



# Student Code of Conduct

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## Preamble

The Valdosta State University Student Code of Conduct contains the University's official statement of the rights and responsibilities of students, both as individuals and as members of the community as a whole. The Valdosta State University Student Code of Conduct is also the official record of conduct policies affecting student organizations and group activities, as well as student conduct oriented administrative policies and procedures.

The Student Code of Conduct represents the expectations of student and organizational behavior at Valdosta State University. When a student or organization becomes a part of the university community, they are agreeing to abide by the Code of Conduct. This code is based on the principles and beliefs that students and organizations are responsible adult learners, capable of making informed decisions and are accountable for their behavior and the consequences of their decisions. Students and organizations are expected to conduct themselves in accordance with the policies and regulations set forth by Valdosta State University.

As expressed in the Blazer Creed, the primary expectations of Valdosta State University students are integrity, civility, and citizenship. Students at Valdosta State University are expected to read, understand, and follow the Student Code of Conduct. Unfamiliarity with the code is not a valid excuse for infractions of the regulations. Knowledge of these regulations will help the student and or an organization in exercising their rights and avoid infringement on the rights of others.

All students are members of the larger community of the city, state, and nation and, as such, enjoy the rights of citizenship. Valdosta State University cannot, however, assume the role of a supervisor when students are involved in private activities. Student status does not protect a student from arrest and prosecution for violations of local, state or federal laws.

Students accused of violations of local, state, or federal laws that adversely affect the interests of the University may also be subject to the appropriate Valdosta State University disciplinary process. Pending civil or criminal matters shall not prevent Valdosta State University, at its discretion, from initiating appropriate disciplinary action.

Additional policies and regulations may be developed, under established procedures (Appendix D, Section III), during the academic year as required for the general well-being of Valdosta State University. This statement and any additional policies and regulations are binding on both the student and Valdosta State University administration.

## Appendix A

### Section I. Academic Integrity Code

Academic integrity is the responsibility of all Valdosta State University employees and students. Faculty members should promote academic integrity by including clear instruction on the components of academic integrity and clearly defining the penalties for cheating and plagiarism in their course syllabi. Students are responsible for knowing and abiding by the Academic Integrity Policy as set forth in this Student Code of Conduct and the faculty members' syllabi. All students are expected to do their own work and to uphold the highest standard of academic integrity.

#### A. Academic Integrity Violations

Cheating and plagiarism are academic integrity violations. Additional violations may be added as deemed appropriate. The following academic integrity violations are not to be considered all-inclusive:

1. No student shall use or attempt to use unauthorized materials or devices to aid in achieving a better grade on a component of any class.
2. No student shall receive or give or attempt to receive or give assistance not authorized by the instructor in the preparation of an essay, laboratory report, examination, or other assignment included in any academic course.
3. No student shall take or attempt to take, steal, or otherwise procure in an unauthorized manner any material pertaining to the content of a class, including but not limited to tests, examinations, laboratory equipment, and class records.
4. No student shall sell, give, lend, or otherwise furnish to any unauthorized person material which can be shown to

contain the questions or answers to any examinations scheduled to be given at any subsequent date in any course of study offered by the University, without authorization from the University.

5. No student shall engage in plagiarism, which is presenting the words or ideas of another person as if they were the student's own. Essays, term papers, laboratory reports, tests, online writing assignments, and other similar requirements must be the work of the student submitting them. Students should also check with instructors before submitting work written for another class or assignment. In some cases, instructors may consider this work unoriginal and therefore subject to academic integrity penalties. Some typical examples of plagiarism are:
  - a. Submitting an assignment as if it were one's own work when, in fact, it is at least partly or entirely the work of another.
  - b. Submitting a work that has been purchased or otherwise obtained from an Internet source or another source.
  - c. Incorporating the words or ideas of an author into one's paper without giving the author due credit, e.g., when direct quotations are used, they must be indicated, and when the ideas of another are incorporated in the paper they must be appropriately acknowledged.

