

# STUDENT CODE OF CONDUCT

Students are admitted to Gordon State College with the expectation that they have developed acceptable personal standards of conduct and ethics. Students are expected to abide by the Student Code of Conduct (the Code) and the laws of the local community, state, and nation always.

The Code goes into effect at the time a student accepts admission to Gordon State College and continues until the time of graduation or withdrawal. Students assume an acceptance of the Code which are stated in this document and in other publications of the College. Students should realize that they may be held accountable through the College's conduct system when an on-campus or off-campus offense is committed. The College will take necessary and appropriate action to protect the safety and well-being of its community.

The Code applies to all student conduct on or adjacent to College property, at College-sponsored activities and programs including those in international locations, and at student organization activities. The Code also applies to conduct occurring on non-College property and at non-College events when that conduct may threaten the health and safety of the College community. The Code continues to apply to student conduct while a conduct matter is pending even if the student withdraws from the College.

The most current version of the Student Code of Conduct may be found online. In the event of a conflict between the Student Code of Conduct and other College policies, the most current version of the Code governs. Students involved in criminal matters may be sanctioned by the College 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 College unless the student is also found responsible for violating College policy.

## Student Rights and Responsibilities

### Students' Rights

A student shall have the right to participate in a free exchange of ideas, and there shall be no College rule or administrative rule that in any way abridges the rights of freedom of speech, expression, petition and peaceful assembly as set forth in the U.S. Constitution and as outlined by BOR policy 6.5 in the USG.

Each student shall have the right to participate in all areas and activities of the College, free from any form of discrimination, including harassment, on the basis of race, color, national or ethnic origin, religion, sex, disability, age, sexual orientation, gender identity/expression, or veteran status in accordance with applicable federal and state laws.

A student has the right to personal privacy except as otherwise allowed by law, and this will be observed by students and College authorities alike. Each student subject to disciplinary action arising from violations of Student Code of Conduct shall be assured due process.

### Student Responsibilities

A student has the responsibility to respect the rights and property of others, including other students, the faculty and College officials. A student has the responsibility to be fully acquainted with the published Student Code of Conduct and to comply with the Code, as well as College and University System of Georgia (USG) rules and regulations, and local, state, and federal laws.

A student has the responsibility to recognize that student actions reflect upon the individuals involved and upon the entire College community.

A student has the responsibility to maintain a level of behavior which is consistent in supporting the learning environment of the institution and to recognize the College's obligation to provide an environment for learning.

## BOR Freedom of Expression Policy

### 6.5 Freedom of Expression and Academic Freedom

The rights guaranteed by the First Amendment, to the U.S. Constitution including the right to freedom of speech, the right to the free exercise of religion, and the right peaceably to assemble are of the utmost importance, and the University System of Georgia (USG) is committed to protecting those rights. In the context of higher education, the constitutionally protected right to freedom of speech includes both academic freedom and freedom of expression. USG and all of its institutions shall vigorously protect those freedoms.

USG and its institutions shall foster an environment where all members of the USG community are free to share ideas and opinions, even those that some may find offensive. Ideas and opinions should be openly and freely debated and discussed, both inside and outside of the classroom, without fear of suppression or reprisal. The USG community should promote intellectual debates, not close them off, and must uphold the values of civility and mutual respect while doing so.

While narrow restrictions to freedom of speech will apply for expression that violates the law or USG or institutional policies, freedom of expression protections are broad. Any necessary limitations will be enforced by USG or institutional administration. Individual members of the USG community shall not attempt to prevent or otherwise interfere with the free expression of others, no matter how objectionable they may find the expressed ideas or opinions.

Similarly, USG is strongly committed to protecting the academic freedom rights of faculty and students. Along with those rights comes an individual responsibility to fulfill obligations in the classroom, in research, and as public citizens.

#### 6.5.1 Academic Freedom

As a public system of higher education, USG is committed to protecting the academic freedom rights of faculty and students in teaching, research, publishing, and other academic activities. All institutions within USG must vigorously promote the open exchange of ideas and protect academic freedom on their campuses.

USG values diversity of intellectual thought and expression for all. While faculty and students must be encouraged to exercise their rights to academic freedom, they must also understand that, along with those rights comes the responsibility to respect the individuality and beliefs of all. Members of the USG community should always seek to foster and defend intellectual honesty, freedom of inquiry, and instruction on and off campus.

Academic freedom is a bedrock of higher education, but it is not unlimited. Faculty academic freedom extends only to classroom material and discussions, research, publications, and other academic activities that are germane to the subject matter being taught, researched, written about, or presented. Faculty members must be careful not to introduce into their teaching controversial matters that have no relation to their subject.

Students should be provided an environment conducive to learning, be free from faculty or institutional coercion to make personal political or social choices, and be evaluated based on their academic performance, not factors that are irrelevant to that performance such as their personal beliefs. Similarly, faculty and staff have the right to be unburdened by irrelevant factors such as ideological tests, affirmations, and oaths, and should instead be hired and evaluated based on relevant factors such as their achievement and the success of students.

Finally, faculty hold a special position in the community that carries both privileges and obligations. Because faculty are scholars and educators, the public may judge their profession and their institutions by their utterances. Therefore, faculty should always strive to be accurate, exercise appropriate restraint, show respect for the opinions of others, and make every effort when they are expressing their personal opinions to indicate that they are speaking for themselves as private citizens rather than on behalf of their institutions.

This commitment to protecting the academic freedom rights of all faculty and students, as well as ensuring that all faculty and students respect the academic freedom rights of others, is crucial to USG's mission of providing the best educational opportunities to all Georgians.

### 6.5.2 Institution Freedom of Expression Policies

As public institutions of higher education, USG institutions must promote free expression and academic freedom on their campuses. To that end, the unrestricted outdoor areas of institutions are deemed public forums for the campus community of each institution. For purposes of this policy, the campus community means students, faculty, staff, and their invited guests. While institutions may need to enact policies to promote campus safety, to ensure the proper functioning of the academic environment and institution activities, or to further other important institution objectives, those policies should not unduly burden the free expression rights of students, faculty, and staff.

Institutions may maintain and enforce reasonable time, place, and manner restrictions narrowly tailored to serve a significant institutional interest. Such restrictions must employ clear, published, content- and viewpoint-neutral criteria, and provide for ample alternative means of expression. Finally, any such restrictions may include reservation requirements, if needed, but must also allow for members of the campus community to spontaneously and contemporaneously assemble or distribute literature.

Institutions can designate accessible, high-traffic locations on campus as public forum areas for individuals or groups who are not members of the campus community and can require these individuals or groups to comply with reasonable time, place, and manner restrictions, including reservation requirements. Institutions may not consider the content or viewpoint of expression when requiring or assigning use of public forum areas.

USG institutions must place their student free expression policies and procedures in the student handbook and make the same publicly available online. Student orientation programs must incorporate these policies and procedures as well as related training in civil discourse, open inquiry, robust debate, intellectual diversity, and respect for others. Finally, institutions must develop materials, programs, and procedures to ensure that faculty and staff understand the institutional policies and duties regarding free expression on campus. No institution orientation or training for students or employees may include ideological tests, affirmations, or oaths, including diversity statements.

### Behavioral Expectations

Gordon State College (GSC) considers the behaviors described below as unacceptable for the GSC community and in opposition to the orderly operation of the College. The College encourages community members to report to College officials all incidents that involve the following actions. Any student found responsible for committing or attempting to commit the following misconduct may be subject to sanctioning as outlined later in the Code (Sanctions Section).

Each student is expected to abide by the Code of Conduct and to be accountable for their behavior. Lack of familiarity with the code is not a justification for violating any provision of this code. Unless specifically noted, intent is not a required element to establish a code violation. Intoxication or impairment from alcohol, drugs, or other substances is not a justification for violating any provision of this code. These rules of conduct should be read broadly and are not designed to define prohibited acts in exhaustive terms.

Violations are identified as Tier 1 and Tier 2. Please see page 14-15 for detailed information. However, a student who has multiple violations may be considered as a Tier 2 violator be at risk of suspension or expulsion.

### Alcohol Possession and Use

1. Possession, use, and/or consumption of alcoholic beverages by persons under the age of 21.
2. Possession of alcohol containers by persons under the age of 21.
3. Operating a motor vehicle while under the influence of alcohol or while impaired by the consumption of alcohol.
4. Possession or consumption of alcoholic beverages in public locations on campus. Public locations include Residence Hall common spaces which refer to any public space that exists outside the bedroom of a specific residential unit. Examples include, but are not limited to kitchens, living rooms, bathrooms, group study/lounge spaces, laundry rooms, elevator lobbies, computer rooms etc. Common spaces also include the public spaces located on the outside grounds of a Residence Hall. If alcohol is found in the common area, all Students may be in violation and/or found responsible.
5. The sale, distribution, or furnishing of alcoholic beverages, or otherwise facilitating consumption of alcohol for/by persons under the age of 21.
6. Participation in drinking games or what could be perceived as drinking games, contests, (e.g., beer pong, water pong, flip cup, etc.) by persons under the age of 21.
7. Possession or use of common source containers (e.g., kegs, pony kegs, beer bongs) by persons under the age of 21.
8. Providing alcoholic beverages to a person who is intoxicated. I. Any activity or conduct involving the use of alcohol that is in violation of law.

### Animals

1. Any abuse, inappropriate handling, or causing death to wildlife and/or animals.
2. Bringing any unauthorized animal into any building owned, leased, or controlled by Gordon State College. All animals must be properly registered through the Counseling and Accessibility Office before bringing the animal to campus.
3. Excessive noise, or destruction of property from service or assistance animals.

4. Failure to properly clean up after the animal. E. Failure to properly maintain control of the animal (i.e., the use of a leash).

### Assault – T2

1. Any physical contact of an insulting or provoking nature.
2. Any physical abuse or physical harm of another person.

### Classroom Disruption

1. Any classroom behavior that interferes with the faculty's ability to conduct class, failure to conform to the faculty member's announced expectations for the learning environment, or the ability of other Students to learn.
  - a. Learning Environment - includes, but is not limited to, the physical classroom environment, labs, and asynchronous learning. It may also include electronic correspondence and environments outside-of-campus locations, outdoor environments, and other locations and contexts in which students learn.
2. Any other behavior that interferes with the faculty's ability to conduct class, or the ability of other students to learn, or failure to conform to the faculty member's announced expectations for the learning environment.

### Continued Duty to Report-T2

GSC students have a continuing duty to report criminal and/or disciplinary events that occur upon and after application to the College. Failure to comply with the requirement may result in a student's admissions acceptance being revoked or being administratively withdrawn from the College. The criminal/disciplinary events that must be reported are described below. Reports must be made to the Dean of Students Office within 72 hours of the student's notice of the event.

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

### Damage or Destruction of Property – T2

1. Any damage or destruction of property belonging to a member of the College community, College property, or to a visitor of the campus.
2. Any damage or destruction of property that is caused by a Gordon State College student (including property not owned or leased by Gordon State College).

### Deception

1. Any misuse of any College records, forms, or documents through forgery, unauthorized alteration, reproduction, or other means.
2. Providing false information to law enforcement and/or Gordon State College officials.
3. Possession of any fake, altered, or any other identification that belongs to another person.
4. Lending, selling, or otherwise transferring an identification card.
5. Any attempt to perpetrate a fraud against the College or a member of the College community.
6. Any unauthorized claim to speak and/or act in the name of Gordon State College or any organization, student, College officials or faculty members.

