Council - July 1, 2021

## J. Registered Student Organizations

### 1. Definition of Terms

- a. **Division of Student Success** - All references to the Division of Student Success include the specific units within the division to which administration, oversight, and support for Registered Student Organizations is assigned, such as Student Life.
- b. **Registered Student Organization (RSO)** - An entity separate and independent from the university whose membership is comprised of Georgia State University students, which meets the minimum university requirements of a Registered Student Organization, and has completed all necessary requirements established by the university.
- c. **Active Student Organization**- A Registered Student Organization that has complied with all requirements to be in good standing with the university as outlined in Section K.5.

- d. **Inactive** - A Registered Student Organization that once existed at Georgia State University, but is currently not registered and therefore is no longer eligible for benefits outlined in Section K.2.
- e. **Social Fraternities and Sororities** - Organizations that exist to promote fraternal relationships and personal development; requirement for membership is not limited to a specific field of study, class year, or grade attainment beyond the typical grade requirement; members are not permitted to hold membership in other identified social fraternities or sororities at the university; the organization is affiliated with a(n) (inter)national organization; and the (inter)national organization has tax-exempt status under Section 501 of the Internal Revenue Code. These organizations are restricted as to location and may only be active and have a presence on the Atlanta Campus.

## 2. Benefits of being a Registered Student Organization

Registered Student Organizations are recognized as a part of the university community and are granted the privileges set forth below. They may:

- a. reserve certain meeting rooms and event space, subject to applicable use requirements;
- b. to meet on university premises provided that they make reservations through the appropriate authority where required for specific spaces (students and RSOs may not make reservations in the name of the RSO for use of university space by non-university Student Organizations, people or entities);
- c. petition for Student Activity Fee funding (only for RSOs);
- d. maintain an updated organization page in the on-line Student Organization database system;
- e. reserve vehicles through the Division of Student Success for official activity of the RSO; and
- f. promote and advertise the RSO on campus.

## 3. Jurisdiction

An organization 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 "Georgia State University" (or any similar indication of university affiliation) in its name;
- f. use the campus mail service; and
- g. promote or advertise the organization on campus.

## 4. Conditions for Registering and Maintaining Registration

Registration of a student organization does not constitute endorsement by Georgia State University or approval of the student organization's policies, practices, and activities. To register a student organization at Georgia State University and maintain active status as a RSO, the following must be completed:

- a. select a name (see section K.12 for specific guidelines).
- b. adopt a statement of purpose.
- c. determine eligibility for membership.
- d. identify officer titles and duties.
- e. create a constitution that meets the guidelines outlined in the RSO Handbook.
- f. select a campus advisor, who meets the requirements listed in Section K.6.
- g. maintain five (5) members on the organization's roster; members must be current Georgia State University students. RSOs that fall under Special Procedures may be given a one-semester exemption to this requirement, but will be limited in their activities to only those that are for recruitment/intake purposes.
- h. if applicable, be in good standing with any state, regional, and/or national governing bodies. Upon notification of the loss of good standing, Georgia State University will take appropriate corresponding action up to and including suspension of the RSO's registration.
- i. attend any Mandatory Student Organization Trainings and meetings as required by the Division of Student Success.
- j. follow the process for Registering a Student Organization (Section I.7) and the Annual Re-registration (Section I.8).

## 5. Special Procedures

In addition to being registered with the Division of Student Success, certain RSOs must also seek prior approval from appropriate governing bodies and maintain the approval once given.

- 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 Fraternity & Sorority Life (FSL) community is viable for additional chapters. Expansion of social fraternities or sororities requires the adherence to the FSL Expansion Policy outlined by the Division of Student Success. Only inter/nationally recognized fraternities and sororities may be considered for expansion. Individuals wishing to re-establish a social fraternity or sorority must follow the FSL Expansion Policy outlined by the Division of Student Success. Once invited to expand, the registration process must be followed and the organization must maintain membership in one of the FSL governing bodies.
- b. **Sport Clubs:** Sport Club Student Organizations are made up of students who have a desire to compete or participate in a sport during their college career. 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 submitting the New Organization Registration, the group must obtain approval from the Sport Clubs Coordinator in the Department of Recreation Services.
- c. **Publication and Media Organizations:** These Student Organizations must receive approval from the Committee on Student Communications prior to their submission of the New Organization Registration. The Committee on Student Communications has been authorized by the Division of Student Success to approve the editor or general manager of each such organization and to make necessary policies that govern the operations of such organizations.