## **Section II. Resolution of Academic Integrity Misconduct**

### **A. Academic Integrity-Academic Response**

Valdosta State University policy is that a violation of Appendix A, Section I Academic Integrity Violation may and should be handled by the course instructor, the student, and possibly the department head or academic dean concerned with the offense. Penalties for an academic integrity violation should be outlined in the course syllabus.

Any faculty member who has documentation and/or suspects that academic dishonesty has occurred shall (1) gather all pertinent information, and (2) meet with the student or students involved, and (3) inform the student or students of the academic response to an alleged violation of academic integrity, and (4) a faculty member should create a Report of Academic Dishonesty (RAD) to document the resolution of the matter. The faculty member should notify their department head and/or dean of these decisions and should submit a Report of Academic Dishonesty (RAD) along with all supporting documentation to the Office of Student Conduct & Title IX. An online Academic Integrity Reporting form can also be found at: [https://publicdocs.maxient.com/reportingform.php?ValdostaStateUniv&layout\\_id=1](https://publicdocs.maxient.com/reportingform.php?ValdostaStateUniv&layout_id=1).

The most severe action that may be administered by any faculty member is a grade of "F" in that particular course. This is an academic response and not a disciplinary recommendation. A student who wishes to appeal an academic response to an alleged violation of academic integrity should follow the grade appeal process (Form available at the Registrar's site under "Forms" <http://www.valdosta.edu/academics/registrar/forms/>). Students should remember that they may not exercise the right to withdraw from a class to avoid academic dishonesty penalties.

### **B. Academic Integrity-Disciplinary Response**

To initiate the disciplinary response process for an academic integrity violation, a faculty member should first submit a Report of Academic Dishonesty (RAD), <http://www.valdosta.edu/academics/academic-affairs/vp-office/forms/academicdishonesty.pdf>, along with all supporting documentation and an online report of Academic Integrity to the Office of Student Conduct & Title IX [https://publicdocs.maxient.com/reportingform.php?ValdostaStateUniv&layout\\_id=1](https://publicdocs.maxient.com/reportingform.php?ValdostaStateUniv&layout_id=1).

This report shall be made part of the student's disciplinary record and shall remain on file with the Office of Student Conduct & Title IX in accordance with the Board of Regents record retention policy. A student's file on academic dishonesty is not intended nor designed to allow access by faculty members seeking historical information concerning a particular student. The purpose of the file is for the Office of Student Conduct & Title IX to determine if multiple incidents of academic dishonesty have occurred during a student's academic career at Valdosta State University. If a student is found to have cheated/plagiarized and withdraws from the course prior to the awarding of a grade, the Report of Academic Dishonesty will still be placed on file in the Office of Student Conduct & Title IX.

After a second (or subsequent) Report of Academic Dishonesty has been submitted to the Office of Student Conduct & Title IX, official charges will be drawn and the disciplinary matter may be referred to the Valdosta State University Conduct Committee. The Valdosta State University Conduct Committee will utilize the disciplinary procedures outlined in Appendix B, Sections II.-V. of the Student Code of Conduct for adjudication. The most severe sanctions such as expulsion or suspension should only result from a Valdosta State University Disciplinary Committee hearing and can be appealed via Appendix B, Section V of the Student Code of Conduct.

Faculty members may request that a particularly serious violation of the Academic Integrity Policy (buying or selling papers, stealing an exam, taking an exam for another student, significant plagiarism at the graduate level, etc.) be referred directly to the Valdosta State University Conduct Committee. The Office of Student Conduct & Title IX designee and the academic dean of the student's major will consult concerning the referral of a particularly serious first offense to the Valdosta State University Conduct Committee.

## **Appendix B**

### **Section I. Non-Academic Student Conduct Code**

Valdosta State University expects the University community including students, faculty, staff and guests to make responsible decisions about the use of alcohol. The illegal use of alcohol by students will not be tolerated at Valdosta State University.

The law serves as the basic guideline for all citizens of the community. VSU encourages all members of the campus community to make informed decisions regarding their personal use of alcohol. Those who legally choose to use alcohol must use it in a responsible manner that will not interfere with the rights of others. Abuse is not a responsible choice.