7. Offering or causing to be offered any bribe or favor to a college official, office, or other law enforcement officer in order to influence a decision

### Disorderly Conduct -T2

1. Any lewd, obscene, indecent behavior, or other forms of disorderly conduct.
2. Any disruptive behavior such as but not limited to fighting, threatening behavior, public disturbance, or drunk and disorderly conduct.
3. Any abuse or unauthorized use of sound amplification equipment.
4. Any conduct which materially interferes with the normal operation of the College, or with the requirements of appropriate discipline.

### Disorderly/Improper Assembly

1. Any assembly for the purpose of causing a riot, destruction of property, or disorderly diversion, which interferes with the normal operation of the College.
2. Any obstruction to the free movement of other persons about campus or the interference with the use of College facilities. This is not to deny any student the right of peaceful, non-disruptive assembly or expression.

### Drugs – T2

1. The possession, consumption, or use of an illegal substance (substance controlled by Federal or Georgia law) or synthetic cannabinoid (i.e., Spice or K2).
2. The manufacture, cultivation, distribution, purchase, or taking delivery of any illegal substance (substance controlled by Federal or Georgia law) or synthetic cannabinoid.
3. Misuse or improper possession of prescription medication. D. The possession and/or use of any drug paraphernalia, i.e., bowls, hookah pipes, bongs, "homemade" smoking devices, any other smoking device, or smoking paraphernalia.
4. Operating a motor vehicle under the influence or while impaired by the consumption of substances controlled by federal law, Georgia law, or synthetic marijuana.
5. Any activity or conduct involving drugs that is in violation of local, state, or federal law.
6. Groups and Organizations which, through their officers, agents, or responsible members, knowingly permit, authorize, or condone 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 Group or Organization, social or otherwise.

### Endangerment – T2

1. Placing a student or the College community at risk of physical injury or death.
2. Bringing a non-Student or non-College community member into the College community that places a student, other individual, or the College community at risk of physical injury or death.

### Failure to Comply

1. Failing to respond to a lawful request by properly identified College Officials or law enforcement officials in the performance of their duties.
2. Failing to report for a conference, meeting, or appointment with any College Official or Faculty Member when properly notified.
3. Failing to appear and cooperate as a witness in a disciplinary case when properly notified.

4. Failing to comply with any disciplinary condition imposed on a person by any Student Conduct body or administrator.
5. Fleeing from law enforcement or College Officials.
6. Failing to follow established College policies or guidelines.
7. Failure to comply with the sanction(s) imposed on a violation of the Student Code of Conduct.
8. Failure to respond as directed by the Dean of Students regarding any matter including, but not limited to, a request to meet concerning an issue, or a notice alleging a violation of the Code

### Felony Conviction – T2

1. Being convicted of a felony while a student.
2. Pleading guilty to a felony while a student.
3. Pleading nolo contendere to a felony while a student.
4. Receiving First Offender Treatment or similar pretrial diversionary treatment for a felony grade offense while a student.
5. Non-disclosure of felony charges or conviction prior to enrollment.

### Fire Safety

1. Any failure to evacuate or immediately respond to a fire alarm.
2. Participation in creating or causing a false fire alarm.
3. Participation in tampering, disconnecting, or altering any fire alarm system, equipment, or component.
4. Improper violation of a fire extinguisher.
5. Failure to follow the instructions of Staff and emergency personnel during fire alarms.
6. The possession, use, manufacture, and/or sale of any incendiary device, i.e., fireworks, sparklers, and any item designed with the primary intention of exploding, including but not limited to firecrackers, skyrockets, rockets, roman candles, and cherry bombs.
7. Setting, causing to be set, or participation in setting any unauthorized fire in or on College property.
8. Intentionally or recklessly obstructing a fire exit in any College building; failure to maintain an organization's facilities and/or surrounding property creating a potential danger to the health or safety of the occupants or other individuals

### Gambling

1. A. Engaging in or offering games of chance for money, property, goods, services, or other gain in violation of Georgia law.

### Harassment

1. Conduct, not of a sexual nature, including any gesture, written, verbal or physical act, or any electronic communication (includes text messages and postings on websites or social media), that places a person in reasonable fear of harm to their person or damage to their property, infringes upon rights of personal privacy, has the effect of substantially interfering with a reasonable person's academic performance or ability to participate in opportunities or benefits provided by the College, or has the effect of substantially interfering with the orderly operation of the College.
2. Stalking, not of a sexual nature, defined as a course of conduct (i.e., more than one act) directed at a specific individual which would cause a reasonable person to experience substantial emotional distress, or to fear for their safety or the safety of another.
3. Bullying as defined as the use of repeated or severe verbal and/or non-verbal means in order to coerce or force a person to do something or to degrade a person, including, but not limited to, the use of taunting, teasing, or coercive language, pushing, punching, or creating threatening notes/letters/signs.

4. Cyberbullying as defined as an act of bullying that takes place using different kinds of technology and social media. Using various types of electronic devices to inflict emotional and/or mental pain, and to degrade another person

### Hazing

1. Any individual action or situation, which occurs on or off College property, that intentionally, recklessly, or negligently endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any registered student organization or other group whether officially recognized by the College, or the perpetuation or furtherance of a tradition or ritual of any such student organization or group. Hazing includes, but is not limited to:
  - a. brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of food, liquor, drug, or other substance;
  - b. subjecting a person to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of a reasonable person;
  - c. pressuring or coercing a person into violating local, state, federal law and/or College policy;
  - d. interfering with or impeding a person's academic pursuits, employment, religious observances, or affiliation with other individuals, groups, or activities; or
  - e. otherwise infringing upon a person's personal or property rights or substantially interfering with a reasonable person's ability to participate in or benefit from the services, activities, or privileges provided by the College.

### Interference with the Orderly Operation of the Conduct Process

1. Unreasonably delaying the conduct process by failing to schedule or appear for a meeting as requested by an administrative officer.
2. Intentionally providing false, distorted, or misrepresented information to an administrative officer or Hearing Panel or knowingly initiating a false complaint.
3. Disrupting the orderly operation of a conduct proceeding; attempting to discourage an individual's proper participation in, or use of, the conduct process; harassing, intimidating, and/or retaliating against an administrative officer, Panel Member, reporting party, or any other individual associated with any report, investigation, informal or formal resolution, or appellate proceeding under the code of conduct.

### Joint Responsibility

1. Students who knowingly act or plan to act in concert to violate College regulations have individual and joint responsibility for their behavior.
2. Any Student who knowingly allows another person to violate College regulations without reporting to a College Official.
3. Allowing, condoning, permitting or providing for a guest to violate College conduct regulations

### Non-registered/Unrecognized Groups

1. A. Operating a non-registered/unrecognized organization on any property belonging to the College

### Retaliation – T2

1. No student shall engage in any materially adverse action or threat of a materially adverse action against any other individual for:

- a. Making a good faith report of misconduct;
- b. Reasonably participating in the investigation of a report of misconduct;
- c. Reasonably objecting to or resisting misconduct, or;
- d. Being a close associate of someone who makes or may make a good faith report of misconduct.

### Solicitation

1. Conducting an unauthorized sales campaign in a Residence Hall, classroom, or administrative building, or any other campus location.
2. Placing door hangers or signs on cars on campus or in on-campus residential facilities; or other campus property.

### Student Identification Card Violation

1. Altering, lending, or selling a student identification card.
2. Using a student identification card by anyone other than its original holder.
3. Using a student identification card in any unauthorized manner.

### Theft

1. Taking, possessing, selling, or attempting to sell or distribute any property that is the property of another person, organization, or entity (including but not limited to the College).
2. Taking or attempting to sell any service that belongs to the College without proper permission.
3. Possession of property the student knows or has reason to believe may be stolen or misappropriated.

### Threats – T2

1. Any expression of an intent to commit an act of unlawful violence with the purpose (or in reckless disregard of the risk) of:
  - B. Placing an individual or group of individuals in fear of bodily harm or death; or
2. Causing the evacuation of a College facility, service, or event; or
3. Otherwise causing serious disruption to the orderly operation of the College.

### Tobacco

1. The use of all forms of tobacco products on property owned, leased, rented, or belonging to Gordon State College, or in any way used by the College or its affiliates, is expressly prohibited. "Tobacco Products" is 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 or vaporizers.

### Unauthorized Entry

1. Unauthorized entry on or into any College building, office, Residence Hall, off-campus residence, parking lot, motor vehicle, or other facilities.
2. Remaining in any building after normal closing hours without proper authorization;
3. Remaining overnight in public areas of the Residence Hall or surrounding areas without approval from College Housing Staff.
4. Unauthorized entry or attempted entry into any property, including but not limited to any building, office, or other facility, automobile, backpack, or account

### Unauthorized Use

1. Unauthorized use of College equipment.
2. Unauthorized use of bathrooms, exits, or windows.

3. Unauthorized use or duplication of keys.
4. Unauthorized use or possession of any parking permit.

### Unauthorized Use of Computer or Electronic Resources

1. Unauthorized entry into any network, computer, or file to use, read, or change the contents, or for any other purpose.
2. Unauthorized access and/or entry of web-based virtual platforms (i.e., Teams, Zoom, Skype, Google Classroom, WebEx)
3. Unauthorized transfer of a file.
4. Unauthorized use of another individual's identification and password.
5. Use of computing facilities that interfere with the normal operation of the College computing system.
6. Use of computing facilities that violate copyright laws.
7. Use of any unregistered devices on the College network.
8. Use of tools for port-scanning, "sniffing," or to monitor or read transmissions from other users on the network is prohibited.
9. Any violation of the College's computer use policies.

### Violation of Confidentiality

1. Disclosing confidential Student Conduct information as a member of the College Student Conduct Board
2. Disclosing confidential work-related information as a student employee

### Violation of Law – T2

1. Any act that violates a provision of the laws of the United States, the laws of any State in which such act occurs, the ordinances of any county, city, municipality, or other political subdivision, or the laws of another nation or political subdivision thereof in which such act occurs, is deemed to be a violation of the Code of Student Conduct when that act:
  - a. Occurs on the campus of the College, including all property owned, leased, licensed, or otherwise controlled by the College.
  - b. Occurs in the context of any event planned, presented, sanctioned, or made available by the College, any affiliate of the College, or any Student Organization.
  - c. Occurs at any intercollegiate athletic event in which one of the College's teams is participating, home or away.
  - d. Involves more than one member of the College community; or otherwise adversely affects the orderly operation of College.

### Weapons and Firearms – T2

1. No student shall keep, use, possess, display, or carry any rifle, shotgun, handgun, ammunition, other lethal or dangerous device capable of launching a projectile by air, gas, explosion, or mechanical means (including BB guns, air-soft guns, stun guns, and paintball guns) on any property owned, controlled, or leased by the University System of Georgia unless specifically authorized by College administration as part of a College sanctioned event or where allowed by law.
2. No student shall create, keep, use, possess, display, or carry any hoax device.
3. No student shall display or brandish any toy or fake weapon which resembles a real weapon.
4. No student shall use, possess, display, or carry any swords, any prohibited knives, any explosives (including fireworks and sparklers), any martial arts weapons, dangerous chemicals, or any other weapons as defined in University System of Georgia policy 6.11.2 unless specifically authorized by the administration or as part of a College sanctioned event.

