



# Columbus State University

Student Code of Conduct

2025-2026

## Table of Contents

Introduction to the Student Code of Conduct .....	5
Goals of the Student Conduct Process .....	5
Student Code of Conduct .....	6
Student Conduct Communication .....	6
Standard of Proof .....	6
Academic Misconduct Procedures.....	7
Academic Dishonesty/Misconduct Policy .....	7
Reporting of Academic Misconduct Policy.....	7
Academic Misconduct Regulations .....	8
Academic Misconduct Sanctions.....	8
Student Conduct Sanctions .....	9
Academic Appeal Procedures.....	9
Academic Standards Committee (ASC) Appeals.....	9
eCore Academic Appeals.....	9
Non-Academic Misconduct Procedures.....	10
Non-Academic Misconduct Violations .....	10
Student Conduct Investigation and Disciplinary Proceedings.....	17
Reports of Student Misconduct .....	17
Process for Investigating and Resolving Student Conduct Reports.....	18
Jurisdiction .....	18
Access to Advisors .....	18
Initial Evaluation of Student Conduct Reports .....	19
Temporary Remedial Measures.....	19
Interim Suspension.....	19
Initiation of Proceedings .....	19
Investigation .....	20
Resolution/Hearing .....	21
Possible Sanctions .....	22
Appeals.....	22

Recusal/Challenge for Bias.....	23
Freedom of Expression .....	23
DEFINITIONS.....	24
Reviewing and Amending the Student Code of Conduct .....	24
Sexual Misconduct Policy.....	25
Reporting Structure .....	25
Definitions and Prohibited Conduct .....	25
Reporting Sexual Misconduct.....	28
Institutional Reports.....	28
Confidential Reports .....	29
Law Enforcement Reports .....	29
Anonymous Reports.....	29
Complaint Consolidation .....	29
Complaint Dismissal .....	29
Retaliation .....	29
False Complaints.....	30
Amnesty .....	30
Confidentiality .....	30
Responding to Reports of Sexual Misconduct.....	30
Support Services .....	30
Temporary Remedial Measures .....	30
Emergency Removal .....	31
Jurisdiction.....	31
Advisors .....	31
Informal Resolutions.....	31
Timeframe.....	31
Responding to Reports of Sexual Harassment Pursuant to Title IX.....	32
Definition of Sexual Harassment .....	32
Jurisdiction .....	32
Formal Complaints.....	32
Informal Resolution .....	32
Advisors .....	33
Investigations.....	33
Employee Investigations.....	33
Student Investigations .....	33

Sexual Misconduct Hearings ..... 34

- Employee Hearings ..... 34
- Student Hearings ..... 35
- Title IX Hearings ..... 36
- Non-Title IX Sexual Misconduct Hearings ..... 36

Possible Sanctions, Appeals, and Recusal/Bias ..... 37

- Employee Possible Sanctions, Appeals, and Recusal/Bias ..... 37
- Student Possible Sanctions, Appeals, and Recusal/Bias ..... 37
- Possible Sanctions..... 37
- Appeals ..... 38
- Recusal/Challenge for Bias ..... 38

# Introduction to the Student Code of Conduct

As members of an academic community devoted to teaching, scholarship, service, and the holistic development of students, individuals who choose to become part of this environment accept both the privileges and responsibilities that come with it. The university is committed to fostering a safe, respectful, and engaging community aligned with its educational mission and values. Expectations for student behavior often extend beyond what is typically expected of the public, reflecting the higher standards of an academic setting.

The Office of the Dean of Students plays a key role in promoting personal accountability, ethical decision-making, and community engagement. It seeks to educate students on community standards, support student development, and address behaviors that may compromise individual growth or the well-being of the campus community. Through fair and educational conduct processes, the university aims to guide students in understanding the impact of their actions, make informed choices, and become responsible citizens both within and beyond the academic setting.

## Goals of the Student Conduct Process

- Foster understanding of community standards and expectations
- Encourage students to acknowledge and take responsibility for their actions
- Promote reflection on the underlying causes of misconduct
- Support alignment of behavior with shared community values
- Assist students in clarifying personal values and their relationship to conduct
- Encourage responsible decision-making and future success
- Promote awareness of the consequences of behavior in advance
- Protect the safety, welfare, and integrity of the university community

Columbus State University will not tolerate academic or non-academic misconduct. Any individual found to be in violation of the University standards, policies or procedures will be subject to the sanctions/remedies listed in this Student Code of Conduct. Reporting academic, non-academic, or concerning behavior is the responsibility of all members of the University community. Reports may be filed with a [Create Care Report](#).

# Student Code of Conduct

Educational institutions have the responsibility for protecting the educational purposes for which they exist, and for establishing safeguards to ensure that those charged with violations of institutional standards on scholarship and behavior are accorded equal protection from unfair disciplinary measures. As such, the following procedures have been established for the resolution of disciplinary problems.

## Student Conduct Communication

The Office of the Dean of Students utilizes Columbus State University email as its primary means of communication with students and Registered Student Organizations. It is necessary for students to check their university email daily and to promptly respond to any requests from the Office of the Dean of Students or designee.

## Standard of Proof

In order to determine that a campus member has violated a Student Code of Conduct the standard of proof required is a preponderance of evidence, i.e., the evidence demonstrates that it is more likely than not that the conduct occurred. This standard is often referred to as "50% plus a feather. Any decision to suspend or to expel a student must also be supported by substantial evidence at the hearing.

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# Academic Misconduct Procedures

The university recognizes honesty and integrity as central virtues of academic life and integral to its very existence. The university also recognizes and accepts that cooperation, discussion, and group studying outside of the classroom are essential elements of the academic experience, and that students may seek assistance in their studies, such as tutoring or peer review.

However, while such practices are acceptable and even encouraged, students must understand the parameters of accountability in their academic performance and need to respect the academic freedom of the faculty.

## Academic Dishonesty/Misconduct Policy

Educational institutions have the responsibility for protecting the educational purposes for which they exist, and for establishing safeguards to ensure that those charged with violations of university standards on academic integrity, scholarship and behavior are accorded equal protection from unfair disciplinary measures. The University recognizes honesty and integrity as central virtues of academic life and accepts that cooperation, discussion, and group studying outside of the classroom are essential elements of the academic experience, and that students may seek assistance in their studies, such as tutoring or peer review. However, while such practices are acceptable and even encouraged, students must understand the parameters of accountability in their academic performance and need to respect the academic freedom of the faculty.