Valdosta State University provides guidelines and programs to aid members of the University community in making responsible decisions in regards to the use of alcohol. These include appropriate rules and regulations concerning the use of facilities, guidelines for individual conduct both on and off- campus, as well as services designed to inform and support individuals and groups. These services include individual and group counseling and alcohol education programs.

Finally, the University recognizes the right of all members of the University community to be private citizens and to exercise all legal rights and privileges. However, when an individual, publicly identified as a member of the University community, engages in an illegal act involving the misuse of alcohol, the University, as an educational institution concerned with the welfare of its membership, can and will take appropriate disciplinary action. Every member of the University community should know the rules and procedures of the University involving the proper use of alcohol and conscientiously follow them.

University students are expected to assume responsibility for their behavior in regards to alcohol use. Students must understand that being under the influence of drugs and or alcohol does not lessen their accountability nor act as an excuse for behavior. All students in the University community will be held accountable for inappropriate behavior while under the influence of drugs and or alcohol via the appropriate campus and community disciplinary procedure.

Students shall obey all local, state, and federal laws regarding the possession, consumption, manufacture, and sale of alcoholic beverages or controlled substances. The United States Department of Education regulations stipulate that those "who engage in the unlawful manufacture, distribution, dispensation, or use of a controlled substance" may lose their federal financial aid.

### **Medical Amnesty Guideline**

Medical amnesty is offered to students who become aware of a medical emergency involving suspected alcohol or drug over-dose and seek emergency assistance on behalf of another student. The student(s) making the notification of a medical emergency and the victim(s) will be exempt from disciplinary sanctioning through the Office of Student Conduct & Title IX for violations of the Student Code of Conduct's Substance Abuse Policy. Students may be referred to the Office of Health Promotions and Wellness for educational purposes. Prosecution of individuals under local, state or federal laws would be at the discretion of appropriate officials of the applicable jurisdiction.

**Crime Victim:** If a victim of a crime is suspected of having used alcohol and/or drugs, amnesty would be extended to the victim and the person seeking assistance and the student will be exempt from disciplinary sanctioning through the Office of Student Conduct & Title IX for violations of the Student Code of Conduct's Substance Abuse Policy as referenced in the Student Handbook. Prosecution of individuals under local, state or federal laws would be at the discretion of appropriate officials of the applicable jurisdiction.

Any student that believes she/he has been a victim of sexual assault is encouraged to notify the VSU University Police (229-333-7816), the Valdosta City Police (229-242-2606), the VSU Title IX Coordinator (229-333-5409), the VSU Counseling Center (229-333-5940), or The Haven Rape Crisis Center (229-244-4477).

### **Tobacco and Smoke-Free Campus Policy**

The use of all forms of tobacco products on property owned, leased, rented, in the possession of, or in any way used by the University 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 or vapor cigarettes.

Further, this policy prohibits any advertising, sale, or free sampling of tobacco products on University properties. This prohibition includes but is not limited to all areas indoors and outdoors, buildings and parking lots owned, leased, rented or otherwise used by the University or its affiliates. The use of tobacco products is prohibited in all vehicles – private or public vehicles - located on University properties.

This policy applies to all persons who enter the areas described above, including but not limited to students, faculty, staff, contractors and subcontractors, spectators, and visitors. All events hosted by a University entity shall be tobacco-free. All events hosted by outside groups on behalf of the University shall also be tobacco-free.

### **University Drug Free Communities Policy**

Valdosta State University, as a recipient of federal funds, supports and complies with all provisions of the Drug Free Communities Act of 1997. As an employer, Valdosta State University will aggressively promote and strive to maintain a drug free workplace for its faculty and staff and a drug free zone for students.

Students of Valdosta State University are expected to adhere to the policies of the institution, observe the basic rules of good conduct and to meet appropriate standards of conduct. This policy, as with the other institutional policies, including state and federal laws, and the Board of Regents' policies shall be observed.