- Any object that is used to injure, attempt to injure, or harass another person may be considered a weapon. The context in which a particular object was used or attempted to be used will determine whether it is a weapon.
- ny additional violation of applicable law, including the “Campus Carry” Legislation House Bill 280.

## Behavioral Conduct Procedures

### Reporting

All suspected violations should be immediately reported to the Dean of Students by any person who has knowledge of the commission of any such violation. To report any violation of the Student Code of Conduct please click here: [Incident Reporting Form](#)

Any member of the Gordon State College community may submit a report. Reports are reviewed to determine if the alleged behavior is in violation of this Code. A report of an alleged violation of the Behavioral Conduct policy should include:

- The type of alleged Misconduct.
- Name of the Respondent.
- Date, time, and place of Misconduct.
- Name and contact information for any witnesses.
- Any evidence available.
- Whether or not a criminal complaint was filed (if applicable).

### Confidentiality

Where a Complainant requests that the Complainant’s identity be withheld, or the allegation(s) not be investigated, the Dean of Students will inform the requesting party that Gordon State College generally cannot guarantee confidentiality. The Dean of Students will consider whether such request(s) can be honored while protecting the safety and well-being of the College. Honoring the request may limit Gordon State College’s ability to respond fully to the incident and may limit Gordon State College’s ability to discipline the respondent.

### Retaliation

Anyone who, in good faith, reports what they believe to be Student Misconduct, who participates or cooperates in, or who is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes they have been the target of retaliation for reporting, participating, or cooperating in, or otherwise being associated with an investigation should immediately contact the Dean of Students. Any person found to have engaged in retaliation in violation of the Student Code of Conduct shall be subject to disciplinary action, pursuant to Gordon State College’s policy.

### False Complaints

Individuals who intentionally give false statements to a Gordon State College official, or who submit false complaints or accusations, including during a hearing, shall be subject to disciplinary action pursuant to Gordon State College’s policy.

### Amnesty

Individuals are encouraged to come forward and to report violations of policy, notwithstanding the individual’s choice to consume alcohol or to use drugs. Information reported in good faith by an individual during an investigation concerning use of drugs or alcohol will not be used against that individual in disciplinary proceedings and will not be voluntarily reported to law enforcement. However, individuals may be provided with resources on drug and alcohol counseling or education.

### Jurisdiction

Gordon State College will 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 the institution’s student conduct policies, regardless as to where such conduct occurs. If the student has admitted responsibility and has voluntarily decided to participate in the informal process, the procedures outlined in this section will not apply.

### Interim Measures

Interim 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 USG community. To the extent interim measures are imposed, they should minimize the burden on both the Complainant (where applicable) and the Respondent, where feasible. Interim measures may include, but are not limited to:

- Change of housing assignment;
- Issuance of a “no contact” directive;
- Restrictions or bars to entering certain institution property;
- Changes to academic or employment arrangements, schedules, or supervision;
- Interim suspension; and
- Other measures designed to promote the safety and well-being of the parties and the institution’s community.

An interim suspension should only occur where necessary to maintain safety and should be limited to those situations where the respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of a significant risk to the health or safety of the Complainant (where applicable) 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.

### Violation of Law and College Discipline

- If a student is cited only with an off-campus violation of federal, state, or local laws, but not with any other violation of the Code, disciplinary action may be taken, and sanctions imposed for misconduct that is detrimental to or demonstrates disregard for the College community and/or its pursuit of College objectives.
- College disciplinary proceedings may be instituted against a student cited for a violation of a law that is also a violation of this Student Code if both violations result from the same factual situation, without regard to pending civil litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
  - An individual whose conduct violates a federal, state, or local law, as established by a preponderance of the evidence as outlined herein, need not be criminally violations, or convicted for their conduct to be deemed a violation of the Student Code of Conduct.
  - When a student is cited by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also the subject of a proceeding under the Student Code, however, the College may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the College community. The College will cooperate fully with law enforcement

and other agencies in the enforcement of the law and in the conditions imposed by courts for the rehabilitation of student violators.

## Violations

### Tier One

May be deemed as a minor violation.

1. Information Session
  - a. Dean of Students or designee will send a notification to the Respondent via the Respondent's Gordon State email address to notify them of:
    - i. The Violation(s);
    - ii. Request for recusal for bias procedure;
      1. The assignment of the Hearing Officer may be challenged only based on a conflict of interest or perceived bias. Challenges must be submitted in writing to the Provost/ Vice President for Academic and Student Affairs and Dean of Students, who will render a decision. A non-response from the Respondent will be considered a general denial of the allegations and no challenge of the Hearing Officer assigned.
    2. Possible sanctions; and
    3. iv. Link/Instructions to Schedule Administrative Resolution Meeting
  - b. During the information session the respondent may view all materials related to the case, review procedural standards, and discuss available options for resolution.
  - c. The Dean of Students or designee will determine what resolution process is appropriate after considering the expressed preferences of any complainants and respondents, and the totality of the circumstances.
  - d. If a respondent elects to resolve the allegation and the Dean of Students or designee deems appropriate, the administrator conducting the information session may immediately facilitate a resolution or schedule the resolution to take place within a reasonable time. Options for resolution will be scheduled no sooner than five days after the information session unless a student waives their right for a resolution to be scheduled sooner.
  - e. In cases involving a complainant, the administrator will gather the necessary information and conduct an appropriate resolution within a reasonable time.
  - f. When a respondent has two or more outstanding incidents, those incidents may be heard as a single case at the discretion of the Dean of Students or designee
2. Administrative Resolution
  - a. In an Administrative Resolution, the Respondent will meet with the Dean of Students or designee to resolve the Respondent's case.
  - b. The Dean of Students or designee will provide the Respondent with written notice to schedule a meeting at least five (5) Days from receipt of the notice of violation(s) letter. The purpose of the meeting will be to review and discuss the possible violation(s) before a final decision is reached.
  - c. A third-party observer may be present at the request of the Respondent or the Dean of Students or designee.
  - d. The Respondent will have the opportunity to review all information pertaining to the violation(s).
  - e. The Dean of Students or designee will find the Respondent responsible or not responsible for the violation(s). If the

Respondent accepts the Administrative Resolution, they waive their right to a formal hearing and an appeal. The Respondent will be notified of the outcome of the Administrative Resolution meeting no later than five (5) Days after the meeting occurred.

- f. If the Respondent does not accept the offered Administrative Resolution, they can have their case resolved before the Student Conduct Board (SCB) or the Dean of Students for a Formal Resolution.
- g. The Dean of Students or designee may refer any case directly to the Student Conduct Board or designee for Formal Resolution in cases where, in their sole discretion, the Dean of Students determines that Administrative Resolution is not appropriate.
- h. If the Respondent fails to schedule an Administrative Resolution or fails to attend the Administrative Resolution, a Formal Resolution will be scheduled in Respondent's absence. The Respondent will be notified with at least a five (5) Days advanced notice.

### Tier Two

Deemed as a major violation.

1. Formal Resolution: If the Respondent does not accept responsibility for the alleged violation(s) and if the outcome of the case could result in suspension or expulsion from the institution, the student can elect to have a formal hearing in front of the Student Conduct Board (SCB). SCB hearings will be conducted by a hearing panel composed of five community members: three students and two staff/faculty members. As one of the three student members, the Chief Justice of the Student Government Association will serve as the presiding officer of SCB hearings. The Dean of Students will advise the SCB and direct the selection process for hearing panel members.
  - a. Decision in absentia. If a complainant, respondent, or witness does not appear for a proceeding or hearing after notice, the Student Conduct Authority or hearing body may postpone the proceeding or review any information in support of or challenging the violations in the individual's absence and determine a finding regarding responsibility and any related outcomes based upon the available information.

### Pre-Hearing Procedures

1. SCB Hearing Panel members will be notified in writing of their selection.
2. The Chief Justice will convene the hearing panel as soon as possible following receipt of the Respondent's selection of a SCB hearing.
3. Written notice to the Respondent and the Complainant no less than five (5) business days prior to the date set for the hearing. The notice will be sent to the Respondent's and the Complainant's official College email addresses. The notice will include:
  - a. A statement of the date, time, location and nature of the hearing;
  - b. A copy of the charges; and
  - c. A list of the names of all SCB Hearing Panel members, and the College address of the chairperson.
4. If the Respondent or the Complainant cannot attend the scheduled hearing date due to extraordinary circumstances, he/she must notify the Dean of Students with a written request to reschedule, including reasons for the request, no later than three (3) business days prior to the hearing. The Dean of

Students will determine whether to approve or deny the request to reschedule the hearing.

5. If the Respondent, the Complainant or witnesses, for a valid basis, cannot attend the hearing on the date scheduled for the hearing due to extraordinary circumstances, the Dean of Students may establish special procedures for them to be heard from a separate location that ensures proper sequestration in a manner that prevents the tainting of their statement and make a determination that such an arrangement will not unfairly disadvantage either the Complainant or Respondent.
6. No later than three (3) business days prior to the hearing, the parties will exchange the following Information in writing:
  - a. A list of the names of the witnesses who may be called to speak at the hearing; o A concise summary of the anticipated statement of each witness;
  - b. Copies of all documents or statements to be presented at the hearing;
  - c. The name and title (if any) of the Complainant; and title of Complainant's advisor, if any.
  - d. The name of the Respondent and the name and title of the Respondent's advisor, if any.
7. Both the Respondent and the Complainant may challenge the participation of any member of the hearing panel on the grounds of personal bias by submitting a written statement to the Dean of Students setting forth the basis for the challenge no later than three (3) business days prior to the hearing. The Dean of Students will determine whether to sustain or deny the challenge. If the challenge is sustained, a replacement member will be appointed to serve on the hearing panel. If a challenge is filed against the chairperson, the Dean of Students will determine whether to uphold or deny the challenge.
8. Members of the College community will be expected to comply with any request or directive issued by the chairperson in connection with a SCB proceeding unless compliance would result in significant personal hardship or substantial interference with normal College functions.

## Hearing Procedures

Absent extenuating circumstances, all hearings regarding charges against individual students will be closed in accordance with FERPA to maintain the confidentiality of student educational records.

*Where the hearing officer or panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the Chief Justice may establish special procedures for providing testimony from a separate location. In doing so, the 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 decide 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 panel will disregard or discount the testimony.*

1. The Chief Justice will preside at the hearing and will rule upon all procedural matters. The formal rules of evidence will not apply, although challenges to the introduction of specific statements or documents may be considered by the chairperson based on relevance to the charges. At the determination of the chairperson, the questioning may take place through the submission of written questions from each party to the chairperson who will then review for consideration. Questions must be sent to the chairperson at least three (3) business days before the hearing. After review, the

Chair may ask for a pre-hearing meeting to review questions with both parties. The panel shall ask the questions as written and will limit questions only if they are unrelated to determining the veracity of the violation(s) against the Respondent. The panel should ask all submitted questions and must document the reason for not asking any questions. Information regarding prior misconduct will not be considered for the purpose of determining responsibility but may be considered after a finding of responsibility has been made, for purposes of determining appropriate sanctions. The Chief Justice may establish reasonable limits upon the time allotted to the Respondent and the Complainant for oral presentation and examination of witnesses.

