

## I. Introduction

### A. Overview

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

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

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

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

### B. Student Rights and Obligations

#### 1. Purpose of the University Experience

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

#### 2. Rights and Obligations – General

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

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

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

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

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

**4. Compliance with University Policy**

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

**C. Jurisdiction and Authority**

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

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

**D. Non-Academic Withdrawal**

In the judgement of the Dean of Students, a student may be withdrawn from the university for non-academic reasons when it is determined that the student has demonstrated behavior that: (a) poses a significant danger or threat of physical harm to self or to the person or property of others; or (b) interferes with the rights of other members of the university community or with the exercise of any proper activities or functions of the university or its personnel. Except in situations where the student is believed to be an imminent threat to self or others, as determined at the sole discretion of the university, a student shall, upon request, be accorded an appropriate hearing prior to the final decision concerning his or her continued enrollment at the university. In situations involving an imminent threat, the student will be provided a hearing as soon as possible after the withdrawal occurs. Students who are non-academically withdrawn from the University will be administratively withdrawn from their courses and assigned grades of W or WF (depending on whether they have exceeded their maximum number of withdrawals allowed).

**E. Guarantees of Student Expression**

**1. Collective Rights in Policy Making**

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

**2. Freedom of Expression**

Students have the right to freedom of expression by word or symbol as long as it does not materially or substantially interfere with the orderly operation of the university or with the rights of others as conferred by the Constitution.

**3. Student Media**

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

## F. Definitions

“Advisor” means any person, student or non-student-including an attorney, of a student’s choosing, and at his or her own expense, with whom the Respondent or the Complainant may consult for 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 the student in any manner, including providing questions, suggestions, and guidance on responses to any questions of the student, but shall not participate directly in the proceeding. Family members may also attend, at the request of the Respondent and/or the Complainant, but the Dean of Students may limit the number of family members who may attend with the Complainant and Respondent to two apiece.

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

“Code” means Student Code of Conduct.

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

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

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

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

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

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

“Distribution” means sale, exchange, transfer, delivery, or gift. “Endanger” means to bring into danger or peril.

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

“FERPA” means the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99), a Federal law that governs the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Under certain conditions, FERPA requires schools to disclose personally identifiable information from a student’s education records. Accordingly, per FERPA regulations, the university notifies the victim of an alleged crime of violence or a non-forcible sex offense of the final results of a disciplinary hearing with respect to the alleged crime. *(For more information: <http://registrar.gsu.edu/academic-records/records-management/ferpa/>).*

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

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

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

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

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

“In Writing” means correspondence sent by letter or email.

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

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

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

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

“Retaliation” means intimidating, threatening, or taking adverse action against a student for making a good faith report of misconduct or for participating, cooperating or being associated with an investigation or the student conduct process. Retaliation is a violation of the student Code of Conduct and anyone who believes she or he has been the target of retaliation should immediately contact the Dean of Students. Students found to have engaged in prohibited retaliation shall be subject to disciplinary action pursuant to the Student Code of Conduct.

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

“Sexual Misconduct” includes, but is not limited to, such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, sexual exploitation, sexual harassment, and stalking, each as more fully defined in the Sexual Misconduct Policy (see the Sexual Misconduct Policy).

“Stalking” means: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. 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. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

“Student” means:

- “Current Student” - a person who has been admitted and is enrolled in classes at the university. This status continues unless and until the Student drops, withdraws or is withdrawn from all classes during a semester, at which time he/she may be classified as a:
  - “Non-Enrolled Student” - a person who is enrolled during a semester but drops, is withdrawn or withdraws from all classes; *or*, one who is not enrolled, but is eligible to re-enroll for subsequent semester(s) without seeking re-entry admissions status. Non- Enrolled Students may not benefit from the privileges reserved for “Students” unless they meet the criteria of a “Continuing Student.”
  - “Continuing Student” – a person who does not enroll in the Summer semester, but who has either completed or has been granted an emergency withdrawal from the immediately previous Spring semester *and* who has registered for the subsequent Fall semester. Continuing Students are eligible to request the governing authority for access to designated university resources typically available only to Enrolled Students, may serve as Student Leaders (per the policy on Student Leadership Positions) and may be members of and/or participants in Student Organizations recognized by the university.
  - “Non-Student” - a person who does not enroll for three consecutive semesters. Non- Students may not benefit from the privileges reserved for “Students” including accessing university resources, holding Student leadership positions, nor being members of and/or participating in any Student Organization recognized by the university.
- As used throughout the Code, “Student” refers to both Students and Student Organizations.

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

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

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

***Throughout Section II General Conduct Policies and Procedures, the above listed defined words are capitalized.***