#### **A. Alcohol**

1. Possession, consumption, or transporting of alcoholic beverages by persons under the age of 21 is prohibited.
2. If a student is under the age of 21 and determined to be under the influence of alcohol, the student will be referred to the appropriate authorities.
3. A student in a publicly intoxicated state will be referred to the appropriate authorities for disposition.
4. The consumption or possession of alcoholic beverage(s) or possession of an open container of an alcoholic beverage on University property is prohibited in public areas. A public area is defined as any area outside of an individual's living quarters.
5. No student shall furnish or cause to be furnished any alcoholic beverage to any person under the legal drinking age of 21.
6. The serving of alcohol to someone visibly intoxicated and/or the facilitating of drinking games involving the consumption of alcohol is prohibited.
7. Common source containers of alcoholic beverages e.g. beer kegs, hunch-punch, etc., may not be present at any

registered University organization event.

8. No alcohol may be purchased with student activity fee funds.

## **B. Drugs**

1. The possession, use, manufacture, sale, distribution or delivery of illegal or dangerous drugs on or off campus is prohibited. This also includes prescription medication being used in a manner not consistent with the prescription or by someone other than the person for whom the prescription was written.
2. Possession of drug paraphernalia is also prohibited on campus. This includes any item typically used to facilitate the use, manufacture, sale, distribution or delivery of a controlled substance including marijuana.

## **C. Damage to Property**

1. Littering. No student shall improperly dispose of any form of litter on campus.
2. Damage or destruction of property belonging to the University, or to a member of the University community, or to a visitor to the campus is prohibited.
3. Defacing of University property is prohibited.

## **D. Disruptive Behavior**

The Board of Regents (BOR) Policy Manual Section 12.2 regarding disruptive behavior states: "Any student, faculty member, administrator, or employee, acting individually or in concert with others, who clearly obstructs or disrupts, or attempts to obstruct or disrupt any teaching, research, administrative, disciplinary, or public service activity, or any other activity authorized to be discharged or held at any campus of the University System of Georgia is considered by the Board to have committed an act of gross irresponsibility and shall be subject to disciplinary procedures, possibly resulting in dismissal or termination of employment.

1. No one shall assemble on campus for the purpose of creating a riot, or causing destruction of property, or creating a disorderly diversion, which interferes with the normal operation of the University. This section should not be construed to deny any student the right of peaceful, non-disruptive assembly per the policies set forth in Appendix D Section IV of this code.
2. No student or group of students shall obstruct the free movement of people about the campus, interfere with the use of University facilities, or materially interfere with the normal operation of the University.
3. The abuse or unauthorized use of sound amplification equipment indoors or outdoors during classroom hours is prohibited. (Any use of sound amplification equipment must be cleared through the Event Services Office.)

## **E. Disorderly Conduct**

1. Disorderly conduct or breach of the peace on University property or at any function sponsored or supervised by the University or any registered University organization is prohibited.
2. Pushing, striking, or physically assaulting any University student, faculty, administrator, staff member, or visitor to the campus is prohibited.
3. Conduct on University property or at functions sponsored or supervised by the University or any registered University organizations, which materially interferes with the normal operation of the University is prohibited.
4. No student shall enter or attempt to enter any event registered by the University without proper credentials for admission, e.g., a ticket, an identification card, an invitation, etc., or without fulfilling any reasonable qualifications established for attendance. At such University functions a student must present proper credentials to properly identified University personnel upon request.
5. Engaging in conduct that would violate state or federal laws on obscenity is prohibited.
6. No student shall interfere with, or give false name to, or fail to cooperate with, any properly identified University personnel while in the performance of their duties.

7. Harassment, including intimidation, coercion or threats, that is unwelcome, discriminatory on the basis of a protected status, directed at a specific individual, and is sufficiently severe, pervasive, and objectively offensive that it creates a hostile environment or interferes with or limits an individual's ability to participate in or benefit from an institutional program or activity is prohibited.
8. No student shall deliberately interfere with or disregard a disciplinary summons, oral or written, to report to an administrative official or an authorized disciplinary committee.
9. Failure to comply fully with a disciplinary sanction is prohibited.