2. The Complainant will present Information (e.g., Complainant's description of the incident, witness statements and documentation) which supports the code violation(s).
3. The Respondent will present Information (e.g., the Respondent's description of the incident, witness statements and documentation) on their own behalf which supports the denial of responsibility for the alleged code violation(s).
4. All information, including hearsay, may be considered by the hearing panel, however the hearing panel may exclude information during the hearing if it is not reasonably linked to the alleged code violation(s).
5. Both the Respondent and the Complainant may be assisted throughout the proceeding by an Advisor. The Advisor may only communicate with their respective party and not directly to the hearing panel or other parties involved.
6. Each party is responsible for ensuring the appearance of their witnesses at the hearing whenever possible or obtaining written, signed statements from their witnesses if the witnesses are unable to attend.
  - a. Witnesses will be present in the hearing only during their specific witness testimony.
  - b. Witnesses may only be questioned by the hearing panel.
7. A record shall be made of the hearing and kept by the Dean of Students. A copy of the record is available to the Respondent and the Complainant upon payment of the cost of the reproduction.
8. Student cases may be combined and heard jointly for matters arising from the same set of circumstances or events.
9. Any falsification of information or false testimony by any party or witness may subject that party or witness to disciplinary action in accordance with the code.
10. If, during the hearing, new information is introduced which indicates that additional alleged violation(s) of the Code may have occurred, the Dean of Students will conduct a separate investigation to determine whether to initiate charges.
11. Upon the conclusion of the Information stage of the hearing, the hearing panel will adjourn to review the information to determine whether it is more likely than not that the Respondent is responsible for having violated the code and appropriate sanctions, if any. During deliberations, the hearing panel will determine the weight and credibility of the information presented by the parties. The deliberation stage of all hearings shall be closed to all except hearing panel members.
12. After deliberating, the hearing panel, using a standard of the preponderance of evidence, shall make a non-binding recommendation to the Dean of Students within five (5) business days of the hearing regarding the responsibility for the violation(s) and appropriate sanction(s). A recommendation to suspend or expel must be supported by substantial evidence.

13. The Dean of Students will inform the Respondent and Complainant (where applicable) of the hearing body's decision in writing. The written decision will include a statement of the charges, the determination of responsibility, and the sanction(s) to be imposed, if any, the rationale in support of the sanction, and will list the factors for determining sanctions. In cases of crimes of violence, the Complainant will also receive written notice of this information.

## Housing and Residence Life Regulations

Please refer to your Guide to Highlander Living for items that are permitted and prohibited in the Residence Halls. An accumulation of Housing violations where the student has been found responsible may result in removal from the Residence Halls.

### 1. Housing Regulations

#### a. Alcohol Possession and Use in the Residence Halls for Persons 21 Years of Age or Older

– For students of all ages please refer to Section Alcohol Possession and Use of this Code for more information, and to the Guide to Highlander Living for regulations specific to the storage of alcohol within Housing and Residential Life.

- i. Failure to abide by the regulations for appropriate handling of alcohol for those persons 21 years of age or older as outlined in the Guide to Highlander Living.
- ii. Failure to properly label alcohol containers.
- iii. Participation in drinking games or what could be perceived as drinking games, contests, forced or ritualized consumption of alcohol (e.g., beer pong, water pong, flip cup, etc.)
- iv. Possession or use of common source containers (e.g., kegs, pony kegs, beer bong)

1. **Alcohol Possession and Use** - Students of legal drinking age who are found responsible for violating 6A1b - *Failure to Properly Label Alcohol Containers* under the College Housing Alcohol Policy will be subject to the following recommended sanctions:

- a. **Minimum:** \$50.00 fine and a Disciplinary Warning
- b. **Intermediate:** \$100.00 fine and Disciplinary Probation for their next three months
- c. **Elevated:** Possible removal from the Residence Hall without refund for the entire term of the contract and further Conduct action.

### 2. Animals

- a. Feeding of stray animals in or around residential facilities
- b. Bringing any unauthorized animal into any Residence Hall building owned, leased, or controlled by Gordon State College.
- iii. Please refer to Animals Section of this Code for other College regulations concerning Animals.
  - i. Animals - Students found with an unauthorized Animal in their residence space will be given a notice and charged a daily fee of \$50/animal until the animal is removed. If the animal is not removed and/or the behavior continues Students will be subject to the following recommended sanctions. Additional fees may apply for damages or cleaning needs:
    1. Minimum: \$100 fine and a disciplinary warning.
    2. Intermediate: \$150 fine and Disciplinary Probation for their next three months

3. Elevated: Possible removal from the Residence Hall without refund for the entire term of the contract and further Conduct action

### 3. Community Living

- a. Violating any provision of the Guide to Highlander Living or other published Housing Guidelines or Agreements. ii. Violating any provision of a signed Roommate or Apartment Agreement.
- b. iii. Failure to abide by the specific Housing agreements and requirements of a special residential community.

### 4. Facilities and Equipment

- a. Any act to displace any item and/or tamper with/remove window screens from Residence Hall spaces. ii. Unauthorized use of computer access (including the splicing of wires).
- b. Painting or drawing on any surface in a Residence Hall room or common area, hallways, patios, and /or Residence Hall grounds.
- c. Loaning or transferring College-issued keys, including access cards, to any person for any period.
- d. Entering or exiting a Residence Hall through windows or unauthorized doors.
- e. Entering or attempting to enter any restricted area (including, but not limited to attics, basements, mechanical rooms, and roofs).
  - vii. Tampering with, adding, or removing any locking device on any Residence Hall door or window.
- f. viii. Removal of any door from its hinges. ix. Suspending hammocks from any surface within a Residence Hall, patio, or signs on Residence Hall grounds.
- g. x. Tampering with/or damaging temperature control settings on a thermostat.

### 5. Furniture

- a. Removing, modifying, or tampering with furniture from a designated residential area, such as a student unit or floor common areas, from inside apartment units to patios, or moving furniture in public spaces without permission. ii. Placing furniture into elevators or stairwells. iii. Suspending any furniture from the ceiling.
- b. Possession or use of a waterbed in a Residence Hall.
- c. Constructing a loft or any other structure within a Residence Hall.

### 6. Guests and Visitation – Refer to the Guide to Highlander Living for regulations specific to Guests within Housing and Residence Life.

- a. Failure to abide by the regulations for Guests and visitors as outlined in the Guide to Highlander Living. ii. Failure to escort a Guest within the Residence Halls.
- b. iii. Failure to gain permission from all residents assigned to a unit prior to allowing entry for a Guest. iv. Hosting a Guest within a Residence Hall for more than two (2) consecutive nights.
- c. Hosting Guests for more than 10 nights total in one semester.
- d. Hosting more than one (1) Guests at one time. 1. Guests and Visitation – Students found responsible for violating items “iv” and/or “v” of the Guests & Visitation Policy will be subject to the following recommended sanctions:
  - i. Minimum: \$100 fine and Disciplinary Warning.
  - ii. Intermediate: \$150 fine and Disciplinary Probation for their next three months
  - iii. Elevated: Referral to the Dean of Students and further Conduct action, including possible removal from the Residence Hall without refund.

### 7. Improper Behavior

- a. Failure to keep a safe distance from residential facilities while participating in athletic activities that involve objects which may cause damage to persons or property (such as, but not limited to, playing soccer, or throwing a football or Frisbee in the hallway).
  - b. Participation in any athletic games or activities in the Residence Hall, including but not limited to, i) exterior corridors, ii) internal hallways or iii) common areas of a Residence Hall without prior approval from Housing.
  - c. Using rollerblades, skateboards, bicycles, scooters, electric vehicles, or similar devices within a Residence Hall.
  - d. Using skateboards, bicycles, scooters, electric vehicles, or similar devices on the grounds of residential facilities in a manner that defaces or degrades landscaping or hard surfaces.
8. Littering/Trash Disposal
- a. Discarding or temporarily placing trash of any kind within the building or on the grounds of a residential facility other than in appropriate receptacles.
    - i. Disposing of bags of personal trash in a public or common area trash receptacle.
      - 1. Littering and Trash Disposal – Students found responsible for violating the Littering/Trash Disposal Policy will be subject to the following recommended sanctions:
        - a. Minimum: \$25 fine and Disciplinary Warning.
        - b. Intermediate: \$50 fine and Disciplinary Probation for their next three months
        - c. Elevated: Referral to the Dean of Students and further Conduct action, including possible removal from the Residence Hall without refund.
9. Noise
- a. Creating excessive noise inside or around a Residence Hall, as defined in the Guide to Highlander Living.
  - b. Failure to abide by the Quiet or Courtesy Hours policy as defined in the Guide to Highlander Living.
  - c. Creating noise during the midterm/final exams period of the semester when 24- hour quiet hours are in effect.
10. Residence Hall Computer Labs
- a. Bringing food or drink into a Residence Hall computer lab.
  - b. Changing, removing, reconfiguring, or physically damaging any workstation hardware or software.
  - c. Changing, or attempting to change, the settings on computer lab printers.
  - d. Changing, or attempting to change, network connections for computer lab workstations or printers.
11. Residential Fire Safety
- a. Tampering with any life safety equipment (including, but not limited to smoke detectors, fire alarm pull stations, panic alarms, emergency lights or signage, fire extinguishers, fire hoses, and sprinkler systems) within any Residence Life Facility. ii. Propping apartment, suite, exit, or fire doors within Residence Halls.
  - b. Failure to evacuate during a planned or unplanned fire alarm.
  - c. Any object, action, or activity that blocks or limits egress.
  - d. Possession or use of items that produce an open flame or any other prohibited items in any Residence Hall.
  - e. Engaging in unsafe cooking practices that create or increase the risk of fire.
  - f. Storing or riding a bicycle or similar object within a Residence Hall, apartment/suite unit or patio/patio closets.
  - g. Securing a bicycle or similar object to anything other than bicycle racks provided by College Housing.
  - h. Use, possession, storing or operating any motorized vehicle within a Residence Hall, apartment/suite unit or patio/patio closets, including but not limited to hover boards, motorized scooters, etc.
12. Parking any motorcycle, moped, scooter, or other motorized device anywhere that is not a designated parking area.
13. Residential Fire Safety or Room Decorations – Students found responsible for violating the Residential Fire Safety policy will be subject to the following recommended sanctions as well as possible additional sanctions including, but not limited to, restitution for damages:
- a. Level One Violations (i.e., mini fridge, unburnt candle, microwave, holiday decorations, plug in air fresheners, flags/banners, storage of bicycles or scooters, and like items):
    - i. Minimum: Disciplinary Warning.
    - ii. Intermediate: \$50 fine and Disciplinary Probation for their next three months
  - b. Level Two Violations (i.e., burnt candle, unsafe cooking practices, items containing an open flame or heating source, covering a smoke detector, failure to evacuate during a fire alarm, and like items):
    - i. Minimum: \$75 fine and possible removal from the Residence Hall without refund and/or Disciplinary Suspension from Gordon State College.
    - ii. Intermediate: \$125 fine and referral to the Dean of Students for further Conduct action including possible removal from the Residence Hall without refund and/or Disciplinary Suspension from Gordon State College.
  - c. Level Three Violations (i.e., activating a sprinkler head, disabling smoke detectors, tampering with doors or windows to prevent egress, pulling a fire alarm pull station without just cause, and like items):
    - i. Minimum: \$100 fine, restitution, and possible removal from the Residence Hall without refund and/or Disciplinary Suspension from Gordon State College.
    - ii. Intermediate: \$150 fine, restitution, and referral to the Office of Student Conduct for further Conduct action including possible removal from the Residence Hall without refund and/or Disciplinary Suspension from Gordon State College.
14. Posting
- a. Posting any material inside Residence Hall common spaces (i.e., community rooms or study lounges, kitchens, or clubhouses) or outside of on-campus residential facilities without prior approval from Housing and Residence Life.
15. Room Changes
- a. Residents changing their current room assignment to another without prior approval from the appropriate Housing and Residence Life staff member.
  - b. Occupying more than one residential space (unless for a designated period approved by Housing and Residence Life in the process of an approved room change).
16. Room Decorations
- a. Failure to keep posters or decorations at least twelve inches from the ceiling or floor; covering more than 50% of any given wall with postings or decorations.
  - b. Suspending any item from the ceiling, including, but not limited to: fishnets, parachutes, poles, holiday lights, and flags. iii.