## 6. Primary Campus Advisors and Campus Co-Advisors

- a. Each RSO is required to have a Primary Campus Advisor and to keep this information updated on-line as directed by the Division of Student Success in order to be registered. The campus advisor must be a full-time employee of the university. Graduate students are not eligible to serve as campus advisors. The position of campus advisor is a volunteer position without additional compensation. The campus advisor must review and acknowledge the organization registration, any update that is made to the RSO's information submitted to the Division of Student Success, and other additional forms as needed. In addition, the campus advisor's duty is to counsel and advise the officers and members of the organization. No campus advisor shall have the power to prohibit the free expression of any student members while participating in the activities of the RSO. If an RSO is unable to identify an advisor, the Division of Student Success will assist in securing a temporary advisor at the request of the RSO. The full procedure for temporary advisors is addressed in the RSO Handbook.
- b. RSOs may also have one or more campus co-advisors. Co-advisors must be at least a temporary part-time employee of the University. Graduate students are not eligible to serve as campus co-advisors. Co-advisor duties are to counsel and advise the officers and members of the organization. Co-advisors may not serve as the authority to review and acknowledge official university forms for the RSO.
- c. RSOs may have off-campus advisors in addition to the campus advisor. The off-campus advisor may be an individual who is not affiliated with the university, but that individual may only advise the organization and may not make executive decisions for the organization or dictate organizational programs or services. Off-campus advisors are guests to the university must adhere to all policies and procedures set forth in the RSO Handbook, the Division of Student Success, Georgia State University and the University System of Georgia.

## **7. Process for Registering a Student Organization**

- a. Before creating an organization, students are encouraged to review the list of current RSOs to determine if any RSOs already exist that share common purposes and/or goals with which the students can join. After this review, submit the New Organization Registration with the Division of Student Success.
- b. An appointment with the designated Division of Student Success representative will be scheduled to review the registration submission and constitution.
- c. Attend a New Student Organization Orientation session offered by the Division of Student Success. This may be completed prior to submitting the "New Organization Registration".
- d. Notification will be sent from the Division of Student Success, notifying the Student Organization of the approval or non-approval of Student Organization's registration. The review of student organization registration is conducted on a content-neutral basis and the university's approval or denial is not based on the mission, goals, or beliefs of any student organization but solely on the organization's submission of a properly completed registration application that demonstrates a bona fide intent to sponsor programs, activities, or events for Georgia State students in compliance with all applicable university policies and procedures.
- e. Once approved by the Division of Student Success, new organizations are presented to the Student Life Committee of the University Senate

## **8. Annual Re-Registration**

- a. Each academic year, RSO must update and verify their information with the Division of Student Success. Campus Advisors will review and acknowledge the submission, which will then be processed by the Division of Student Success. Failure to complete this annual renewal process will result in the organization being changed to Inactive. The procedure for re-registration can be found in the RSO Handbook.
- b. An Inactive Student Organization may request to become Active by contacting the Division of Student Success. The organization will be given one week to complete the annual renewal process or will return to being considered Inactive. After a Student Organization is Inactive for twenty-four (24) months or if the organization was put as Inactive due to a student conduct sanction, it is required to submit a "Petition to Re-Activate a Registered Student Organization".

## **9. Petition to Re-Activate a Registered Student Organization**

Submit a "Petition to Re-Activate a Registered Student Organization" with the Division of Student Success and follow the process outlined in Section K.7.b. through 7.f. You may contact the Division of Student Success and obtain information on file such as a constitution or other registration documents.

## **10. Suspension or Revocation of Registration**

The registration of a RSO Organization may be suspended or revoked by the Office of the Dean of Students or the Division of Student Success following appropriate university policies and procedures as set forth in the Student Code of Conduct and/or other governance documents that may apply to specific student organizations. The suspension of a registration will result in temporary loss of all benefits outlined in section K.2. The revocation of a registration will result in a permanent loss of all benefits outlined in section K.2. Organizations that have their registration suspended or revoked 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 were obtained on the basis of being a RSO;
- d. Be excluded from university publications as a RSO at Georgia State University;
- 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 RSO, 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 RSOs and their members.

## **11. Use of University Name, Logos, and Facilities**

- a. Only RSOs may use "Georgia State University" in their name, unless given express written permission by the University, "Georgia State University" may only be used as a suffix to an RSO name (Example of acceptable use: "ABC Club at Georgia State University". Example of prohibited use: "Georgia State University ABC Club").
- b. No RSO 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 RSO 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 RSO or its individual members is official university action.
- c. No RSO may use the official logos and athletic marks of Georgia State University unless given express written permission by the University.