#### **F. Falsification of Records**

Giving false statements or information on any records or misrepresentation of words or actions is prohibited.

#### **G. Explosives**

No student shall possess, furnish, sell or use explosives of any kind on University property or at functions sponsored or supervised by the University or any registered University organization.

1. The possession or use of fireworks on University property or at events sponsored or supervised by the University or any registered University organization is prohibited. Fireworks are defined as any substance prepared for the purpose of producing a visible or audible effect by combustion, explosion, or detonation.

#### **H. Fire Safety**

1. No student shall tamper with, damage, or disarm any fire safety equipment.
2. The unlawful possession, sale, furnishing, or use of any incendiary device is prohibited.
3. No student shall set or cause to be set any fire in or on University property.
4. No student shall make, or cause to be made, a false fire alarm or issue a false bomb threat.
5. Remaining in a campus facility during a fire alarm or drill without permission by the appropriate authorities is strictly prohibited.

#### **I. Weapons**

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

Exceptions:

1. Prohibited weapons do not include sporting equipment possessed for legitimate use in formal or informal athletic or exercises of activities.
2. Law enforcement officers, active military personnel, and other similar personnel may possess weapons as authorized by federal or state law.
3. Any person who is 18 years of age or older or currently enrolled in classes in a USG institution may possess an electroshock weapon on the campus of that institution but may only make use of such electroshock weapon in defense of self or others.
4. Weapons carry license holders may possess weapons while under the license holder's physical control in a motor vehicle, in a locked compartment in a motor vehicle, in a locked container in a motor vehicle, or in a locked firearms rack in a motor vehicle
5. A weapons carry license holder may carry a handgun in any building or on any real property owned or leased by the USG and its institutions, provided, however, that such exception shall:
  - a. Not apply to buildings or property used for athletic sporting events or student housing, including, but not limited to, fraternity and sorority houses;
  - b. Not apply to any preschool or childcare space located within such buildings or real property;
  - c. Not apply to any room or space being used for classes related to a college and career academy or other specialized school as provided for under Georgia Code Section 20-4-37;
  - d. Not apply to any room or space being used for classes in which high school students are enrolled through a dual enrollment program, including, but not limited to, classes related to the "Move on When Ready Act" as provided for under Georgia Code Section 20-2-161.3;
  - e. Not apply to faculty, staff, or administrative offices or rooms where disciplinary proceedings are conducted;
  - f. Only apply to the carrying of handguns which a licensee is licensed to carry pursuant to subsection (e) of Georgia Code Section 16-11-126 and pursuant to Georgia Code Section 16-11-129; and
  - g. Only apply to the carrying of handguns which are concealed.

Definitions:

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

1. *Weapon* means and includes any pistol, revolver, or any instrument designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material,

blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any instrument of like kind, and any stun gun or taser as defined in subsection (a) of Georgia Code Section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the faculty member.

2. *Handgun* means a firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged by an action of an explosive where the length of the barrel, not including any revolving, detachable, or magazine breech, does not exceed 12 inches; provided, however, that the term "handgun" shall not include a gun which discharges a single shot of .46 centimeters or less in diameter.
3. *Electroshock weapon* means a stun gun or taser or similar commercially available device that is powered by electrical charging units and designed exclusively to be capable of incapacitating a person by electrical charge.
4. *Concealed* means carried in such a fashion that does not actively solicit the attention of others and is not prominently, openly, and intentionally displayed except for purposes of defense of self or others. Such term shall include, but not be limited to, carrying on one's person while such handgun is substantially, but not necessarily completely, covered by an article of clothing which is worn by such person, carrying within a bag of a nondescript nature which is being carried about by such person, or carrying in any other fashion as to not be clearly discernible by the passive observation of others.
5. *Preschool or childcare space* means any room or continuous collection of rooms or any enclosed outdoor facilities which are separated from other spaces by an electronic mechanism or human-staffed point of controlled access and designated for the provision of preschool or childcare services, including, but not limited to, preschool or childcare services licensed or regulated under Article 1 of Chapter 1 of Title 20 of the Georgia Code.