Possession or displaying of alcohol paraphernalia, including, but not limited to: funnels, beer bong, shot dispensers, or other methods of alcohol delivery. Affixing any item to a wall, ceiling, or floor in a manner that may create damage to the surface.

- iv. Display of any item facing outward toward public spaces in windows or on porches/balconies of on-campus residential facilities (i.e. flags, posters, illuminated lights, etc.).
  - c. Curtains or window treatments that do not possess a fire-retardant label from the manufacturer.
  - d. Failure to use "low tack" tape (i.e. blue painters' tape) or approved low tack hanging devices (i.e. 3M Command products) when hanging decorations.
  - e. Affixing any item to a fire rated door (i.e. decorating or posting on your apartment/unit door, etc.).
17. Sanitation and Cleanliness
- a. Failure to observe reasonable standards of cleanliness and sanitation in room, bathrooms, and common areas of Residence Hall units, as determined by Housing and Residence Life.
  - b. Disposal of any waste material on floors, wall, etc.
  - c. Deliberately clogging or attempting to clog plumbing fixtures.
  - d. Use of cooking facilities for purposes other than food preparation.
18. College Housing Signage or Property
- a. Theft of, possession of, or misuse of any signage, which is the property of Housing and Residence Life or Gordon State College.
  - b. Theft of, possession of, or use of residential facility property without permission.
  - c. Destruction of a residential facility or Housing and Residence Life property.

## Sanctions

A Student found responsible for violating the Student Conduct Code other than academic dishonesty may receive one or more of the sanctions listed below, as determined by the Dean of Students or designee after review of the findings of fact and recommendations of the Student Conduct Board or Hearing Officer. Prior to issuing a sanction, the Student Conduct Board and/or Single Hearing Officer will be made aware if the Respondent has any previous violations of the Student Conduct Code. This may influence the type and level of the sanction(s) to be imposed.

1. Factors to consider when sanctioning include but are not limited to:
  - a. The nature of the violation.
  - b. The student's involvement in the violation.
  - c. The harm done to others or potential for harm to others.
  - d. The impact of the behavior to the community.
  - e. The student's understanding of the consequences associated with the behavior.
  - f. The student's prior conduct history.
2. When a Student Group or Student Organization engages in an act of misconduct, the College reserves the right to take action not only against the Group or Organization but also against the individual Student members of the Group or Organization.

*The following list of sanctions is intended to show the range of sanctions that may be imposed on a student. This list is not to be regarded as all inclusive, but rather as a sample of sanctions that may be imposed. Other College policies and regulations may impose specific penalties for specific violations, and nothing in this chapter is intended to limit the imposition of those specific sanctions. Respondents who fail to complete their sanctions by their determined deadline will be assessed an overdue sanction fine and a student conduct hold. The College is not responsible for any financial loss*

*incurred by the student for any sanction, including but not limited to fines and student conduct holds.*

## Institutional Sanctions

1. **Disciplinary Warning** – An official written reprimand stating unacceptable behavior has occurred and any further inappropriate behavior or other violations of the Student Conduct Code may result in more serious Student Conduct actions by the College.
2. **Disciplinary Probation** – A specific period for which the student is not in good disciplinary standing during which further violations of the Student Conduct Code may result in Disciplinary Suspension or Expulsion. Violations of Disciplinary Probation generally may result in more serious disciplinary action against the student, such as Disciplinary Suspension or Expulsion from the College, in addition to appropriate educational sanctions.
3. **Interim Disciplinary Suspension** - In certain circumstances, the Dean of Students or designee, in consultation with the System Director for the University System of Georgia, may impose a College or Residence Hall Disciplinary Suspension prior to a hearing. An Interim Disciplinary Suspension should only occur where necessary to maintain safety and should be limited to those situations where the respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the College will consider the existence of a significant risk to the health or safety of the alleged victim 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.
  - a. Before imposing an Interim Suspension, the College will utilize CARE Team in accordance with NaBITA protocols to assess the situation. Where Interim Suspension is imposed, the student will be given prompt notice and an opportunity to appeal the decision. The least restrictive emergency actions will be taken, based on the context and the assessed risk, including but not limited to:
    - i. Removal from institutional housing
    - ii. Restricted access to specific campus facilities or events
    - iii. Temporary suspension from campus
    - iv. Temporary suspension from academic settings or online classes
    - v. Restriction from extracurricular activities, student leadership positions, or student employment
  - b. During an Interim Disciplinary Suspension, student(s) may not participate in classes or educational activities and may be denied access to the Residence Halls and/or to the campus. The student will be responsible for working with Faculty Members to make up any missed work (if possible/applicable).
  - c. If an Interim Disciplinary Suspension is imposed, the notice and hearing should, absent extenuating circumstances, follow within ten (10) Days.
4. **Deferred Suspension** - A student facing Disciplinary Suspension for whom there are mitigating circumstances as determined by the Dean of Students or the Hearing Officer may be placed on Deferred Suspension. If a student is found to have violated any regulations within the Student Conduct Code while on Deferred Suspension, the sanction for such a violation may be immediate Disciplinary Suspension except in extraordinary circumstances as deemed appropriate by the Dean of Students or designee.
  - a. A student placed on Deferred Suspension will be allowed to remain enrolled in school pending the completion of all assigned sanctions or conditions. If any one condition or sanction is not met within the time allotted and/or, the student is found to

have violated any regulations within the Student Conduct Code while on Deferred Suspension, the student will consequently be charged with Failure to Comply and/or appropriate Code regulations.

- b. A student on Deferred Suspension may be placed on Disciplinary Suspension following the exhaustion of all appeals and/or appeal periods at the campus level for additional violations of the Student Conduct Code. To be considered to return to Gordon State College after Disciplinary Suspension, the student must complete all sanctions and conditions originally assigned including completion of the Readmission Guidelines.
5. **Disciplinary Suspension** – A student placed on Disciplinary Suspension indicates that a student, by their actions, has forfeited the privilege of attending Gordon State College for a specified period. Students who reside on campus will have a minimum of 48-hour notice to remove all their belongings out of the Residence Hall after notification that the sanction of Disciplinary Suspension is in effect. All Residence Hall fees and deposits may be forfeited. Students must apply for readmission following Disciplinary Suspension according to the Readmission Policy for Gordon State College. Conditions for readmission may be specified. Readmission documents may start to be submitted within the last three (3) weeks of the Disciplinary Suspension period. Once all documents have been received, they will be reviewed, and a recommendation will be made. The student may also be added to the University System of Georgia's Student Disciplinary Actions Reporting System.
6. **Expulsion** – Expulsion is the most serious sanction that can be imposed on a Gordon State College student. Expulsion is a permanent separation from the College. Students who reside on campus will have a minimum of 48-hour notice to remove all their belongings out of the Residence Hall after notification the sanction of Expulsion is in effect. The student may also be added to the University System of Georgia's Student Disciplinary Actions Reporting System.
7. **Restitution** – Requiring restitution allows for the compensation of loss or damage caused by a student's misconduct. Compensation may take the form of appropriate service, monetary, or material replacement. Requests for property or money to be exchanged between parties in the Conduct process may be referred to mediation. The Dean of Students will not take responsibility for the facilitation of these exchanges. For monetary restitution concerning any damages to College property, the fee is added to a Student's account, which will incur an automatic financial hold which will prevent the student from registering from classes until the fine or fee is paid.
8. **Fines and Fees** – There are fines for alcohol and/or drug charges, as well as fees for the alcohol and/or drug education programs. For any overdue fees and fines a Student conduct Financial hold is assessed to the student's account which will prevent the student from registering from classes and/or receiving official transcripts until all fines or fees are paid. There are also fees and fines for other regulations within this Code.
9. **Educational Sanction(s)** – An educational sanction may consist of the assignment of specific projects to be performed by a student, such as writing a research paper on a specific topic, performing community service hours, attending an educational program, or writing reaction papers on a specified topic. Educational sanctions might also include completing mandated alcohol, drug or other behavioral education programs or enrolling in web based online alcohol and drug education programs. For any overdue sanctions a Student conduct Financial hold is assessed to the student's account which will prevent the student from registering from classes and/or receiving official transcripts until all sanctions are completed.
10. **Loss of Privileges** – Exclusion of specific privileges as may be consistent with the violation committed, for a designated period.
11. **Residence Hall Temporary Removal** – A temporary removal of the student from the Residence Halls for a specific period. Students who are removed from the Residence Hall may be banned from all Residence Hall buildings and property throughout the duration of the Hall Removal. Removal from Housing due to Conduct sanctions may result in loss of room or board attributable to that semester. All Residence Hall fees and deposits may be forfeited.
12. **Residence Hall Permanent Removal** – Permanent removal of the student from the Residence Halls. Students who are permanently removed from the Residence Hall may be banned from all Residence Hall buildings and property indefinitely. Removal from Housing due to Conduct sanctions may result in loss of any room or board paid for that semester. All Residence Hall fees and deposits may be forfeited.
13. **Parental/Guardian Notification** - The College may notify parents/guardians if students under the age of 21 are found responsible for drug or alcohol violations. Exceptions may be made for students who are recognized by the Office of Financial Aid as being financially independent or claim Independent Student Status. Upon a finding of responsibility, whether in an Informal/Formal Resolution where a student has accepted responsibility for a violation of the alcohol and/or drug policies, Parental Notification will be made if a student is under the age of 21 when the violation occurred. This is allowable notice under the Family Educational Rights and Privacy Act. Gordon State College will notify the parent or guardian of the violated policy, associated sanctions, and completion dates.
14. **Alcohol Possession and Use** - Students responsible for violating the Alcohol Possession and Use Policy may be subject to the following sanctions as well as possible additional sanctions. The following list is not exhaustive. In addition, a student does not have to progress in sequence from one level to the next. The incident levels are not a progression, as a student's violation may fall within any of these three levels depending on the incident details. Sanctions are determined on a case-by-case basis by the Conduct and/or Hearing Officers. Any violation of the Alcohol Possession and Use Policy while on Disciplinary Probation may result in Disciplinary Suspension.
  - a. Level One Violations: Potential violations include, but are not limited, to empty alcohol container, single container or small amount of alcoholic beverages, student under the age of 21 in possession of alcohol but is not being consumed, alcohol consumption under the age of 21, etc.:
    - i. Minimum: Disciplinary Warning, \$50 Alcohol Fine, Parental Notification ii. Intermediate: \$100 Alcohol Fine, Parental Notification, Disciplinary Probation for three (3) months. Additional sanctions such as educational, reflective, or transformative may be imposed.
    - ii. Elevated: Disciplinary Probation for six (6) months, Parental Notification, \$100 Alcohol Fine. Additional sanctions such as educational, reflective, or transformative may be imposed.
  - b. Level Two Violations: Potential violations include, but are not limited, to disruptive or disorderly behavior caused by alcohol consumption, playing a drinking game where alcohol is being consumed and/or is visible, DUI/DWI, substantial amount of alcohol, hosting a party where alcohol is present, etc.:
    - i. Minimum: \$50 Alcohol Fine, Disciplinary Probation for six (6) months, Parental Notification. Additional sanctions such as educational, reflective, or transformative may be imposed.