## 12. Academic Standards for Membership in Student Organizations

- a. General members of Student Organizations must have and maintain at least a 2.0 Georgia State cumulative grade-point average or better or as stated in the RSO's constitution and bylaws, whichever is higher.
  - a. Students who do not meet minimum academic standards for membership may participate in RSO hosted activities that are open to all students.
- b. Students seeking to serve as officers must meet all requirements for Student Leaders (section K).

## 13. Additional Policies and Procedures

- a. No RSO may collectively, or through the actions of its individual members, engage in discriminatory, harassing, obscene or indecent conduct.
- b. RSOs must adhere to all rules and regulations related to Student Fee Usage guidelines and Student Activity Fee policies. Policy, guidance and protocols for RSO funding, including but not limited to privately held funds and Student Activity Fee funds are available in the RSO Handbook.
- c. RSOs must cooperate with all reasonable requests for information by the university including, but not limited to, requests to review financial information and records.
- d. Student Organizations that host late night or special events must comply with the Special Event / Late Night Protocol, as outlined in the RSO Handbook.
- e. Membership and all privileges, including voting and officer positions, must be extended to all students without regard to race, color, sex, sexual orientation, gender identity, gender expression, ethnicity or national origin, religion, age, genetic information, disability, or veteran status.
  - i. Religious student organizations will not be denied registration solely because they limit leadership positions to students who share the same religious beliefs.
  - ii. Any group that is formally affiliated with a national entity that has Title IX exemption status based on sex may have membership restricted based on sex.

- f. Hazing Statement: The RSO will prohibit its members, both individually and collectively from committing any acts of Hazing as defined in the Student Code of Conduct at Georgia State University.
- g. It is the responsibility of the RSO to maintain current and compliant governance documents online in the appropriate place within the Panther Involvement Network. The Division of Student Success may review RSO documents at any time and take the appropriate corrective action should documents be found to be out of compliance. If the Division of Student Success reviews any document and decides to take action, the RSO will be notified in writing.
- h. Organization Agreement: All RSOs agree to abide by the Student Code of Conduct, RSO Handbook, and all pertinent university policies, protocols, and procedures. Certain RSO benefits may require specific obligations. RSO student leaders must regularly engage designated communication and organizational management tools, maintain relevant RSO records and participation data, complete designated trainings, and participate in designated activities that promote RSOs and their activities to the broader student body.

Revised - Student Life Committee - March 18, 2004

Revised - Student Life Committee - November 16, 2006

Revised - Student Life Committee - March 22, 2007

Revised - Student Life Committee - March 20, 2008

Revised - Student Life Committee - March 18, 2010

Revised - Student Life Committee - March 26, 2015

Amended - Student Life Committee - March 25, 2021

## K. Student Leadership Positions

### 1. Definitions

- a. **Student Leader:** A student member of a Registered Student Organization (RSO) who holds office, title or decision-making responsibilities on behalf of the RSO.
- b. **Good Standing:** A student that is not under any sanctions as a result of being found responsible for a violation of the Student Code of Conduct.
- c. **Term of Office:** Begins at the point in time the student is selected, elected, or appointed as a Student Leader.

### 2. Eligibility for Student Leader Position

- a. A student seeking a student leader position must meet all requirements of the Registered Student Organization (RSO). Throughout the term of office, a student must continue to meet all requirements of the RSO. In addition, in order to be eligible for a student leader position, a student must:
  - i. Be a student as determined by the University Registrar at the time of the selection, election or appointment.
  - ii. Be enrolled in a minimum of six (6) hours if an undergraduate student or three (3) hours if a graduate student;
  - iii. At the time of selection, election or appointment, must have at least a 2.5 Georgia State University cumulative grade point average or better, or as stated in the RSO's constitution and bylaws, whichever is higher and must not be on academic probation or suspension. Throughout the term of office, must maintain a

minimum Georgia State University grade point average of 2.2, or as stated in the RSO's constitution and bylaws, whichever is higher.

- iv. Be in and maintain Good Standing with the Office of the Dean of Students.
- b. It is the responsibility of the RSO campus advisor to verify eligibility of students prior to their selection, election or appointment. If requested, the Division of Student Success can assist with verification of enrollment, confirmation of grade point average, and obtaining a student conduct check.
- c. It is the responsibility of each student leader to immediately notify the RSO campus advisor of any change in status that would impact eligibility to serve as a student leader.
- d. A RSO may set additional requirements for Student Leader positions, but may not use requirements more lenient than the Student Code of Conduct.
- e. The Division of Student Success may audit the eligibility of any student leader at any time.