#### **J. Hazing**

This policy applies to all Valdosta State University students, clubs, and student organizations. Hazing includes, but is not limited to, acts of servitude and or behavior that humiliates, degrades, embarrasses, harasses or ridicules an individual, or is otherwise harmful or potentially harmful to an individual's physical, emotional, or psychological well-being, as an actual or apparent condition for initial or continued affiliation with any group.

A student or organization violates this standard regardless of either the lack of intent to cause harm or the hazed individual's own willingness to participate and regardless of whether the actions took place on or off campus. Unless affirmative steps were taken by the responding student or organization to prevent the hazing behavior, conduct charges may be brought against the group, officers of the group, and members of the group who are deemed to have encouraged the behavior, in addition to any conduct action against persons who engaged in the hazing behavior.

#### **K. Joint Responsibility for Infractions**

Students who act together to violate University regulations have both individual and joint responsibility for such violations.

#### **L. Misuse of Student Identification 1Cards or Permits**

1. Lending, selling, or otherwise transferring a student 1Card or parking permit is prohibited.
2. Being in possession of or the use of a student 1Card or parking permit by anyone other than its rightful owner is prohibited.
3. Failure to surrender or display a 1Card or parking permit to a properly identified and authorized University official is prohibited.
4. The creation of a fake ID, 1Card or parking permit, as well as the altering of a valid student 1Card or parking permit is prohibited. The replication and or distribution of a 1Card or parking permit is also prohibited.

**M. Theft**

1. No student shall take, attempt to take, or be in possession of, property belonging to another without proper authorization or purpose.
2. No student shall sell anything that is not his or hers without written permission from the rightful owner.
3. The illegal or unauthorized use of another's personally identifiable information is prohibited. Violations include, but are not limited to knowingly and willfully assuming and using any and all personal identifying information, including photographs, without the consent or authorization of said owner, for the purpose of misrepresenting oneself; using, selling, or transferring that information to obtain any benefits, credit, goods, services or other items of value in the name of said owner, or to otherwise do harm to said owner is a violation of this Code of Conduct.

**N. Unauthorized Entry or Use of University or Student Organization related Facilities or Property**

1. No student shall make unauthorized entry into any building, office or other facility, nor shall any person remain without authorization in any building after normal closing hours.
2. No student shall make unauthorized use of any University facility.
3. No student shall knowingly use University or student organization owned equipment, supplies, or property without proper authorization.

**O. Campus Solicitation-Business Enterprises**

1. Valdosta State University does not permit the operation of privately operated business enterprises on campus. All business enterprises operated on campus shall be operated as an auxiliary enterprise and shall be under the direct management, control and supervision of the Vice President of Finance and Administration of Valdosta State University. Questions concerning permission to solicit or operate a business enterprise on campus should be directed to the Vice President of Finance and Administration's Office.
2. The unauthorized posting of flyers, posters, distribution of promotional cards or any other materials for off-campus non- Valdosta State University businesses or events is prohibited.

**P. Animals**

With the exception of comfort or service animals in accordance with local, state and federal laws, students are prohibited from having animals of all kinds in Valdosta State University facilities or on Valdosta State University property.

**Q. Residence Hall Policy**

Students determined to be repeated violators of Housing and Residence Life policies, or the terms of the Housing contract may be referred to the Office of Student Conduct & Title IX for appropriate disciplinary action.

**R. Repeated Violations**

Repeated violations of published rules or regulations of the University are prohibited.

**S. Violation of Outside Law**

Any violation of a local ordinance, state, or federal law, on or off-campus, constitutes a violation of the Student Code of Conduct. Students accused of violations of local, state, or federal laws that adversely affect the interests of the University, may be subject to the appropriate Valdosta State University disciplinary process. Pending civil or criminal matters shall not prevent Valdosta State University, at its discretion, from initiating appropriate disciplinary action against a student.