- ii. Intermediate: \$100 Alcohol Fine, Disciplinary Probation for twelve (12) months or Disciplinary Suspension for three (3) months, parental notification, Additional sanctions such as educational, reflective, or transformative may be imposed.
  - iii. Elevated: \$100 Alcohol Fine, Disciplinary Suspension for twelve (12) months, Readmission Guidelines, and/or possible removal from the Residence Halls without refund.
- c. Level Three Violations: Gordon State College considers Level Three violations to be more severe in nature and can be evaluated as an elevated incident on the sanctioning matrix.
- i. Disciplinary Suspension for at least twelve (12) months up to Expulsion, Readmission Guidelines, and/or possible removal from the Residence Halls without refund.
15. **Drugs and/or Any Other Illegal Substance** – Students responsible for violating the Drugs and/or Any Other Illegal Substance Policy may be subject to the following sanctions as well as possible additional sanctions. The following list is not exhaustive. In addition, a student does not have to progress in sequence from one level to the next. The incident levels are not a progression, as a student's violation may fall within any of these three levels depending on the incident details. When a student is in violation of one of these policies, the Conduct Officer and hearing panels will consider the context of the violation and prior conduct history (as applicable) when considering appropriate sanctions. Sanctions are determined on a case-by-case basis by the Conduct and/or Hearing Officers. Any violation of the Drugs Policy while on Disciplinary Probation may result in Disciplinary Suspension. Any violation of the Drugs Policy that could be considered a felony may result in Disciplinary Suspension.
- a. Level One Violations: Potential violations include, but are not limited to possession of under 1oz of marijuana but not being utilized, drug paraphernalia with residue but not being used, etc.):
    - i. Minimum: Disciplinary Warning, Parental Notification
    - ii. Intermediate: \$250 Drug Fine, Parental Notification, Disciplinary Probation for three (3) months. Additional sanctions such as educational, reflective, or transformative may be imposed.
    - iii. Elevated: Disciplinary Suspension for six (6) months, Parental Notification, \$250 Drug Fine. Additional sanctions such as educational, reflective, or transformative may be imposed.
  - b. Level Two Violations: Potential violations include, but are not limited to disruptive or disorderly behavior caused by drugs, possession and/or use of under 1oz of marijuana, drug paraphernalia is present and utilized, hosting a gathering or event where marijuana is present, etc.)
    - i. Minimum: \$175 Drug Fine, Disciplinary Probation for six (6) months, Parental Notification, reflective or transformative sanction.
    - ii. Intermediate: \$250 Drug Fine, Disciplinary Probation for twelve (12) months to Disciplinary Suspension for three (3) - six (6) months, Parental Notification, reflective or transformative sanction.
    - iii. Elevated: Disciplinary Suspension for six (6) months, Parental Notification, \$250 Drug Fine, Readmission Guidelines, and/or possible removal from the Residence Halls without refund.
  - c. Level Three Violations: Gordon State College considers Level Three violations to be more severe in nature and can be evaluated as an elevated incident on the sanctioning matrix.
    - i. Disciplinary Suspension for at least twelve (12) months up to Expulsion, Readmission Guidelines, and/or possible removal from the Residence Halls without refund.

## 16. Tobacco

- a. First Violation - Students will receive a Disciplinary Warning letter and a letter outlining the Campus Tobacco policy. Further violation of this policy will result in more severe Conduct sanctions. Students will also be subject to a \$25 fine. Additional sanctions will be assigned at the discretion of the College Hearing Officer.
- b. Second Violation - Students will be placed on Disciplinary Probation for their next three (3) months. Students will also be subject to a \$50 fine. Additional sanctions will be assigned at the discretion of the Student Conduct Board or Hearing Officer.

## Appeals

The Respondent shall have the right to appeal the outcome accordingly:

1. To the Vice President for Enrollment Management and Student Affairs
  - a. Appeals of the decisions of the Dean of Students including the dismissal of complaints for lack of sufficient Information, may be made by submitting a letter to the Vice President within five (5) business days after the decision is made.
  - b. Grounds for an appeal are:
    - i. To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing;
    - ii. To allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by bias; or
    - iii. To allege that the finding was inconsistent with the weight of the information.
  - c. The appeal shall be a review of the record only, and no new meeting with the respondent or any alleged victim is required.
  - d. The Vice President, may affirm the original finding and sanction, affirm the original finding but issue a new sanction of lesser severity, remand the case back to the decision maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
  - e. The Vice President shall then issue a decision in writing to the respondent within a reasonable time
2. To the President
  - a. The decision of the Vice President may be appealed in writing within five (5) business days (as determined by the date of the decision letter) to the President.
  - b. Grounds for an appeal are:
    - i. To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing;
    - ii. To allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by bias; or
    - iii. To allege that the finding was inconsistent with the weight of the information.
    - iv. The President may affirm the original finding and sanction, affirm the original finding but issue a new sanction of greater

or lesser severity, remand the case back to the decision maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

- v. The President's decision shall be the final decision of the institution.
3. To the Board of Regents
- a. Should the Respondent wish to appeal the President's decision, he or she may request review by the Board of Regents in accordance with the Board of Regents' Policy on Discretionary Review.

### 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) and Gordon State College prohibit discrimination on the basis of sex in any of their education programs or activities or in employment. The USG and Gordon State College are committed to ensuring the highest ethical conduct of the members of their 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.

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

When Sexual Misconduct does occur, all members of the College 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 and Gordon State College 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 the Fifth and Fourteenth Amendments.

To view this Policy on the University System of Georgia website, please see the Board of Regents Policy Manual, 6.7, Sexual Misconduct Policy, and 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings. In the event there exists any conflict between the policy and procedures here and the policy and procedures in the Board of Regents Policy Manual, the language of the Board of Regents Policy Manual controls.

### Sexual Misconduct Policy Definitions and Prohibited Conduct

1. **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 the person's own or another person's intimate parts. This provision also includes "Fondling" as defined by the Clery Act.
2. **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.

3. **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.
  - a. Examples of Sexual Exploitation may include, but are not limited to, the following:
    - i. Invasion of sexual privacy;
    - ii. Prostituting another individual; ii. Non-consensual photos, video, or audio of sexual activity;
    - iii. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity or capturing of the activity was consensual; iv. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
    - iv. Knowingly transmitting an STD or HIV to another individual through sexual activity; vi. Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in nonconsensual circumstances; and/or
    - v. vii. Sexually-based bullying.
4. **Sexual Harassment (Student on Student):** Unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes) determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity in violation of Title IX.
5. **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:
  - a. Implicitly or explicitly a term or condition of employment or status in a course, program, or activity;
  - b. A basis for employment or educational decisions; or
  - c. 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 in violation of Title IX. The USG and Gordon State College also prohibit unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denied a person equal access to a USG or College education program or activity in violation of Title IX.
6. **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.
  - a. The existence of such relationship shall be determined based on the totality of the circumstances including, without limitation to:
    - i. the length of the relationship;
    - ii. the type of relationship; and
    - iii. the frequency of interaction between the person involved in the relationship.
  - b. 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.
7. **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.

8. **Stalking:** Engaging in a course of Conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:
- Course of Conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, 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.
  - Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

### Terms to Know

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

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

**Respondent:** Individual who is alleged to have engaged in Conduct that violates this Policy.

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

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

**Responsible Employees:** Those employees who must promptly and fully report complaints of or information regarding Sexual Misconduct to the Title IX 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).

**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 despite 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 either party using clear words or actions.

**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.

**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.

**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.

### Reporting Sexual Misconduct

USG and the Institution encourage 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.

All reports of Sexual Misconduct alleged to have been committed by a student must be handled consistently with requirements aforementioned.

All reports of Sexual Misconduct alleged to have been committed by a nonstudent member of the Gordon State College community will be addressed and/or resolved through the College's and the Board of Regents' applicable policies for discipline of non-students.

#### 1. Institutional Reports

- An institutional report occurs when the institution has notice of a complaint. That notice occurs in two instances:
  - When a Reasonable Employee receives a complaint; or
  - When the Title IX Coordinator or designee receives a complaint.

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

- Complainants, or anyone with knowledge of Sexual Misconduct, may file a report with a Responsible Employee or the Title IX Coordinator. The Responsible Employees 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.

3. Upon receipt of an institutional report, the Coordinator will contact the Complainant. That contact will discuss the availability of supportive measures, the invitation to discuss the Complainant's 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. d. The Title IX Coordinator's identity and contact information shall be published by Gordon State College prominently on the College website, as well as in any relevant publication. Gordon State College may choose to have Deputy Title IX Coordinators to whom reports may be made, as well. The Title IX Coordinator shall notify the College System Director of any allegation(s) of Sexual Misconduct that could, standing alone as reported, lead to the Disciplinary Suspension or expulsion of the Respondent(s). The System Director will work with Gordon State College to determine whether any support services or interim measure(s) are necessary and to assign an investigator who will work under the direction of the System Director or designee, if directed by the System Director. If an allegation is not initially identified as one that would lead to the Disciplinary Suspension or expulsion of the respondent(s), but facts arise during the investigation that could lead to the Respondent's Disciplinary Suspension or expulsion, the Title IX Coordinator shall notify the System Director or designee. The System Director shall have the discretion to oversee the handling of the complaint.
4. Confidential Reports
  - a. Confidential Employees or Privileged Employees may receive reports of Sexual-based Misconduct without the requirement to report that information to the Coordinator, except as dictated by law or professional standards. Upon request by the Complainant, Confidential Employees and Privileged Employees may make a report to the Coordinator within the degree of specificity dictated by the Complainant.
  - b. 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.
  - c. Confidential reporting at GSC includes Counseling and Accessibility Services and the Student Health Center.
5. Law Enforcement Reports
  - a. Because Sexual Misconduct may constitute criminal activity, a Complainant also has the option, should the Complainant so choose, of filing a report with campus or local police, for the Complainant's own protection and that of the surrounding community. The College may assist the Complainant in reporting the situation to law enforcement officials. Filing a criminal report does not automatically constitute an institutional report.
  - b. Complainants considering filing a report of Sexual Misconduct with law enforcement should preserve any evidence of Sexual Misconduct, including, but not limited to, the following:
    - i. Clothing worn during the incident including undergarments;
    - ii. Sheets, bedding, and condoms, if used;
    - iii. Lists of witnesses with contact information;
    - iv. Text messages, call history, social media posts;
    - v. Pictures of injuries; and/or
    - vi. Videos.
6. Anonymous Reports
  - a. Gordon State College provides a mechanism by which individuals can report incidents of alleged Sexual Misconduct anonymously. Individuals should understand, however, that it will be more difficult for Gordon State College to respond and to act upon anonymous reports.
7. Complaint Consolidation
  - a. The institution may consolidate complaints as to allegations of Sexual Misconduct against more than one Respondent, by more than one Complainant against one or more Respondents, or cross-complaints between parties, where the allegations of sexual misconduct arise out of the same facts or circumstances.
  - b. 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 this Policy consolidation may occur during investigation and/or the adjudication phases of the sexual misconduct process.
8. Complaint Dismissal
  - a. The institution is permitted, but not required, to dismiss complaints on the following grounds:
    - i. The alleged conduct, even if proved, would not constitute sexual misconduct; ii. The Complainant notifies the Coordinator in writing that they would like to withdraw the complaint; iii. The Respondent is no longer enrolled or employed by the institution; or iv. There are circumstances that prevent the institution from gathering evidence sufficient to reach a determination regarding the complaint.
    - ii. 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. This appeal must be made in writing to the Office of Equal Opportunity and Title IX and must be submitted within five business days of the date of the notice of dismissal. The appeal should be made to the Vice President for Student Affairs or their designee.
9. Retaliation
  - a. 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 they have been subjected to retaliation should immediately contact the Title IX Coordinator for Gordon State College or designee. Any person found to have engaged in retaliation in violation of this Policy shall be subject to disciplinary action.
10. False Complaints
  - a. 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 Disciplinary Suspension or expulsion) and adjudicated under the Code of Student Conduct or other appropriate institutional process.
11. Amnesty
  - a. 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 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 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. b. 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.