Adopted - Student Life Committee - January 1997

Amended - Student Life Committee - April 7, 2005

Amended - Student Life Committee - November 16, 2006

Amended - Student Life Committee - January 21, 2010

Amended - Student Life Committee - April 15, 2010

Amended - Student Life Committee - February 19, 2015

Amended - Student Life Committee - March 25, 2021

## L. Campus Speech, Distribution and Posting Policy

### 1. Definitions

- A. **University Community:** Georgia State University students, Registered Student Organizations, staff and faculty.
- B. **Non-University Community Members:** Persons or groups who are not members of the Georgia State University Community.
- C. **Speech Activities:** Speech, expression and assembly activities guaranteed by the First Amendment, including distribution of non-commercial printed materials.

### 2. Purpose and Overview

Georgia State University ("GSU" or "University") holds the First Amendment guarantees of freedom of speech, freedom of expression, and the right to assemble peaceably as essential rights of a free people and the cornerstone of scholarly inquiry. The university is firmly committed to affording the University Community with the opportunity to engage in the peaceful and orderly exercise of these rights. To achieve this objective, while at the same time fulfilling its educational mission and maintaining a safe campus environment, the university has certain time, place and manner restrictions that apply to Speech Activities, without regard to content.

### 3. Exercise of Speech Rights

#### A. University Community Members

GSU students, Registered Student Organizations, staff and faculty are supported in their right to engage in Speech Activities and may do so on campus in any place where, at the time of the speech, expression, or assembly the persons are permitted to be (including designated public forums | speech areas) with the exception that distribution of printed materials is not permitted in classrooms and laboratories, dining areas, elevators, escalators, libraries, or entrances and exits to buildings. University Community Members may also engage in Speech Activities in designated public forums listed in Section 4 of this Policy. These rights are subject to the time, place and manner restrictions set out below.

#### B. Non-University Community Members

Persons who are not members of the University Community may engage in Speech Activities in designated public forums ("Speech Areas") available at the locations listed in Section 4. Each Speech Area is identified with university signage. These designated public forums are to be used for all Speech Activities by non-University Community Members. These rights are subject to the time, place and manner restrictions set forth below.

### 4. Designated Public Forums | Speech Areas

- A. Atlanta Campus: Lawn adjacent to Unity Plaza outside Student Center East, and Urban Life Center Plaza between the Urban Life Center, Sports Arena and Student Center West
- B. Alpharetta Campus: East Patio entrance to building A-1310
- C. Clarkston Campus: Quad area between buildings CA, CB, CC and CG
- D. Decatur Campus: Quad between buildings SA, SB, SC and SG
- E. Dunwoody Campus: Quad area NT, NE, LRC and NB
- F. Newton Campus: South end of the lawn between building 1N and 2N

### 5. Time, Place and Manner Restrictions

To balance the rights and safety of GSU Community Members with the university's educational mission, GSU has the following content-neutral time, place, and manner restrictions that apply to Speech Activities on campus.

- A. Speech Areas are generally available from 8:00 a.m. to 9:00 p.m. Monday through Friday on a non-exclusive first-come, first-served basis. Reservations for use of the Speech Areas are encouraged but not required. The right to use Speech Areas is non-exclusive, whether with or without a reservation. Reservations are processed on University business days only. To make reservations for the Atlanta campus contact Student Center Event Management at [scevents@gsu.edu](mailto:scevents@gsu.edu), 404-413-1870 or in person at Student Center East, Suite 305. To make reservations for a Perimeter College campus contact Perimeter Facilities & Events Office at [pcfilities@gsu.edu](mailto:pcfilities@gsu.edu), 678-891-2540 or in person at Building CM on the Clarkston campus.
- B. Interference with the free flow of vehicular or pedestrian traffic on campus, or with the ingress/egress of campus facilities is prohibited.

- C. Substantial Disruption of the orderly conduct of the university's instructional, research, operational and other official university functions, including university ceremonies and events, is prohibited.
- D. Amplified sound (sound, the volume of which is increased by any electric, electronic, mechanical, or motor-powered means) of Speech Activities is not permitted. Shouting and group chanting are not amplified sound.
- E. Persons using the Speech Areas must supply their own tables and chairs.
- F. Scatter marketing (throwing one or more copies of printed materials on the ground for them to be seen or picked up) and any other form of marketing that violates City of Atlanta anti-litter ordinances is prohibited.
- G. Persons engaging in Speech Activities are responsible for clean-up and removal of all materials used in their activities and, if not completed, may be charged by the university for the cost of cleanup.
- H. Damage to property owned or operated by the university is prohibited and persons or organizations causing such damage may be held financially responsible and reported to law enforcement.
- I. Individuals and groups engaging in Speech Activities on the university campuses must comply with all applicable federal, state, and local laws as well as university policies, rules, and regulations.
- J. Individuals and groups may not, without the university's prior permission, continue to occupy any university facility during hours when that facility is regularly closed.
- K. Commercial solicitations, sales, and fundraising activities are only permitted to the extent expressly authorized by the University in accordance with its Commercial Solicitation Policy. For information, contact Student Center Event Management at 404-413-1870 or in person in Student Center East, Suite 305, Atlanta Campus.