Therefore, the following regulations and procedures have been established for the resolution of alleged academic misconduct. Columbus State University will not tolerate academic misconduct, and individual is found to be in violation of the University standards, policies or procedures will be subject to the sanctions/remedies listed in this handbook.

## Reporting of Academic Misconduct Policy

The standards for academic honesty and integrity established in this policy apply to all students enrolled at Columbus State University for any work performed for the purpose of advancing through and completing any course or program of study which leads to earning academic credit.

Faculty have specific responsibilities regarding academic misconduct, and all suspected deliberate violations of academic integrity (including, but not limited to plagiarism, falsification, deception, collusion, or cheating) which, in the judgment of the faculty member, warrant application of an academic sanction in accordance with the course syllabus must be reported using the [Academic Misconduct form](#).

Upon receipt of any report, the designated representative of the Office of Academic Affairs, in consultation with the Office of the Dean of Students, may take into consideration the following aspects: degree to which academic due process has been applied and completed, the severity of the offense, and any history of previous academic or non-academic misconduct cases. This information will be used in determining whether further student conduct processes and actions are warranted that could result in additional student conduct charges and sanctions.

Before any sanction is imposed, any student suspected of violating the academic misconduct policy must be provided with due process. Application of due process includes providing the student notice of the charge(s) and possible sanctions, and the opportunity for the student to respond to the charge. If the

instructor deems the student responsible after receiving a response from the student, and any academic sanction is applied by the instructor, the student should receive written notification and be informed of that the decision. That decision can be appealed to the department chair (or college dean if the instructor is the department chair).

## Academic Misconduct Regulations

The following regulations are published in the interest of protecting the equity and the validity of the student's grades and degrees, and in order to assist the student in developing standards and attitudes appropriate to academic life:

1. During examinations, homework, assignments, or tasks of any kind no student shall use materials not authorized by the instructor.
2. No student, other person, or entity shall obtain and furnish to any CSU student materials which can be shown to contain the questions or answers to any examination or graded assignment scheduled to be given at any date in any course offered by the university.
3. No student shall knowingly receive and use materials, which can be shown to contain the questions, or answers to any examination scheduled to be given at any date in any course offered by the university.
4. No student shall receive or give assistance in preparation of any assignment, essay, laboratory report or examination to be submitted as a requirement for any academic course in such a way that the submitted work can no longer be considered the personal effort of the student submitting the work. In cases where collaboration is permitted by the instructor (i.e., tutoring, peer review, artificial intelligence, machine learning, and similar instances of assistance), a special effort must be made to retain the distinction in the assistance received and the integrity of the student's personal performance.
5. In some cases, permitted collaboration may border on academic irregularity; in the case of course requirements for a grade, it is the student's responsibility to clarify the instructor's policy. If the student is uncertain as to the direction of the instructor, it is the student's responsibility to seek clarification from the instructor.
6. Plagiarism in any form is prohibited. When the ideas of another are incorporated into any assignment, they must be appropriately acknowledged.
7. Term papers, reports, reviews, or other assignments may not be purchased, or otherwise obtained from others, for submission in lieu of the student's own efforts.
8. Any person taking, or attempting to take, steal or otherwise procure in any unauthorized manner any material pertaining to the conduct of a class, including tests, examinations, laboratory equipment, roll books, etc., shall be in violation of these regulations.

## Academic Misconduct Sanctions

After application of due process rights, the possible course-related sanctions for students found responsible for academic misconduct may include:

1. Reduction of grades assigned to the student by the instructor for an assignment and/or the course in accordance with the syllabus.
2. A written reprimand and/or case management with the Office of the Academic Affairs or the responsible academic college of the University.
3. Removal from a course or program if in accordance with the policies of the department, program, and University.

## Student Conduct Sanctions

The Office of the Dean of Students, in consultation with the designated Academic Affairs representative, may deem the violation of Academic Misconduct sufficiently severe in and of itself, or when considered along with any other previous or concurrent violations of the student conduct code, such that additional student conduct processes are initiated and completed.

Possible sanctions resulting from the student conduct process, and after application of due process rights under the Student Code of Conduct, may include:

1. Student conduct probation for a specified period of time.
2. Case management applied by the Office of the Dean of Students which may include regular, scheduled meetings with the Office of the Dean of Students or referral to other designated departments or outside agencies, programs, or individuals as deemed appropriate by University officials.
3. Suspension from University enrollment for a specified period of time.
4. Permanent expulsion from the University.

## Academic Appeal Procedures

There are three processes for academic appeals depending on what is being appealed and when the appeal is occurring: Academic Appeal, Academic Standards Appeal and Ecore Appeal. For more help with Academic Appeals and Academic Standards Appeals and links to related documents, you should visit:

[Academic Grievance and Grade Appeal Based on Unfair Treatment - Columbus State University](#)

### Academic Standards Committee (ASC) Appeals

The Academic Standards Committee (ASC) reviews four types of appeals, all of which involve factors external to the contents of a particular course.

- A. Grade Appeals of WF or W
- B. Grade Appeals of F to a Productive Grade (A, B, C, etc.)
- C. Medical/Hardship Withdrawal (if the semester affected has ended and final grades have been posted)
- D. Exception Petitions For assistance with any of these appeals, the student should consult the advisor or department chair.

The Academic Standards Committee does not review appeals regarding the fairness or accuracy of the grade itself. For those kinds of appeals, see Academic Appeal. Appeals to the Academic Standards Committee must be made within two years of the original grade unless there are extremely extenuating circumstances (military duty, lengthy hospitalization).

### eCore Academic Appeals

If a student wants to make a grade appeal for an eCore course, the student should first contact the CSU eCore advisor, located in the Center for Academic Coaching. The eCore advisor will provide the necessary steps for the student to submit the grade appeal.

# Non-Academic Misconduct Procedures

The authority to act on alleged non-academic violations or infringements of student rights is vested with the Office of the Dean of Students. Violations that occur in areas designated as Residence Life may be handled as an administrative hearing through the Residence Life, in accordance with University policies and in consultation with the Office of the Dean of Students.

Students found to be in direct social contact where a violation is found to have occurred may be held responsible for the violation. This includes all areas of any apartment, vehicle, or property where the violation occurred.

## Non-Academic Misconduct Violations

### 1. Alcoholic Beverages

The legal age for possession and consumption of alcoholic beverages in accordance with Georgia law is 21 years old. Subsequently, it shall be a violation of this Policy 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 under the legal drinking age.