## Responding to Reports of Sexual Misconduct

1. Responding to Reports of Sexual Misconduct
  - a. Initial Evaluation of Sexual Misconduct Reports Upon notice of the alleged Sexual Misconduct, the institution's Title IX Coordinator ("Coordinator") will assess whether a formal investigation, informal resolution, or dismissal would be appropriate. In making this determination, the Coordinator will assess whether the allegations(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.
2. Confidentiality
  - a. Where a Complainant requests that the Complainant's 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 Complainant that the institution cannot guarantee confidentiality. Honoring a Complainant's request for confidentiality shall not prevent the institution from reporting information or statistical data as required by law, including the Clery Act.
3. Support Services
  - a. 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, nonpunitive individualized services offered as appropriate, as reasonably available, and without charge that are made available to the Complainant and Respondent before or after the filing of a complaint or where no complaint has been filed.
  - b. Support services include counseling, advocacy, housing assistance, academic support, disability services, and health and mental services, and other services available at Gordon State College.
  - c. Available support services are also listed on the Gordon State College Office of Equal Opportunity and Title IX website.
4. Interim Measures
  - a. Interim measures may be implemented at any point after Gordon State College becomes aware of an allegation of Sexual Misconduct and should be designed to protect any student or other individual in the USG or institution 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.
  - b. Interim measures must be provided consistent with the provisions in applicable Board and institutional policies and procedures.
5. Emergency Removal
  - a. Emergency removal should only occur when necessary to maintain safety and should be limited to those situations where the Respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of a significant risk to the health or safety of the Complainant or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.
  - b. Before an emergency removal is issued, the institution must make reasonable efforts to give the Respondent the opportunity to be heard on whether the Respondent's presence on campus poses a danger. If an emergency removal is issued, the terms of the emergency removal take effect immediately.
  - c. The Respondent shall receive notice of the emergency removal and the opportunity to respond to the emergency removal. Within three (3) business days of receiving a challenge the institution will determine whether the emergency removal should continue.
6. Jurisdiction
  - a. Gordon State College shall take necessary and appropriate action to protect the safety and well-being of its community. Sexual Misconduct allegedly committed by a student will be addressed by this Policy when the Misconduct occurs on Gordon State College property, or at Gordon State College sponsored or affiliated events, or otherwise violates the Gordon State College Code of Student Conduct, regardless as to where such conduct occurs.
7. Advisors
  - a. Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing at the party's own expense. The advisor may accompany the party to all meetings and may provide advice and counsel to the advisor's respective party throughout the Sexual Misconduct process, including providing questions, suggestions, and guidance to the party, but may not actively participate in the process except as outlined in BOR 6.7.4(E). 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.
8. Informal Resolutions
  - a. Allegations of Sexual Misconduct may be resolved informally. The Complainant, the Respondent, and the institution must agree in the informal resolution process and to the terms of the informal resolution. The alleged Complainant(s) and 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.
9. Timeframe
  - a. Efforts will be made to complete the investigation and resolution within 120 business days. Temporary delays and limited extensions may be granted by the institution 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 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 the 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.

1. Definition of Sexual Harassment: Under Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
  - a. An employee conditioning the provision of aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;
  - b. 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
  - c. "Sexual assault" as defined by the Clery Act and "dating violence," "domestic violence," and "stalking" as defined by the VAWA Amendments.
2. Jurisdiction
  - a. 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.
3. Formal Complaints
  - a. A Formal Complaint is a written document filed by the Complainant or signed by the Coordinator alleging sexual harassment, as defined by Title IX and its implementing regulations, against a Respondent and requesting that the institution open an investigation. In order to file a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the institution occurring within the United States at the time of the filing.
4. Informal Resolution
  - a. 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:
    - i. The parties have received written notice of the allegations.
    - ii. The parties have received written explanation of the informal process to include, but not limited to:
      - i. Written agreement of the parties to initiate the informal resolution process;
      - ii. Written notice that the parties may withdraw from the process at any time prior to the agreement of the terms of the resolution;
      - iii. Written notice that the final resolution precludes any further institutional actions on the allegations.
      - iv. The institution has agreed to engage in the informal resolution process.
5. Advisors
  - a. Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing. The advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the Sexual

Misconduct process but may not actively participate in the process except to conduct cross-examination at the hearing. If a party chooses not to use an advisor during the investigation, the institution will provide an advisor for the purpose of conducting cross-examination on behalf of the relevant party.

- b. 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.

### Process for Investigating Sexual Misconduct Reports

1. 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.
2. Until a final determination of responsibility, the Respondent is presumed to have not violated the Sexual Misconduct Policy. Prior to the finalization of the investigation report, timely and equal access to information directly related to the allegations that has been gathered during the investigation and may be used at the hearing will be provided to the Complainant, the respondent, and a party's advisor (where applicable).
3. Formal student conduct rules of evidence do not apply to the investigation process. Additionally, the standard of review throughout the Sexual Misconduct process is a preponderance of the evidence.
  - a. The parties shall be provided with written notice of the: report/ allegations with sufficient details, pending investigation, possible charges, possible sanctions, available support services and interim measures, and other rights under applicable institutional policies. For the purposes of this provision sufficient details include:
    - i. the identities of the parties involved if known,
    - ii. the conduct allegedly constituting Sexual Misconduct,
    - iii. and the date and location of the alleged incident, if known.
      1. This information will be supplemented as necessary with relevant evidence collected during the investigation. The notice should also include the identity of any investigator(s) involved. Notice should be provided via institution email to the party's institution email.
  - b. Upon receipt of written notice, the parties shall have at least three (3) business days to respond in writing. In that response, the Respondent shall have the right to admit or deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A Complainant shall have the right to respond to and supplement the notice. Throughout the Sexual Misconduct process the Complainant and the Respondent shall have the right to present witnesses and other inculpatory and exculpatory evidence.
  - c. If the Respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
  - d. 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.

- e. 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.
- f. The initial investigation report shall be provided to the Complainant, the Respondent, and a party's advisor (if applicable). This report should fairly summarize the relevant evidence gathered during the investigation and clearly indicate any resulting charges or alternatively, a determination of no charges. For purposes of this Policy, a charge is not a finding of responsibility.
- g. The Complainant and the Respondent shall have at least 10 calendar days to review and respond in writing to the initial investigation report and directly related information gathered during the investigation. The investigator will review the Complainant's and the Respondent's written responses, if any, to determine whether further investigation or changes to the investigation report are necessary.
- h. The final investigation report should be provided to the Complainant, the Respondent, and a party's advisor, if applicable, at least 10 calendar days prior to the Hearing. The final investigation report should also be provided to all Hearing Panel members for consideration during the adjudication process.

### Resolution and Hearings of Sexual Misconduct Reports

1. The Respondent and the Complainant, as parties to the matter, may have the option of selecting informal resolution as a possible resolution in certain cases where the parties agree, and it is deemed appropriate by the institution. Where a matter is not resolved through informal resolution, a hearing shall be set. All Sexual Misconduct cases shall be heard by a panel of faculty and/or staff. All institutional participants in the Sexual Misconduct resolution process shall receive appropriate annual training as directed by the System Director or Coordinator and required by the Clery Act and Title IX.
2. 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.
3. 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. Where practicable, parties must submit any new facts or evidence to the Dean of Students no less than 48 hours prior to the scheduled hearing. The Dean of Students will consult with the Title IX Coordinator as needed to determine the relevance of any newly submitted facts or evidence. The institution will determine how the facts or evidence will be introduced, which may include, but is not limited to, enclosing the new facts or evidence in communications or materials shared with the parties and the hearing panel prior to the hearing. 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.

4. Notice of the date, time, and location of the hearing as well as the selected hearing panel members shall be provided to the Complainant and the Respondent at least 10 calendar days prior to the hearing. Notice shall be provided via institution email to the parties' institution email. Parties may attend the hearing with their advisor.
5. 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 individuals' unavailability, require that the individual properly sequester in a manner that ensures testimony has not been tainted, and decide 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 can view the testimony remotely and submit follow-up questions.
6. 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. G. The 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.

### Title IX Hearings

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

1. 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 of witness based solely on the party's absence from the hearing or refusal to subject to cross-examination.
2. The parties shall have the right to present witnesses and evidence at the hearing.
3. The parties shall have the right to confront witnesses and evidence at the hearing, including the other party, by having their advisor ask relevant questions directly to the witness. The Hearing Officer/Chair of the Hearing shall limit questions raised by the advisor when they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any event, the hearing Officer shall err on the side of permitting all the raised questions and must document the reason for not permitting any questions to be raised.
4. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior shall be deemed irrelevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or consent between the parties during the alleged incident.

5. The hearing panel shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, 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. Formal student conduct rules of evidence do not apply to the resolution process and the standard of evidence shall be a preponderance of the evidence.
7. 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

Non-Title IX sexual harassment ("sexual harassment") is unwelcome communication or conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors and other verbal, written or physical conduct of a sexual nature, without regard to whether the parties are of the same or different genders or gender identities. It includes, but is not limited to:

- Quid Pro Quo Sexual Harassment, Hostile Environment Sexual
- Harassment, Sexual Assault, Domestic Violence, Dating Violence, or
- Stalking, that occurs outside of the University's Education Programs or
- Activities or outside the United States;

Unwelcome conduct that does not rise to the level of Hostile Environment Sexual Harassment, as defined in this Policy, but that:

- is sufficiently serious (severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities; or
- has the purpose or effect of unreasonably interfering with an individual's work or academic performance.

### Procedures

1. 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.
2. 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 now asking any questions.
3. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior shall be deemed irrelevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or consent between the parties during the alleged incident.

4. The hearing panel shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, 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.
5. Formal student conduct rules of evidence do not apply to the resolution process and the standard of evidence shall be a preponderance of the evidence.
6. 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 for Sexual Misconduct

1. 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; an offender's willingness to accept responsibility; previous institutional response to similar conduct; strength of the evidence; and the well-being of the College community. The institution will determine sanctions and issue notice of the same, as outlined above.
2. The broad range of sanctions includes: Expulsion; Disciplinary 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.
3. For Disciplinary Suspension and Expulsion, the institution must articulate, in its written decision, the substantial evidence relied upon in determining that Disciplinary Suspension or Expulsion were appropriate. For purposes of this policy substantial evidence means evidence that a reasonable person might accept to support the conclusion.
4. See Sanctions section for additional information regarding sanctions.