## 6. Campus Posting Policy

### a. **Introduction**

In order to create and maintain an aesthetic environment and neat campuses, 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 Center Administrative office, 55 Gilmer Street, Suite 310, 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**

Registered Student Organizations, Georgia State departments, students, faculty and staff may post information related to official university activities in other locations on our campuses.

- 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 Center, the Sports Arena and university athletic facilities, Division of Student Success offices, the University Library, University Housing, university classroom buildings, 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.
- i. 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.
  - ii. A list of the designated bulletin board locations may be obtained at the Student Center Administrative office (Student Center East 310).
  - iii. 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.
  - iv. Finally, persons or organizations not affiliated with the university may purchase advertisements through The Signal, the campus newspaper, whose business office is located in Student Center West, Suite 250 and can be reached at 404-413-1620.

Amended - Administrative Council - October 11, 2018

Amended - Student Life Committee - March 20, 2008

Approved - University Senate - April 17, 2008

Amended - Student Life Committee - October 16, 2008

Amended - Student Life Committee - March 26, 2015

Amended - Student Life Committee - March 17, 2016

Amended - Student Life Committee - March 25, 2021

Amended - Administrative Council - June 2, 2021

## M. 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 include the usage of a university vehicle or the rental of the vehicle(s) is paid for with university funds will follow all the rules as outlined by the Division of Student Success and/or Department of Recreational Services. Failure to follow the rules may result in temporary or permanent loss of driving or renting 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 university regulation(s) for financial reimbursement and travel expense limitations. Any expenditures not pre-authorized may not be reimbursed.

Adopted - Student Life Committee University Senate - January 18, 1996

Amended - Student Life Committee - February 28, 2008

Amended - Student Life Committee - April 15, 2010

Amended - Student Life Committee - February 19, 2015

## N. University Information Systems Use Policies

<https://technology.gsu.edu/technology-services/it-services/security/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 <https://technology.gsu.edu/technology-services/it-services/security/technology-policies/>.

ii. **Purpose**

The purpose of this document is to summarize and provide in a single location all approved policy 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, <https://technology.gsu.edu/technology-services/it-services/security/technology-policies/>, links to the current Information System Use Policies in practice at Georgia State University.

Approved - Student Life Committee - Winter Semester 1998

Revised - Student Life Committee - Spring Semester 2000

Revised - Student Life Committee - April 17, 2008

## O. Tobacco and Smoke-Free Campus Policy

Georgia State University ("Georgia State") is committed to providing a clean, healthy, and comfortable environment for all students, faculty, staff and visitors.

The use of tobacco products is prohibited on all property owned, leased or used by Georgia State, including but not limited to all internal and external areas; parking garages and parking lots; and in Georgia State owned and/or leased vehicles. Such use is also prohibited within 25 feet of all Georgia State building entrances and exits. Tobacco products include cigarettes, cigars, pipes, all forms of smokeless tobacco, clove cigarettes and any other smoking devices that use tobacco, such as hookahs, or simulate the use of tobacco such as electronic cigarettes.

The advertising, sale or free sampling of tobacco products on Georgia State property is also prohibited.

### Exceptions

University Housing designates limited exterior smoking/tobacco use areas within the grounds of residential facilities.

This Policy does not prohibit the use of tobacco products for educational or research purposes.

### Enforcement

Faculty, staff and students share the responsibility to promote a tobacco-free university community and therefore share in the responsibility of enforcement. Individuals observed smoking/using tobacco products are to be reminded in a professional and courteous manner of this Policy.

Georgia State reserves the right to initiate disciplinary procedures against any individual found to be in violation of this Policy in accordance with the Student Code of Conduct or Employee Handbook.

### Tobacco Cessation Resources

Tobacco cessation resources are available to assist students, faculty and staff.

Faculty and staff should contact: Faculty and Staff Assistance; 404-413-3342;  
<https://hr.gsu.edu/service-centers/edws/tobacco-free/>

Students should contact:

Student Health Promotion; 404-413-1577;

<https://healthpromotion.gsu.edu/services/tobacco-cessation/>

Approved - Administrative Council - October 8, 2014