Regarding specific locations:

**Residence Halls:** As Clearview Hall and Broadway Crossing are primarily reserved for traditional-age first year students (18-19), consumption or possession of alcohol by guests or assigned residents, regardless of legal drinking age, is not permitted at any time in or around the facilities. Possession of alcohol containers for decorative purposes is strictly prohibited, as bottles may be considered evidence of consumption.

In Columbus Hall, Courtyard, Oglethorpe, Yancey at One Arsenal, and Rankin student housing units, alcoholic beverages may be consumed by members and guests of legal drinking age in the privacy of the apartment. Residents who are under the legal drinking age may not host guests who are in possession of alcohol. Unless all assigned residents of the unit are of legal drinking age, alcohol must be stored and secured within the owner's bedroom and may not be stored in areas accessible to all residents of the unit.

Residence Life staff and the CSU University Police reserve the right to require verification of the ages of any guest and the host resident(s) will be held accountable for the action of their guest(s). Kegs, "drinking fountains", or other common containers are not allowed at any time in or around the residential facilities.

Those of legal age who choose to drink are encouraged to do so safely, responsibly and in moderation. It is imperative that residents understand their individual rights and responsibilities if they choose to consume alcohol or host gatherings that involve the consumption of alcohol on the grounds of University housing. If a resident is found acting in a hostile or threatening manner, University police will be notified. It is the responsibility of all residents to understand the alcohol policy of Columbus State University as it applies to the entire campus.

**On campus:** The University does not condone or sanction the use, distribution, sale, brewing, consumption or possession of alcohol at any campus event sponsored by

individual students or recognized student groups, clubs, or organizations, or any student event supported by student activity fees or state funds (this does not pertain to events which may be sponsored by an academic department or unit).

**Student Travel:** This Policy on Alcoholic Beverages applies to students who travel on University-official business. Students who travel in an official capacity are expected to abide by the rules set forth in this policy, except for students participating in a Study Abroad program. Participants in Study Abroad programs are bound by the legal drinking age of the respective countries in which they are traveling, but in all other respects this Policy applies. Cases of excessive drinking, as determined by the Faculty Site Director who facilitates the Study Abroad program, may result in an automatic first offense warning. Further, sanctions while students are traveling abroad may be determined by the Center for International Education or the Dean of Students.

## **2. Assault/Fighting**

- a. No person shall assault any member of, or visitor to, the University community by verbal or physical intimidation.
- b. No person shall use physical force towards any member of or visitor to the University community that includes, but is not limited to, striking, shoving, or restraining.

## **3. Computer Violations**

- a. Students will adhere to the Georgia Computer Systems Protection Act and all Federal laws and regulations with respect to criminal liability and penalties for the crimes of computer theft, trespass, invasion of privacy, forgery, copyright infringements, illegal downloads, and password disclosure.
- b. Using another person's network credentials, unauthorized copying of software, or tampering with/destruction of equipment is prohibited.

## **4. Copyright Material Violations**

Columbus State University takes a strong stand against unlawful acquisition and/or distribution of all copyrighted materials, which includes music, movies and software. In the event that the University receives a notification of claimed infringement from a copyright owner or other agents concerning your internet activity, Federal law requires that the University investigate and take appropriate action, as needed. Students are responsible for the activity associated with their IP address.

## **5. Disorderly Assembly**

- a. No persons shall assemble on campus for the purpose of creating a riot or destructive/disorderly diversion which interferes with the normal educational process and operation of the University. This section shall not be construed to deny any students the right of peaceful assembly.
- b. No person or group of persons shall obstruct the free movement of other persons about the campus, interfere with the use of the University facilities, or prevent the normal operation of the University. (See the Board of Regents' Policy Statement.)
- c. The abuse or unauthorized use of sound amplification equipment indoors or outdoors is prohibited.

## 6. Disorderly Conduct

- a. Behavior that disrupts the academic pursuits, substantially injures the academic reputation, or infringes upon the privacy, rights, or privileges of other persons is prohibited.
  - i. **Attendance of Unenrolled Individuals In Class** Unenrolled individuals (to include minors) may not attend Columbus State University classes without prior permission of the instructor. Students may bring their children to class only when there are extenuating circumstances and with the prior approval of the instructor. Instructors may further restrict this policy through a statement on the course syllabus. Children may not be brought to campus and left unsupervised.
- b. Disorderly behavior on the campus or at functions sponsored by the University or any recognized university organization is prohibited.
- c. No student shall enter or attempt to enter any dance, social, athletic, or any other University-sponsored event without proper credentials for admission.
- d. No student should participate in conduct or expression that is deemed to be lewd, indecent, and obscene.
- e. No person shall threaten or harass any member or visitor of the University community. This includes, but is not limited to any electronic means, such as, social networking, email and texting.
- f. The Board of Regents' Policy Statement-The Board of Regents stipulates that any student, faculty member, administrator, or employee, acting individually or in concert with others, who clearly obstructs or disrupts, or attempts to obstruct or disrupt any teaching, research, administrative, disciplinary or public service activity, or any other activity authorized to be discharged or held on any campus of the University System of Georgia is considered by the board to have committed an act of gross irresponsibility and shall be subject to disciplinary procedures.
- g. No person shall exhibit behavior that is irresponsible or dangerous to the well-being or safety of self or any member or visitor of the University community.

## 7. Failure to Comply

- a. Failing to respond to a lawful request by properly identified University Officials or Law Enforcement Officials in the performance of their duties.
- b. Failing to report for a conference, meeting, or appointment with any University Official or Faculty Member when properly notified.
- c. Fleeing from law enforcement or University Officials.
- d. Failing to follow established University policies or guidelines.

## 8. Drugs

- a. The possession of stimulant, depressant, narcotic, or hallucinogenic drugs and other agents having potential for mental or physical abuse, except on a legal prescription, is prohibited, as is the selling, bartering, exchanging, or giving away of such drugs to any person. This includes remnants of drug use, to include but not be limited to, seeds, leaf remnants, smoke and lingering odor.
- b. No student shall possess items normally associated with drug use, sale, or distribution.
- c. The use of marijuana, controlled substances, or other illegal or dangerous drugs constitutes a serious threat to the public health, welfare, and academic achievement of students enrolled in the University System of Georgia (USG). Therefore, all student organizations, including but not limited to societies, fraternities, sororities, clubs, and

similar groups of students which are affiliated with, recognized by, or which use the facilities under the jurisdiction of USG institutions, are responsible for enforcing compliance with local, state, and federal laws by all persons attending or participating in their respective functions and affairs, social or otherwise.