### Appeals

1. An appeal may be allowed in any case where sanctions are issued, even when such sanctions are deferred or held "in abeyance," such as probation or expulsion. The Respondent and the Complainant shall have the right to appeal the outcome on any of the following grounds:
  - a. To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing;
  - b. To allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing,

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

- c. To allege that the finding was inconsistent with the weight of the information.
2. The Respondent or Complainant may appeal to the President or designee in writing, provided the basis for the appeal is limited to the criteria listed above. Students who have accepted an Informal Resolution are not eligible for appeal. The President may designate one or more appellate officers to review appeals as the President deems appropriate, including, but not limited to, a single appellate officer to review all appeals or a single appellate officer to review a specific type of appeal. In no case shall there be provided more than one level of institutional appeal.
3. All appeal requests and responses in this process are transmitted by electronic mail (which accommodates distance learning Students).
4. A Respondent or Complainant will have five (5) Days from receipt of the official outcome letter to appeal to the Office of Student Conduct. The appeal must be submitted in writing by 5pm on the appeal deadline and must explicitly state why an appeal is warranted, i.e., the grounds for the appeal. When an appeal is timely received and appropriately sets forth one or more of the grounds outlined above, the non-appealing party will receive a copy of the appeal and will have (5) Days from the date of the notice of appeal to submit a response to the Dean of Students. The non-appealing party's response shall be limited to the matters properly raised on appeal.
5. The Dean of Students will compile all pertinent information and deliver the appeal packet to the President or designee. The appeal shall be a review of the record only, and no new meeting with the Respondent or Complainant is required. The President or designee may:
  - a. Affirm the original finding and sanction;
  - b. Affirm the original finding but issue a new sanction of greater or lesser severity;
  - c. Remand the case back to the decision-maker to correct a procedural or factual defect; or
  - d. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
6. The President or designee will issue a decision to the parties simultaneously in writing within a reasonable time. The President or designee's decision will serve as the only level of appeal at the institutional level and shall be the final institutional decision.
7. Following the decision of the President or designee, a student may apply to the Board of Regents for further review of the decision pursuant to Board of Regents Policy 6.26.
8. 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 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.

### Rights for Complainant and Respondent Students

In cases of Sexual Misconduct, Complainant and Respondent rights include, but are not limited to, the following:

1. The Complainant has the right to file a report with law enforcement. The Complainant may also file a report alleging a violation of the Sexual Misconduct Policy, which may result in an investigation and possible action under the Student Conduct Code.
2. The Complainant has the right to have the Complainant's name withheld from "timely reports" issued under the Clery Act.
3. Both the Complainant and the Respondent have the right to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting.
4. Both the Complainant and the Respondent have the right to have an advisor of their choice accompany them throughout the investigatory and/or resolution process.
5. Both the Complainant and the Respondent may submit a personal impact statement prior to any sanction being imposed.
6. Both the Complainant and the Respondent will be informed simultaneously, in writing, of the outcome of the disciplinary proceeding, and when the result becomes final.
7. Both the Complainant and the Respondent may be at the hearing during the presentation of any evidence or material on which a recommendation will be made.
8. In appropriate cases, both the Complainant and the Respondent may request reasonable adjustments including but not limited to adjustments in academic programs and campus living arrangements.
9. Both the Complainant and the Respondent may appeal the decision (See Appeals Section for more information).
10. Both the Complainant and the Respondent have the right to have orders of protection, no contact agreements, restraining orders, or similar lawful orders issued by criminal, civil or tribunal courts, enforced on campus.

### Steps to Take if You Experience Sexual Misconduct

1. In an immediate emergency call 911 or contact Public Safety (Gordon State College Police) at (678) 359-5111.
2. Seek medical assistance. If you experience an assault, you are encouraged to seek immediate medical attention; this is important to check for and treat any injury and/or infection. A medical examination can be facilitated at any time following a sexual assault, although the sooner medical treatment is obtained, the safer the patient. A forensic examination can be facilitated up to 120 hours (5 days) after a sexual assault occurs. Forensic exams will also check for injury and/or infection in addition to collecting evidence in the event you decide to press charges or file a report. Seeking a forensic exam does not obligate a person to press charges or file a report.
3. Preserve evidence. If you choose to seek medical assistance, a forensic exam can preserve evidence for you if you decide later to file a report. Evidence can be collected even if you chose not to make an immediate report to law enforcement. It is also helpful to not shower or bathe afterwards to avoid washing away evidence which a forensic exam could collect.
4. Consider filing a report with law enforcement. It is your decision whether to seek assistance from law enforcement and/or campus authorities. If the incident or course of conduct occurred on

campus, you can report to the Gordon State College of Public Safety regardless of whether the incident or course of conduct occurred on or off-campus. In the event it has occurred off-campus, you can choose to report to the appropriate agency, such as Barnesville Police Department, or Lamar County Sheriff's Office. The Department of Public Safety will also involve these outside law enforcement units as necessary depending on the facts of each individual case.

5. Consider filing a report with the Dean of Student Office. Filing a report with this office allows you to pursue an administrative investigation under school policy which is separate from any law enforcement investigation. If an individual elects to report to this office, it will not be reported to law enforcement unless you ask for assistance in doing so.
6. Consider reaching out for additional help. There are several resources on-campus and in the local communities who can assist individuals who have experienced Sexual Misconduct. These resources are available regardless of whether an individual chooses to report to law enforcement or campus authorities and include confidential reporting options. Some of these resources are listed below, by campus.
  - a. Counseling Services (Students can report confidentially): (678) 359-5585
  - b. Health Services (Students can report confidentially): (678) 359-5476
  - c. Dean of Students Office: (678) 359-5440
  - d. Public Safety/Campus Escort: (678) 359-5111
  - e. Barnesville Police Department: (770) 358-1234 or 911
  - f. Lamar County Sheriff's Office: (770) 358-5159 or 911
  - g. 24/7 Mental Health Support Line: (833) 855-0079
  - h. Southern Crescent Sexual Assault and Child Advocacy Center - 24-hour crisis line: (770) 477-2177
  - i. National Teen Dating Abuse Helpline: (866) 331-9474 or Text "loveis" to 22522
  - j. National Domestic Violence Hotline: (800) 799-SAFE (800-799-7233)
  - k. RAINN Rape, Abuse & Incest National Network: (800) 656-HOPE
  - l. Barnesville Urgent Care and Family Practice: (770) 872-3663
  - m. Lamar County Health Department: (770) 358-1483

### Registered Student Organizations and Other Student Groups Rights and Responsibilities

Any Group or Organization accused of a violation of the Code will have the following rights:

1. The right to request a copy of the Group or Organization's Student Conduct Records.
2. In a Hearing, the right to question in writing and through the chair of the Student Conduct Board or Single Administrator, any individual providing testimony to the Student Conduct Board or Single Administrator.
3. To know the nature of the evidence against them and the names of witnesses scheduled to appear.
4. To receive a written statement of the Violations.
5. To receive a fair and impartial hearing.
6. To present evidence and witnesses on their own behalf.
7. To be accompanied at a hearing by an advisor of their choice.
8. To be present at the hearing during the presentation of any evidence or material on which a recommendation will be made. If a Group or Organization fails to attend the hearing, it will be held in their absence.
9. To receive a decision based solely on the evidence presented.
10. To receive a written notice of the decision and sanctions, including rationale for the decision from formal hearings.
11. To appeal decisions resulting from a formal hearing.

### Sanctions

When a Group or Organization is charged with a violation, the advisor(s), and (as applicable) regional, national, international offices, and the Office of Student Life and Recreation will be notified. The official outcome will become part of the Group or Organization's file in the Dean of Student's office and the Office of Student Life and Recreation.

A Group or Organization found responsible for violating the Code of Student Conduct may receive one or more of the sanctions listed below, as determined by the Dean of Students or designee after reviewing the findings of fact and recommendations of the Student Conduct Board or Hearing Officer. Prior to issuing a sanction, the hearing advisor will inform the Student Conduct Board, or the Hearing Officer will review if the Respondent has any previous violations of the Student Code of Conduct. This may influence the type and level of the sanction(s) to be imposed.

When a Group or Organization engages in an act of Misconduct, the College reserves the right to take action not only against the Group or Organization but also against individual student members of the Group or Organization.

This list is not to be regarded as all-inclusive, but rather as a sample of sanctions that may be imposed. Other College policies and regulations may impose specific penalties for specific violations, and nothing in this chapter is intended to limit the imposition of those specific sanctions.

Respondents who fail to complete their sanctions by their determined deadline will be assessed a late fee and a student conduct hold. The College is not responsible for any financial loss incurred by the Group or Organization or its members for any sanction, including fees and student conduct holds.

### Sanctions

1. Organizational Disciplinary Warning: Formal notice from the Dean of Students indicating further violations may result in more severe sanctions.
2. Restitution: Requiring restitution allows for the compensation of loss, damage or destruction caused by a Group or Organization's misconduct. Compensation may take the form of appropriate service, and/or monetary or material replacement. Requests for property or money to be exchanged between parties in the Conduct process will be referred to mediation. The Dean of Students will not take responsibility for the facilitation of these exchanges.
3. Organizational Disciplinary Probation: A status in which a Group or Organization is considered to not be in good disciplinary standing with the College. The Group or Organization may seek and add members and host activities unless otherwise specified. Further violations may result in a temporary or permanent Organizational Disciplinary Suspension.
4. Educational Sanction(s): An educational sanction may consist of the assignment of specific projects to be performed by a Group or Organization, such as a presentation or workshop on a specific topic, performing community service hours, and/or attending an educational program. Educational sanctions might also include completing mandated alcohol, drug, or other behavioral education

programs and/or enrolling in web based online alcohol and drug education programs.

5. **Loss of Privileges:** Exclusion of specific privileges such as restriction/exclusion from activities consistent with the violation committed, for a designated period of time.
6. **Special Sanctions under the Student Organization Responsibility for Drug Abuse Act:** Any Group or Organization found responsible for a violation of paragraph (g) of the violation "Drugs," after being afforded the constitutional requirements of due process, shall have its recognition as a Group or Organization withdrawn and shall be expelled from the campus for a minimum of one (1) calendar year from the date of determination of guilt. Such Group or 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 Group or Organization that relates to the use of the property leased, rented, or occupied shall be terminated for the Group or 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 Group or 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.
7. **Organizational Social Probation:** During the period of social probation, the Group or Organization must not host nor participate in any social events to include any event where alcoholic beverages are/will be served, formals, semi-formals, homecoming activities, tailgate events or any other event in which the purpose is purely socialization or entertainment. Groups or Organizations may host and participate in chapter meetings, council meetings, business meetings, philanthropy events, and any educational sessions offered through the Office of Student Life and Recreation and/or your National Office, without the presence of any alcoholic beverages.
8. **Organizational Disciplinary Suspension:** A status in which the College recognition of a Group or Organization is removed for a definite period of time. During a period of Organizational Disciplinary Suspension, the Group or Organization may continue to occupy or hold property, but may not seek or add members, hold, or sponsor events, or sponsor or attend any events that are social in nature.
9. **Organizational Expulsion:** A status in which the College recognition of a Group or Organization is permanently revoked. The Group or Organization may no longer function or have a presence on College property or at College sponsored activities.