

INTRODUCTION

Middle Georgia State College has established standards of conduct that are compatible with the academic mission of the institution. An educational approach to infractions of the student code of conduct is employed whenever possible.

Laws, statutes, and regulations at the national, state, and local levels grant public institutions the authority to establish standards reasonably relevant to the lawful missions, processes, and functions of the institution.

PART I: DEFINITIONS

1. The term “College” means “Middle Georgia State College”.
2. The term “student” includes all persons taking courses at the College, either full-time or part-time,

17. The term “Complainant” means any person who submits a charge alleging that a student violated this Student Code of Conduct. When a student believes that he/she has been a victim of another student’s misconduct, the student who believes he/she has been a victim will have the same rights under this Student Code of Conduct as are provided to the Complainant,s at Dm3triu(t)-13(C)4634(ed)-7()-2T(thm4.94P

PART II: RESPONSIBILITIES

Scholars may debate whether or not there was an actual written Code of Chivalry. However, there are

5. Individuals will show regard for the property of the College, its community members, and visitors to the campus.

Examples of prohibited behavior include but are not limited to: vandalism, theft; destruction of property; acting fraudulently to obtain goods, services, or funds from College departments, student organizations, or individuals; using one's leadership position for personal gain; misuse and/or wrongful use of College facilities, equipment; failure to comply with policies regarding timely return of materials or equipment checked out or on loan to the student; wrongful sale or use of another's property; knowingly possessing or using stolen property; failure to report knowledge of an infraction; unauthorized po

PART III: STUDENT CONDUCT PROCEDURES AND STUDENT RIGHTS

The purpose of this policy is to establish student conduct procedures to guide the fair and uniform enforcement of the Responsibilities listed in Part II. These procedures are applicable to any student or student organization when charged with a violation of the Responsibilities. These procedures allow for fact finding and decision making in the context of an educational community and encourage students to accept responsibility for their own actions. The intent is to provide adequate procedural safeguards t

iv. An opportunity to review charges and evidence, to respond to the charges, and to select from Adjudication Options.

b. Student shall advise the Student Conduct Officer within one College business day of the preliminary conference of his/her plea and choice of adjudication options, if applicable. If the student requests a hearing, a panel of the Student Conduct Board will be scheduled within ten College business days of the request.

PROCEDURES FOR ADJUDICATING CASES OF ACADEMIC MISCONDUCT

Academic misconduct strikes at the heart of the educational process. Faculty members

- iv. Other sanctions greater than those listed above may be recommended to the Vice President of Academic Affairs for further actions.
6. If a student is found not responsible of academic misconduct, the hearing body will refer the paper, assignment, or test to the appropriate department head/school dean who will facilitate a resolution concerning a fair grade for the work in question.

PROCEDURES FOR ADJUDICATING CASES INVOLVING RECOGNIZED STUDENT ORGANIZATIONS (RSOs)

Should a complaint be filed against an RSO, the Student Conduct Officer will conduct an investigation, a hearing, and the Assistant Vice President of Student Affairs, may impose the following sanctions, if necessary:

- 1. Cancellation of recognized status,
- 2. Imposition of monetary fines, withholding or withdrawal of allocated COA funds and or Dues Account funds,
- 3. Imposition of restitution for damages,
- 4. Removal of any of the RSO’s officers or members from the RSO or its activities,
- 5. Restriction of any of the privileges or rights enjoyed by the RSO.

An RSO may appeal any finding and/or sanction imposed provided relevant grounds for appeal are cited. See Appeal Procedures, 2b. Written notification of the decision to appeal and the grounds for appeal must be received by the Student Conduct Officer within two College business days after the original decision is communicated to the RSO. The Student Conduct Officer will convene an Appeals Board not involved with the original hearing. Appeal proceedings will begin within five College business days of the receipt of the written notification from the student. The Student Conduct Officer will be responsible for notifying the RSO of the outcome of the appeal within two College business days of the conclusion of the appeal proceedings. This is the final appeal at the institutional level.

The right of provisional organizations to operate may be revoked upon an adverse finding by the Student Conduct Officer, in conjunction with the Director of Student Life. In cases of revocation of provisional status, there is no institutional appeal of the decision.

DUE PROCESS AND STUDENT RIGHTS

When a student is charged with violating the rules and regulations of the College, disposition of the case will be according to the Constitutional requirements of due process. These rights include entitlement to:

- 1. A written copy of the charge(s).
- 2. A fair and impartial hearing.
- 3. Know the nature of the evidence against them and names of witnesses scheduled to appear.
- 4. Present evidence and witnesses in their behalf. Statements from character witnesses will be accepted only in instances in which the individual providing the information has direct knowledge of the event(s) in questi(h)6(e)-393.55 Tmu61 0 0 1 90.024 130.42 Tm{ }] TET EMC /P ÅMCID 21-BDC BT1 0 124 90.024 193.46 Tm{ }] TET EM

The accused student may not be accompanied by an attorney unless the charge(s) is criminal in nature. The accused student must notify the Student Conduct Officer three College business days in advance of the hearing if he/she plans to have an attorney present as his/her advisor. Failure to notify the Student Conduct Officer will result in the hearing being rescheduled.