As provided by the Student Organization Responsibility for Drug Abuse Act, any such student organization which, through its officers, agents, or responsible members, knowingly permits, authorizes, or condones the manufacture, sale, distribution, possession, serving, consumption or use of marijuana, controlled substances, or other illegal or dangerous drugs at any affair, function, or activity of such student organization, social or otherwise, violates the laws of this State and, after being afforded the constitutional requirements of due process, shall have its recognition as a student organization withdrawn and shall be expelled from the campus for a minimum of one calendar year from the date of determination of guilt.

Such organization shall also be prohibited from using any property or facilities of the institution for a period of at least one year. Any lease, rental agreement, or other document between the Board of Regents or the institution and the student organization that relates to the use of the property leased, rented, or occupied shall be terminated for the student organization knowingly having permitted or authorized the unlawful actions described above.

All sanctions imposed by this policy shall be subject to review procedures authorized by the Board of Regents' Policy on Application for Discretionary Review. An appeal to the Board of Regents shall not defer the effective date of the adverse action against the student organization pending the Board's review unless the Board so directs. Any such stay or suspension by the Board shall expire as of the date of the Board's final decision on the matter.

## **9. Falsification of University Records or Giving False Statements**

- a. Each person must complete any University record honestly.
- b. No person shall alter, counterfeit, forge or cause to be altered, any record, form or document used by the University.
- c. No person shall fail to identify themselves or convey false information to a college official acting in the performance of their duties.

## **10. Financial Responsibility to the University**

- a. Students are required to meet all financial obligations to the University promptly. A student who is delinquent in his or her financial obligations will be dropped from classes and shall not be allowed to register for the next term, transfer credits to another school, or graduate from Columbus State University. Financial obligations include but are not limited to: fees, library books overdue, loans overdue, parking fines, and University equipment or keys not returned.

## **11. Fire Safety**

- a. No person shall tamper with the fire safety equipment.
- b. No person shall set or cause to be set any unauthorized fire on University property.

## **12. Hazing**

The Stop Campus Hazing Act federal law defines **hazing** as:

- a. “any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in a student organization; and causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—
- b. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity;
- c. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- d. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- e. causing, coercing, or otherwise inducing another person to perform sexual acts;
- f. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- g. any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
- h. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

The federal law defines a student organization as:

"an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) of which two or more the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution." (Note: If the same person or persons commit more than one hazing act close together in time and place, the incident should be reported as one incident.)

For more information about Hazing Transparency and Max Gruver Report see the webpage at [this link](#).

### **13. Property Damage/Theft**

- a. Malicious damage or destruction of property belonging to Columbus State University, its employees, its students, or visitors to the University is prohibited.
- b. Theft, removal, or conversion, for personal use, of the property belonging to Columbus State University, its employees, its students, or visitors to the University is prohibited.

### **14. Tobacco and Smoking**

The use of all forms of tobacco products on property owned, leased, rented, in the possession of, or in any way used by the USG or its affiliates is expressly prohibited. “Tobacco Products” are defined as 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.

## 15. Use of University Facilities

- a. No person shall make unauthorized entry into any University building, office, or other facility. Nor shall any person remain without authorization in any building after normal closing hours.
- b. No person shall make unauthorized use of any University facility. Upon appropriate notice by University officials, authorization for the use of University facilities may be withdrawn or otherwise restricted.
- c. Unauthorized duplication of keys to University facilities or equipment is prohibited.
- d. It is strictly prohibited for any individual or group to engage in camping activities or create an encampment in the facilities\* or on the grounds of Columbus State University.
- e. *\*Facilities or Facility include all grounds and/or structures, leased or owned by Columbus State University and on all campuses of Columbus State University.*

## 16. Violations of Laws

A student in any University System of Georgia (USG) institution who is charged with, or indicted for, a felony or crime involving moral turpitude may be suspended pending the disposition of the criminal charges against him or her. Upon request, the student shall be accorded a hearing, as provided in this Policy Manual and any related institution policy, where he or she shall have the burden of establishing that his or her continued presence as a member of the student body will not be detrimental to the health, safety, welfare, or property of other students or members of the campus community or to the orderly operation of the institution. Upon final conviction, the student shall be subject to appropriate disciplinary action.

## 17. Weapons\*

The University System of Georgia (USG) prohibits all weapons on property owned or leased by the USG and its institutions, except as specifically provided herein or as provided in federal or state law.

### Exceptions

- a. Prohibited weapons do not include sporting equipment possessed for legitimate use in formal or informal athletic or exercise activities.
- b. Law enforcement officers, active military personnel, and other similar personnel may possess weapons as authorized by federal or state law to do so.
- c. Any person who is 18 years of age or older or currently enrolled in classes in a USG institution may possess an electroshock weapon on the campus(es) of that institution but may only make use of such electroshock weapon in defense of self or others.
- d. Lawful weapons carriers may possess weapons while under the lawful weapons carrier's physical control in a motor vehicle, in a locked compartment in a motor vehicle, in a locked container in a motor vehicle, or in a locked firearms rack in a motor vehicle.
- e. Lawful weapons carriers may carry a handgun in any building or on any real property owned or leased by the USG and its institutions; provided, however, that such exception shall:
- f. Not apply to buildings or property used for athletic sporting events or student housing, including, but not limited to, fraternity and sorority houses;
- g. Not apply to any preschool or childcare space located within such buildings or property.
- h. Not apply to any room or space being used for classes related to a college and career academy or other specialized school as provided for under Georgia Code Section 20-4-37;

- i. Not apply to any room or space being used for classes in which high school students are enrolled through a dual enrollment program, including, but not limited to, classes related to the Dual Enrollment as provided for under Georgia Code Section 20-2-161.3;
- j. Not apply to faculty, staff, or administrative offices or rooms where disciplinary proceedings are conducted;
- k. Only apply to the carrying of handguns which a licensee is licensed to carry pursuant to subsection (e) of Georgia Code Section 16-11-126 and pursuant to Georgia Code Section 16- 11-129; and
- l. Only apply to the carrying of handguns which are concealed.