## **T. Appropriate Use of University Computing Equipment, Network, and Facilities**

1. A student's use of personal or Valdosta State University computing equipment to damage Valdosta State University's computing infrastructure is prohibited, e.g. intentionally injecting viruses, creating a computer system malfunction, altering or damaging a program(s), etc.
2. Any student logging on or attempting to log on as another user, giving your user name/password to someone else, and/or accessing another user's files without express verifiable permission is prohibited.
3. Any student who intentionally wastes computing resources, running a repetitive program for no reason, excessive simultaneous network connections, misuse of server disk space, excessive size mailings or print jobs, etc. is prohibited.
4. The use of computing systems for making terroristic threats, unsolicited sexual advances, harassment, or obscenity which is blatantly offensive to the prevailing community standards is prohibited.
5. The misappropriation of intellectual property, e.g., software, music, movie, data or copyright piracy is prohibited. Copyrights are granted in order to give the artist an incentive to be able to profit from their work. A copyright gives an artist the sole right to distribute their creative work, and only the copyright holder has the legal right to control the distribution of a copyrighted file. Unauthorized sharing of copyrighted materials is a violation of Valdosta State's Acceptable Use Policy, which may be found online at the following address: <http://www.valdosta.edu/vsu/policies/>.
6. Unauthorized sharing of copyrighted materials is a violation of the Board of Regents Acceptable Usage Policies, which may be found at the following address: [https://www.usg.edu/peachnet/network/acceptable\\_use\\_policy](https://www.usg.edu/peachnet/network/acceptable_use_policy). The invasion of a user's privacy by the altering of a user's computerized registration files, passwords, programs, or other related files, or the review and dissemination of confidential student record information is prohibited.
7. The use of Valdosta State University computing facilities for illegal purposes as defined by the "Georgia Computer Systems Protection Act of 1991" or for personal or commercial gain is prohibited.
8. Engaging in conduct which would violate state or federal laws or Board of Regents University System policies regarding computer use is prohibited. Such alleged violations will initially be handled by the Valdosta State University's Division of Information Technology and could result in immediate temporary suspension of computing privileges.

The internet provides many opportunities for accessing and storing various types of information. Personal, financial and social data are just a few examples of the types of data stored electronically. Information transmitted on the internet can often be tracked to the sender even if a website claims anonymity. Internet users should take precautions to protect their devices and information. Protection efforts include but are not limited to strong passwords, updated anti-virus software and the use of secured websites and networks.

### **Corrective Action Policy Regarding Copyright Violations**

1. Valdosta State University receives notifications of copyright infringement under the Digital Millennium Copyright Act (DMCA) originating from computers on Valdosta State University's network. Valdosta State University is required to investigate each complaint. Valdosta State University has the ability to identify the computer and user responsible for the alleged infringement. If an infraction is found, Valdosta State University is required to remove the illegal material.
2. First violation results in a temporary usage suspension from HallNet (and Internet) usage and also a notification from the Office of Technology (OIT) regarding the inappropriate activity. Once the user contacts (OIT) and agrees to comply with university policies the HallNet usage is immediately restored.
3. Second violation results in another (OIT) notice being provided to the student and a one (1) hour suspension of HallNet access is enforced.
4. Third violation results in another (OIT) notice and a to be determined period of HallNet usage suspension is applied.
5. Fourth violation results in in another (OIT) notice, suspension of HallNet access, and requires the user to meet with Office of Student Conduct & Title IX in the Division of Student Affairs before the HallNet access maybe restored. Office of Student Conduct & Title IX meets with students and follows their process and a recommendation to the Division of Information Technology is given.