The complainant may also be accompanied by an advisor. The complainant may not be accompanied by an attorney unless the charge(s) is criminal in nature. The complainant must notify the Student Conduct Officer three College business days in advance of the hearing if he/she plans to have an attorney present as his/her advisor. Failure to notify the Student Conduct Officer will result in the hearing being rescheduled.

6. Be present at the hearing during the presentation of any evidence or material on which a decision will be made. If the student fails to attend the hearing, the hearing will be held in the student's absence.

7. Remain silent and refrain from answering questions without inference of guilt.

8. Submit questions for witnesses to the Student Conduct Officer, who, in cases involving adjudication by the Student Conduct Board hearing panel serves as Chairperson of the panel. The Chairperson will determine if the charged student's questions are appropriate and if the charged student's questions will be posed verbally or in writing.

9. An audio recording of the hearing will be made by the Chairperson of the hearing panel. The deliberation/sanctioning phase of the proceeding will not be taped. The charged student will be provided, upon request, a copy of the hearing recording. Written transcripts of the hearing will not be available.

10. A decision based solely on the evidence presented.

11. A written notice of the results of the hearing and an explanation of the decision and sanction assessment. If a student is found not to be in violation of the charge(s), all related documents and records will be destroyed.

12. Appeal the finding and/or sanction.

ADJUDICATION OPTIONS

The Student Conduct Officer will present the student charged with violation(s) of the Student Code of Conduct with a written document describing the charges filed against him/her. The student will respond in one of the following ways to each charge:

1. Admission of responsibility

members: one faculty member, one staff member, and one student member. The Student Conduct Officer serves as non-voting Chairperson of the hearing panel.

It is the responsibility of the Assistant Vice President of Student Affairs to provide orientation and support for the hearing body.

ABSENCE OF ACCUSED OR LACK OF COOPERATION

If the student is absent from the College community while a student conduct case is pending or if a student declines to participate in the student conduct process, the student is not absolved of responsibility.

Students who have been properly notified of a scheduled hearing, and who fail to appear at the hearing after proper notice has been given, will have their cases adjudicated in absentia at the scheduled hearing time and will be bound by the findings.

NOTIFICATION

In all cases relative to written notification of students, such notification will be considered complete once a message has been sent to the student's college e-mail address and mailing address contained in the Banner Student Information System.

THE HEARING PROCESS

The focus of the Hearing Process in student conduct proceedings shall be determining the responsibility of those accused of violating the Student Code of Conduct. Hearings are not open to observers. Decisions shall be based upon the preponderance of all available evidence in each case. This means the evidence does not have to be enough to free the mind from a reasonable doubt but must be sufficient to incline a reasonable and impartial mind to one side of the issue rather than to the other. Student Conduct Board hearings are not legalistic proceedings and formal rules of evidence do not apply.

1. If an accused student denies responsibility for alleged violation(s), the hearing will be scheduled within ten College business days after the accused student requests it. Hearings will be held during normal College business hours on the Cochran or Macon campuses. The charged student may request, in writing, a continuance from the Student Conduct Officer if circumstances are such that a delay is warranted. The accused student will be notified, in writing, of the date, time, and location of the rescheduled hearing.

The Student Conduct Officer will serve as nonvoting Chairperson of the Student Conduct Board hearing panels and will select the members of each Student Conduct Board hearing panel. All procedural questions are subject to the final decision of the Student Conduct Officer.

2. The Complainant has the right to be informed of these hearing procedures and the right to be present throughout the presentation of witnesses and evidence. The Student Conduct Officer will inform the Complainant of these rights prior to the hearing.

The records of the student conduct process and of the sanctions imposed, if any, shall be considered to be the education records of both the Complainant and the accused student(s) because the educational career and chances of success in the academic community of each may be impacted.

3. The accused student will enter a plea to all charges before the hearing body.

4. The Student Conduct Officer will remind the accused student and each witness present of the importance of providing truthful and accurate information during the hearing process. If a witness fails to tell the truth during student conduct proceedings, student conduct action may result.

5. At the hearing, the Student Conduct Officer will present the evidence and facts of the case to the hearing body. The Student Conduct Officer will present witnesses in support of the case against the accused student.

- d. Other sanctions greater than those listed above may be recommended to the Vice President of Academic Affairs for further action.
- C. If the hearing body finds the charged student responsible for the violation, the Student Conduct Officer will read the finding and the sanctions into the audio recording and will forward the finding to the instructor, his/her Dean/Chair, the Vice President of Academic Affairs, or his/her designee.
- D. If a student is found not responsible for a violation of academic misconduct, the hearing body shall refer the paper, assignment, or test to the appropriate Dean. In consultation with the instructor, the Dean shall facilitate a resolution concerning a fair grade for the work in question. In such cases, no record of academic misconduct will remain on file in the Office of Student Affairs or in the Student Conduct Database. Additionally, the Student Conduct Officer will communicate the finding to the adjudicated student in writing within two College business days (Monday-Friday) of the conclusion of the hearing.