The terms listed below are defined for the purposes of this Policy as follows:

- a. **"Weapon"** means and includes any pistol, revolver or any instrument designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any instrument of like kind, and any stun gun or taser as defined in subsection (a) of Georgia Code Section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the faculty member.
- b. **"Handgun"** means a firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged by an action of an explosive where the length of the barrel, not including any revolving, detachable, or magazine breech, does not exceed 12 inches; provided, however, that the term "handgun" shall not include a gun which discharges a single shot of .46 centimeters or less in diameter.
- c. **"Electroshock weapon"** means a stun gun or taser or similar commercially available device that is powered by electrical charging units and designed exclusively to be capable of incapacitating a person by electrical charge.
- d. **"Concealed"** means carried in such a fashion that does not actively solicit the attention of others and is not prominently, openly, and intentionally displayed except for purposes of defense of self or others. Such term shall include, but not be limited to, carrying on one's person while such handgun is substantially, but not necessarily completely, covered by an article of clothing which is worn by such person, carrying within a bag of a nondescript nature which is being carried about by such person, or carrying in any other fashion as to not be clearly discernible by the passive observation of others.
- e. **"Preschool or childcare space"** means any room or continuous collection of rooms or any enclosed outdoor facilities which are separated from other spaces by an electronic mechanism or human-staffed point of controlled access and designated for the provision of preschool or childcare services, including, but not limited to, preschool or childcare services licensed or regulated under Article 1 of Chapter 1 of Title 20 of the Georgia Code.

\*The Georgia law commonly known as "campus carry" ([O.C.G.A. §16-11-127.1](#)) went into effect on July 1, 2017. This law was modified on April 13, 2022, by Senate Bill 319, which removed the license requirement for weapons carriers.

# Student Conduct Investigation and Disciplinary Proceedings

This Policy establishes minimum procedural standards for investigations and resolutions of alleged student conduct violations. The purpose of this Policy is to ensure uniformity in the quality of investigations while providing for due process that affords fairness and equity in all student conduct investigations. 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 the Fifth and Fourteenth Amendments.

These procedures apply to matters relating to student misconduct, except matters relating to academic dishonesty, which are covered under separate institutional policies, and sexual misconduct, which is covered under Sexual Misconduct. Columbus State University shall inform students of procedures governing student misconduct complaints and investigations.

The terms Respondent and Reporter will be used throughout this Policy and are defined below:

**Respondent** means an individual who is alleged to have engaged in behavior that would violate any applicable Columbus State University Policy.

**Reporter** means an individual who reports information to Columbus State University regarding alleged policy violations.

## Reports of Student Misconduct

A complaint of a conduct violation may be filed by any institution, University System of Georgia employee, any student, or any member of the public. Complaints of student misconduct may be reported online at [Incident Reporting Form \(maxient.com\)](https://maxient.com) or to the appropriate department and should include as much information as possible, such as: (1) the type of misconduct alleged; (2) the name and contact information of the respondent; (3) the date(s), time(s), and place(s) of the misconduct; (4) the name(s) and contact information of any individual(s) with knowledge of the incident; (5) whether any tangible evidence has been preserved; and (6) whether a criminal complaint has been made.

Information from complaints may be shared as necessary to investigate and to resolve the alleged misconduct. Complaints shall be investigated and resolved as outlined below. The need to issue a broader warning to the community in compliance with the Jeanne Clery Campus Safety Act ("Clery Act") shall be assessed in compliance with federal law.

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

1. **Confidentiality:** If a Reporter requests that their identity be withheld or the allegation(s) not be investigated, the institution should consider whether or not such request(s) can be honored while still promoting a safe and nondiscriminatory environment for the institution and conducting an effective review of the allegations. The institution should inform the requesting party that the institution cannot guarantee confidentiality and that even granting requests for confidentiality shall not prevent the institution from reporting information or statistical data as required by law,

including the Clery Act.

2. **Retaliation:** Anyone who has made a report or complaint, provided information, assisted, participated or refused to participate in any investigation or resolution under applicable Board or institution policy shall not be subjected to retaliation. Anyone who believes they have been subjected to retaliation should immediately contact the appropriate department or individual(s) for that institution. Any person found to have engaged in retaliation shall be subject to disciplinary action, pursuant to the institution's policy.
3. **False Complaints/Statements:** Individuals are prohibited from knowingly giving false statements to an institution official. Any person found to have knowingly submitted false complaints, accusations, or statements, including during a hearing, in violation of applicable Board or institution policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated pursuant to the institution's policy.
4. **Amnesty:** Students should be encouraged to come forward and report violations of the law and/or student code of conduct notwithstanding their choice to consume 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.

## Process for Investigating and Resolving Student Conduct Reports

### Jurisdiction

Columbus State University shall take necessary and appropriate action to protect the safety and well-being of its community. Accordingly, student conduct should be addressed when such acts occur on institution property, at institution-sponsored or affiliated events, or otherwise violate Columbus State University's student conduct policies, regardless as to where such conduct occurs.

### Access to Advisors

The Respondent shall have the right to have an advisor (who may or may not be an attorney) of the party's choosing, and at their own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The advisor may advise their advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions posed to the advisee, but shall not participate directly during the investigation or hearing process.

## Initial Evaluation of Student Conduct Reports

An allegation of a violation of the Code of Conduct may be filed by any Columbus State University or other University System of Georgia employee, any student, or any member of the public. Regardless of how Columbus State University becomes aware of alleged misconduct, the institution shall ensure a prompt, fair, and impartial review and resolution of complaints alleging student misconduct. Where a report of student misconduct has been made to the appropriate department and/or person, the institution shall review the complaint to determine whether the allegation(s) describes conduct in violation of the Columbus State University policies and/or code of conduct. If the reported conduct would not be a violation of the institution's policies and/or code of conduct, even if true, then the report should be dismissed. Otherwise, a prompt, thorough, and impartial investigation, and review shall be conducted into each complaint received to determine whether charges against the Respondent and the campus community should be brought.

## Temporary Remedial Measures

Temporary Remedial Measures may be implemented by the institution at any point after the institution becomes aware of the alleged student misconduct and should be designed to protect any student or other individual in the Columbus State University community. To the extent Temporary Remedial Measures are imposed, they should minimize the burden on both the Reporter and the Respondent, where feasible. Temporary Remedial Measures may include, but are not limited to:

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

## Interim Suspension

An Interim Suspension should only occur after determining that Temporary Remedial Measures are not sufficient 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 Reporter 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.

When an Interim Suspension is issued, the terms of the suspension take effect immediately. The Respondent shall receive notice of the Interim Suspension and the opportunity to respond within three days of receipt. The institution will then determine whether the Interim Suspension should continue.

## Initiation of Proceedings

1. The Office of the Dean of Students will review each allegation and determine if it could amount to a violation of the Student Code of Conduct or other applicable policies and will charge the student accordingly.

2. The student will be notified of the alleged violation(s) in writing and given the opportunity to informally resolve the matter by attending a Preliminary Disciplinary Meeting with the Office of the Dean of Students.
3. During the Preliminary Disciplinary Meeting, the student will be informed of their right to due process and the opportunity to waive a hearing and accept responsibility for the alleged violation (s) presented. By accepting responsibility, the student may also receive a recommendation of lower sanctions (as applicable) from the Office of the Dean of Students. If the student accepts responsibility for the alleged violation(s) and the recommended sanctions, the student and the representative from the Office of the Dean of Students will sign a notice of the admission of responsibility, and the imposed sanctions will take effect immediately. Upon acceptance of responsibility and the sanctions, the student waives any appeal rights associated with those charges.
4. If the student denies responsibility and/or refuses to accept the recommended sanctions, the Office of the Dean of Students shall complete any necessary remaining investigation, and the findings of the investigative review shall be used to determine the appropriate route or resolution of the case.
5. If the student fails to attend the Preliminary Disciplinary Meeting, the institution will move forward with a hearing to determine responsibility and sanctions. If sanctions are subsequently issued, the student will be given 5 days to appeal the decision in writing.

## Investigation

Throughout any investigation and resolution proceedings, a party shall receive written notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting. 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 access to information that will be used during the investigation will be provided to the Respondent.

An Investigator shall be an individual other than the representative from the Office of the Dean of Students who adjudicates the incident in question. This individual shall provide an unbiased review of the incident and charges. This individual shall be identified and approved by the Chief Student Affairs Officer of the institution.

Where the potential sanctions for the alleged misconduct may involve a suspension or expulsion (even if such sanctions were to be held “in abeyance,” such as probationary suspension or expulsion) the institution’s investigation and resolution procedures must provide the additional minimal safeguards outlined below.

1. The Respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice should also include the identity of any investigator(s) involved. Notice should be provided via institution email to the address on file.
2. Upon receipt of the written notice, the Respondent shall have at least three business days to respond in writing. In that response, the Respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A non-response will be considered a general denial of the alleged misconduct.
3. If the Respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.

4. If at any point the Investigator determines there is insufficient evidence to support a charge or to warrant further consideration of discipline, then the complaint should be dismissed.
5. 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.
6. An Investigation Report shall be provided to the Respondent. This report should clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions. For purposes of this Policy, a charge is not a finding of responsibility but indicates that there is sufficient evidence to warrant further consideration and adjudication.
7. The Investigation Report should be provided to the Hearing Panel or Hearing Officer for consideration in adjudicating the charges brought against the Respondent before any hearing. A copy shall also be provided to the Respondent before any hearing. 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.

## Resolution/Hearing

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

Where the Respondent indicates that they contest the charges, and the Investigative Report has been finalized and copies provided to the Respondent, the matter should be set for a hearing. However, the Respondent may have the option of selecting an informal resolution in certain student misconduct cases, except where deemed inappropriate by the Vice President for Student Affairs (or their designee) or the Assistant Vice Chancellor for Student Affairs at the University System Office.

Where a case is not resolved through Informal Resolution or Informal Resolution is not available due to the nature of the charges, the Respondent shall have the option of having the charges heard either by an Administrator (Hearing Officer) or a Hearing Panel. If an Administrative Hearing is requested, the Administrator shall use their discretion to determine whether the case should be heard by a Hearing Panel. Notice of the date, time, and location of the hearing shall be provided to the Respondent at least five business days prior to the hearing. Notice shall be provided via institution email where applicable. Hearings shall be conducted in person or via conferencing technology as reasonably available. Additionally, the following standards will apply to any such hearing:

1. The Respondent shall have the right to present witnesses and evidence to the Hearing Officer or Panel. Witness testimony, if provided, shall pertain to knowledge and facts directly associated with the case being heard. The Respondent shall have the right to confront any witnesses, including the other party, by submitting written questions to the Hearing Officer or Hearing Panel for consideration. Advisors may actively assist in drafting questions. The Hearing Officer or Hearing Panel shall ask the questions as written and will limit questions only if they are unrelated to determining the veracity of the charge leveled against the Respondent(s). In any event, the Hearing Officer or Hearing Panel shall err on the side of asking all submitted questions and must document the reason for not asking any questions.

2. Where the Hearing Officer or Hearing Panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the Hearing Officer or Hearing Panel may establish special procedures for providing testimony from a separate location. In doing so, the Hearing Officer or Hearing 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 Hearing Panel will disregard or discount the testimony.
3. Formal rules of evidence do not apply to the investigatory or resolution process.
4. The standard of review shall be a preponderance of the evidence.
5. Institutions should maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings, and/or video recordings.
6. Following a hearing, the Respondent shall be simultaneously provided a written decision via institution email (where applicable) of the outcome and any resulting sanctions. The decision should include details on how to appeal, as outlined below. Additionally, the written decision must summarize the evidence relied on in support of the outcome and the rationale for the resulting sanction. The same form will be completed, regardless of whether the student opts for a hearing panel or an administrative proceeding.

## Possible Sanctions

In determining the severity of sanctions or corrective actions the following should be considered: the frequency, severity, and/or nature of the offense; history of past conduct; a responder's willingness to accept responsibility; previous institutional response to similar conduct; strength of the evidence; and the wellbeing of the university community. The institution will determine sanctions and issue notice of the same, as outlined above.

The broad range of sanctions includes: expulsion; suspension for an identified time frame or until satisfaction of certain conditions or both; temporary or permanent separation of the parties (e.g., change in classes, reassignment of residence, no contact orders, limiting geography of where parties can go on campus) with additional sanctions for violating no-contact orders; required participation in sensitivity training/awareness education programs; required participation in alcohol and other drug awareness and abuse prevention programs; counseling or mentoring; volunteering/community service; loss of institutional privileges; delays in obtaining administrative services and benefits from the institution (e.g., holding transcripts, delaying registration, graduation, diplomas); additional academic requirements relating to scholarly work or research; financial restitution; or any other discretionary sanctions directly related to the violation or conduct.