BEHAVIORAL MISCONDUCT

- A. Upon finding a student responsible for a behavioral violation of the Student Code of Conduct, the Student Conduct Officer will read the finding into the audio recording and will forward the finding to the Vice President of Student Affairs.
- B. The Vice President of Student Affairs will review the record of the case and any prior student conduct history of the adjudicated student and will reach a decision regarding appropriate sanctions to be imposed.
 - a. Prior to imposition of any sanction involving a student grade, the Vice President of Student Affairs, or his/her duly appointed designee, shall consult with the Vice President of Academic Affairs, or his or her duly appointed designee.
- C. The Student Conduct Officer will read the sanction into the audio recording and will be responsible for notifying the adjudicated student of the finding and the sanction in writing within two College business days (Monday-Friday) of the conclusion of the hearing.

At the request of the adjudicated student, the Student Conduct Officer will meet with the student and provide clarification of the finding and sanction. At this time and at the student’s request, information on and assistance with the appeal procedures as outlined in the Student Handbook will be provided.

The finding and sanctions are considered final unless appealed by the adjudicated student. In cases of sexual harassment/assault only, either party (the complainant or the accused student) may appeal a decision (see Appeals Policy). <http://www2.ed.gov/print/about/offices/list/ocr/letters/colleague-201104.html>

In cases where no decision can be reached, the Student Conduct Officer may appoint another hearing panel or drop the charges.

SANCTIONS

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remainder of the student's matriculation at the College. Restrictions may be imposed in conjunction with probation and may include:

- a. *Community Service H*

1. *Participation in Alcohol and Other Drug education program*
2. *Referral to and evaluation by Counseling Services*
3. *Additional Student Conduct probation*
4. *Community Service hours*
5. *Suspension from the College*
6. *Expulsion from the College*

3. Loss of Student Office/Leadership Position

Students in elected/appointed positions may lose the position as a result of a violation of the Student Code of Conduct.

4. Forced Withdrawal

Students may be withdrawn from the academic

APPEAL POLICY

Students adjudicated under the Student Code of Conduct have the right to appeal decisions of the Student Conduct Officer and Student Conduct Board panel, and the Vice President of Student Affairs provided specific relevant grounds for appeal are cited. In cases of sexual harassment/assault only, either party (the complainant or the accused student) may appeal a decision on those same grounds (see 2b below).

APPEAL PROCEDURES NOT INVOLVING SUSPENSION/EXPULSION

Steps for filing an appeal in cases not involving suspension/expulsion are outlined below:

Written notification of the decision to appeal and the grounds for the appeal (see 2b below) must be received by the Student Conduct Officer within two College business days after the original decision is communicated to the adjudicated student. The Student Conduct Officer will convene an Appeals Panel comprised of Student Conduct Board members who were not involved with the original hearing. Appeal proceedings will begin within five College business days of the receipt of the written notification from the student. The Student Conduct Officer will be responsible for notifying the adjudicated student of the outcome of the appeal within two College business days of the conclusion of the appeal proceedings. This is the final appeal at the institutional level.

APPEAL PROCEDURES FOR SUSPENSION/EXPULSION

Steps for filing an appeal in cases involving suspension/expulsion are outlined below:

1. Students who are appealing suspension or expulsion and feel that further action is warranted following a decision may appeal to the Vice President of Student Affairs of the College. The appeal must be submitted to the Student Conduct Officer in writing within two College business days after the finding and sanction are communicated to the adjudicated student. The Student Conduct Officer is responsible for submitting the student's written appeal, along with other appropriate documentation to the Vice President of Student Affairs. At the discretion of the Student Conduct Officer, an extension of no more than one College business day may be granted after notification of suspension or expulsion has been communicated to the student. Students appealing decisions involving suspension or expulsion may have their movements on campus restricted to academic endeavors or other restrictions deemed appropriate during the period of appeal. Otherwise, no sanction will be enforced until a final decision is reached.

2. With the Vice President of Student Affairs' approval, the Student Conduct Officer will convene an Appeals Panel to review the case. No panel member will be from the adjudicated student's school or department of academic major. A different panel may be appointed for each case.

After reviewing the case, the panel will prepare a written recommendation for the Vice President of Student Affairs' consideration. The Vice President of Student Affairs will review the recommendations submitted by the panel and render a decision. He/she will communicate his or her decision to the student within ten College business days after an appeal is filed with the Student Conduct Officer. This is the final appeal at the institutional level. Therefore, the sanction imposed will be in effect immediately.

a. Purpose of the Appeals Panel

The purpose of an appeal is to review the procedures and findings of the body of original jurisdiction and to determine if there is a basis for error in a student conduct hearing.

b. Grounds

A student may appeal a student conduct decision on the following grounds:

- i. A violation of due process.
- ii. Evidence of prejudicial treatment by the original hearing body.
- iii. Evidence becomes available during the review process that was not previously available during the original hearing.
- iv. Mercy appeal for review of an imposed sanction considered too harsh/lenient.

c. Procedure