For suspension and expulsion, the institution must articulate, in its written decision, the substantial evidence relied upon in determining that suspension or expulsion were appropriate. For purposes of this Policy substantial evidence means evidence that a reasonable person might accept to support the conclusion.

## Appeals

Appeals may be made in any cases where sanctions are issued, even when such sanctions are held "in abeyance," such as probationary or expulsion. Where the sanction imposed includes a suspension or expulsion (even for one held in abeyance), the following appellate procedures must be provided.

The Respondent shall have the right to appeal the outcome on any of the following grounds: (1) to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing (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, Conduct Officer, investigator(s), decision makers(s); 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 should be made to the institution's President or their designee.

The appeal shall be a review of the record only, and no new meeting with the Respondent is required. The President or their designee 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 any lower 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 or their designee's decision shall be simultaneously issued in writing to the parties withing a personal time period. The President or their designee's decision shall be the final decision of the institution.

Should the Respondent wish to appeal the final decision, they may request review by the Board of Regents in accordance with the Board of Regents' Policy 6.26 on Application for 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. The President or designee's decision shall be the final decision of the institution.

## Recusal/Challenge for Bias

Any party may challenge the participation of any institution official, employee or student panel member in the process on the grounds of personal bias by submitting a written statement to the institution's designee setting forth the basis for the challenge. The designee shall not be the same individual responsible for investigating or adjudicating the conduct allegation. The written challenge should be submitted within a reasonable time after the individual knows or reasonably should have known of the existence of the bias. The institution's designee will determine whether to sustain or deny the challenge and, if sustained, the replacement to be appointed.

## Freedom of Expression

To affirm Columbus State University's support and respect for the rights embodied in the First Amendment, including the right of freedom of speech, freedom of expression, the free exercise of religion, and the right to peaceably assemble. This policy is intended to promote campus safety, to ensure the proper functioning of the academic environment and institution activities, and to protect individual rights. In no way is this policy intended to place an undue burden on members of the CSU community to freely

express themselves. Time, place, and manner restrictions imposed by the University shall be content and viewpoint neutral and leave open ample alternative means of expression.

## Definitions

**“CSU Community”** means any of the following: (i) any persons enrolled at or employed by the University including University students, faculty, staff, administrators, and employees, (ii) University colleges, schools, departments, units, registered University student organizations, and recognized cooperative organizations, and (iii) invited guests of any party listed in the foregoing (i) and (ii) provided such guests are in the company of the inviting party. In the case of invited guests, the inviting party remains responsible to the University under this Policy and other applicable University policies for the guest’s conduct.

**“Non-CSU Community”** means individuals or group who are not members of the CSU Community.

**“Protected expressive activity”** consists of speech and other conduct protected by the First Amendment to the United States Constitution, including, but not limited to, lawful verbal, written, audio-visual, or electronic expression by which individuals may communicate ideas to one another, 1 This Policy was adopted on an interim basis on September 5, 2022. DocuSign Envelope ID: CEC71A47-7DB8-4F23-B3F1-299CEB53FFA9 2 including all forms of peaceful assembly, distributing literature, carrying signs, circulating petitions, demonstrations, protests, and speeches including those by guest speakers.

**“Unrestricted outdoor area of campus”** means any outdoor area of campus that is generally accessible to members of the campus community, including, but not limited to, grassy areas, walkways, or other common areas, and does not include outdoor areas when and where access to members of the campus community is lawfully restricted.

In accordance with [Board of Regents Policy 6.5 Freedom of Expression](#), CSU agrees and affirms that freedom of expression is of the utmost importance and must be protected and that as an institution, CSU is responsible for providing a secure learning environment that allows members of the CSU community, as well as non-CSU community members, to express their views in ways that do not disrupt the operation of the University. CSU community members are free to engage in uninterrupted, spontaneous expressive activity in all unrestricted outdoor areas of campus.

See [this link](#) for a complete version of the Columbus State University policy.

## Reviewing and Amending the Student Code of Conduct

The Columbus State University Student Code of Conduct is a summary of policies, procedures and information that has been developed over time. Other policies and procedures that relate to specific operations of the University may exist and apply, but they may not have been included in this code.

As the need arises, University officials reserve the right to amend, change, delete and/or develop new policies and procedures to meet the needs of the institution and/or as directed by the University System of Georgia and bylaws and regulations enacted at the state and federal level. All new policies or policy changes become effective immediately upon being posted.

# 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 University System of Georgia (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 Campus Safety 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 Assistant Vice Chancellor for Student Affairs or their designee. 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 Assistant Vice Chancellor for Student Affairs or designee 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 Assistant Vice Chancellor for Student Affairs on significant personnel actions involving Coordinators, to include but not be limited to, appointment, evaluation, discipline, change in reporting structure, and termination.

## Definitions and Prohibited Conduct

**Community:** Students, faculty, and staff, as well as contractors, vendors, visitors and guests. **Reporter:** 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 and "Criminal Sexual Contact" as defined by the Federal Bureau of Investigation.

**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 Reporter 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 Reporter or alleged victim may talk in confidence, as provided by law. Disclosure to these employees will not automatically trigger an investigation against the Reporter'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 nonconsensual circumstances; and/or
8. Sexually-based bullying

**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.

## 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.

### Institutional Reports

An institutional report occurs when the institution has notice of a complaint. That notice occurs in two instances: when a Responsible Employee receives a complaint; or 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.

Reporters, 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 Reporter. 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 Assistant Vice Chancellor for Student Affairs or their designee of any allegation(s) of Sexual Misconduct that could, standing alone as reported, lead to the suspension or expulsion of the Respondent(s). The Assistant Vice Chancellor for Student Affairs or their designee will work with the institution to determine whether any support services or interim measure(s) are necessary. 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 Assistant Vice Chancellor for Student Affairs or designee. The Assistant Vice Chancellor for Student Affairs or designee shall have the discretion to oversee the

handling of the complaint.

## 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 Reporter, Confidential Employees and Privilege Employees may make a report to the Coordinator within the degree of specificity dictated by the Reporter. 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.

## Law Enforcement Reports

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

## 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.

## Complaint Consolidation

Each institution may consolidate complaints as to allegations of Sexual Misconduct against more than one Respondent, by more than one Reporter against one or more Respondents, or crosscomplaints 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.

## 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 Reporter 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; 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.

## 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

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.

## 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.

## Confidentiality

Where a Reporter 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 in a manner consistent with the institution's obligations to promote a safe and nondiscriminatory environment. The institution should inform the Reporter that the institution cannot guarantee confidentiality. Honoring a Reporter's request for confidentiality shall not prevent the institution from reporting information or statistical data as required by law, including the Clery Act.

## Responding to Reports of Sexual Misconduct

### 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 Reporter 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.

### Temporary Remedial Measures

Temporary Remedial 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. Temporary Remedial Measures must be provided consistent with the provisions in applicable Board and institutional policies and procedures. Temporary Remedial Measures may include but are not limited to: 1. Change of housing assignment; 2. Issuance of a “no contact” directive; 3. Restrictions or bars to entering certain institution property; 4. Changes to academic or employment arrangements, schedules, or supervision; and 5. Other measures designed to promote the safety and well-being of the parties and the institution’s community.

## Emergency Removal

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 Reporter 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. When an emergency removal order is issued, the terms of the removal take effect immediately. The Respondent shall receive notice of the removal and the opportunity to respond within three business days of receipt. The institution will then determine whether the removal should remain in place.

## Jurisdiction

Each USG institution shall take necessary and appropriate action to protect the safety and wellbeing 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 conduct policies.

## Advisors

Both the Reporter 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 below. 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.

## Informal Resolutions

Allegations of Sexual Misconduct may be resolved informally. The Reporter, the Respondent, and the institution must agree to engage in the Informal Resolution Process and to the terms of the Informal Resolution. The Reporter(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.

## 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.

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

The implementing of 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.

### 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.

### 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.

### Formal Complaints

A Formal Complaint is a written document filed by the Reporter 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 Reporter 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.

### 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.

## Advisors

Both the Reporter 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.

## Investigations

### Employee Investigations

All Sexual Misconduct investigations involving an employee Respondent, shall be addressed utilizing Board and institutional employment policies and procedures including Human Resources Administrative Practice Manual, Prohibit Discrimination & Harassment.

### Student Investigations

Upon notice of the alleged Sexual Misconduct the institution 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.

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 result.

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 Reporter, the Respondent, and each party's advisor (where applicable).

Formal judicial rules of evidence do not apply to the Investigation Process. 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 temporary remedial 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. The notice will be amended as necessary to add new offenses or material allegations. 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 Reporter shall have the right to respond to and supplement the notice. Throughout the Sexual Misconduct process the Reporter 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. An Initial Investigation Report shall be provided to the Reporter, the Respondent, and each 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 Reporter 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 Reporter'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 Reporter, the Respondent, and each 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.

## Sexual Misconduct Hearings

### Employee Hearings

All Sexual Misconduct adjudications involving an employee Respondent, shall be addressed utilizing Board and institutional employment policies and procedures including Human Resources Administrative Practice Manual, Prohibit Discrimination & Harassment.

## Student Hearings

The Respondent and the Reporter, 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 a hearing shall be set. All Sexual Misconduct cases shall be heard by a panel of faculty and/or staff. All institutional officials responsible for management and adjudication in the Sexual Misconduct Resolution Process shall receive appropriate annual training as directed by the institution Title IX Coordinator or the Assistant Vice Chancellor for Student Affairs at the University System Office 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 Reporter 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 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 the institution's 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.

Additionally, the following standards will apply to Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct hearings respectively:

## 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 proposed questions and must document the reason for not permitting any particular questions to be raised.
- d. Questions and evidence about the Reporter'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 judicial 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 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.

## 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 Reporter'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 judicial 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.

## Possible Sanctions, Appeals, and Recusal/Bias

### Employee Possible Sanctions, Appeals, and Recusal/Bias

All Sexual Misconduct adjudications involving an employee Respondent, shall be addressed utilizing Board and institutional employment policies and procedures including Human Resources Administrative Practice Manual, Prohibit Discrimination & Harassment.

### Student Possible Sanctions, Appeals, and Recusal/Bias

#### Possible Sanctions

In determining the severity of sanctions or corrective actions the following should be considered: the frequency, severity, and/or nature of the offense; history of past conduct; a Respondent's willingness to accept responsibility; previous institutional response to similar conduct; strength of the evidence; and the wellbeing of the university community. The institution will determine sanctions and issue notice of the same, as outlined above.

The broad range of sanctions includes: expulsion; suspension for an identified time frame or until satisfaction of certain conditions or both; temporary or permanent separation of the parties (e.g., change in classes, reassignment of residence, no contact orders, limiting geography of where parties can go on campus) with additional sanctions for violating no-contact orders; required participation in sensitivity training/awareness education programs; required participation in alcohol and other drug awareness and abuse prevention programs; counseling or mentoring; volunteering/community service; loss of institutional privileges; delays in obtaining administrative services and benefits from the institution (e.g., delaying registration, graduation, diplomas); additional academic requirements relating to scholarly work or research; financial restitution; or any other discretionary sanctions directly related to the violation or

conduct.

For suspension and expulsion, the institution must articulate, in its written decision, the substantial evidence relied upon in determining that suspension or expulsion were appropriate. For purposes of this Policy substantial evidence means evidence that a reasonable person might accept to support the conclusion.

## Appeals

The Respondent the Reporter shall have the right to appeal the outcome of a sexual misconduct case 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 89 of 94 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, investigator(s), decision makers(s); or (3) to allege that the finding was inconsistent with the weight of the information. The appeal must be made in writing, 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 should be made to the institution's President or their designee.

The appeal shall be a review of the record only, and no new meeting with the Respondent or any Reporter is required. The President or their designee 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 any lower 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 or their designee's decision shall be simultaneously issued in writing to the parties within a reasonable time period. The President or their designee's decision shall be the final decision of the institution.

Should the Respondent or Reporter wish to appeal the final institutional decision, they may request review by the Board of Regents in accordance with the Board of Regents' Policy 6.26 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.

## Recusal/Challenge for Bias

Any party may challenge the participation of any institution official or employee in the process on the grounds of personal bias by submitting a written statement to the institution's designee setting forth the basis for the challenge. The designee shall not be the same individual responsible for investigating or adjudicating the conduct allegation. The written challenge should be submitted within a reasonable time after the individual knows or reasonably should have known of the existence of the bias. The institution's designee will determine whether to sustain or deny the challenge and, if sustained, the replacement to be appointed.

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