For informational purposes P2P violations includes:

- a. Using or running a P2P client such as LimeWire, Ares, FrostWire, Bit Torrent, uTorrent or similar software (running also includes running the process in the background) or any other such software.
- b. Downloading music, movies, software or other data using a P2P client
- c. Uploading music, movies, software or other data using a P2P client

File sharing has the potential of consuming Valdosta State's Internet bandwidth, and to prevent an abuse of limited bandwidth, the University uses automated tools to limit the impact of P2P traffic upon the legitimate educational uses of Peachnet and the Internet. Valdosta State may employ other tools to monitor for violations, and if the University receives proper legal demand to identify a particular user for a copyright offense, the University will comply and provide the copyright owner with the required information. If you are identified, you could be subject to legal action from the copyright holder, which could result in fines or a costly legal case.

#### **U. Social Media Use Guidelines**

Valdosta State University recognizes that social media behavior is entitled to extensive protections under the First Amendment. The University guarantees and protects the free expression rights of students, and this guidance has been drafted with those protections in mind. Valdosta State University also recognizes and embraces the positive benefits and opportunities that social media can offer, including increased engagement in the campus community, increased sense of social connection, keeping up to date with important developments, and promoting healthy academic debate about controversial subjects and areas of research. Some of the risks associated with the misuse of social media, including but not limited to cyber/bullying, harassment, defamation, and damage to reputation, can also pose an inherent risk to students' privacy, future employment, and current well-being.

The intent of this guidance is to make individual students aware of the impact that misuse of social media can have on themselves, faculty, staff, fellow students, and the, and to promote and support habits of communication and character that will help VSU students be successful both in their progress toward completing their educational program and in their future lives.

Valdosta State University does not monitor the language and/or actions of students' personal social media accounts on platforms including Facebook, LinkedIn, Twitter, Snapchat, Instagram, TikTok, etc. However, comments students make on Valdosta State University official social media accounts may be viewed by University Communications. The University will defer to the user policies of the individual social medium, but at times, a student's use of their personal social media account may be reported by other students, faculty, staff or public complaints and the Office of Student Conduct will review reports to determine if violations of the Student Code of Conduct apply. All determinations of whether a violation of the Student Code of Conduct has occurred will be made in a content-and viewpoint-neutral manner.

#### **Section II. Reporting Student Misconduct**

Complaints or reports of student misconduct should be reported to the Office of Student Conduct & Title IX by way of the online student conduct incident report form (<https://publicdocs.maxient.com/incidentreport.php?ValdostaStateUniv>), by phone or in person to University Police (229-333-7816), or in person to any housing and residence life staff person. Where appropriate, complainants may file a law enforcement report along with an institutional report.

Complaints or reports should include as much information as possible – such as: (1) the type of misconduct alleged; (2) the name and contact information of the persons involved; (3) the date(s), time(s), and place(s) of the misconduct; (4) the name(s) and contact information of any individual(s) with knowledge of the incident; (5) whether any tangible evidence has been preserved; and (6) whether a criminal complaint has been made.

Information from complaints or reports may be shared as necessary to investigate and to resolve the alleged misconduct. The need to issue a broader warning to the community in compliance with the Clery Act shall be assessed in compliance with federal law.

The following apply to reports relating to student misconduct, except those relating to sexual misconduct or academic integrity, which are covered under separate sections of this Code.

1. *Confidentiality*: Where a complainant requests that their identity be withheld or the allegation(s) not be investigated, the University will consider whether or not such request(s) can be honored while still providing a safe and nondiscriminatory environment for the University community. The University will inform the requesting party that generally confidentiality cannot be guaranteed. Further, honoring the request may limit the University's ability to respond fully to the incident and may limit the ability to discipline the student.
2. *Retaliation*: Anyone who, in good faith, reports what the student believes to be student misconduct, participates or cooperates in, or is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes the student has been the target of retaliation for reporting, participating or cooperating in, or otherwise being associated with an investigation should immediately contact the Office of Student Conduct & Title IX or University Police. Any person found to have engaged in retaliation in violation of the student code of conduct shall be subject to disciplinary action.
3. *False Complaints*: Individuals who intentionally give false statements to a university official, or who submit false complaints or accusations, including during a hearing, will be subject to disciplinary action.
4. *Ammesty*: Individuals are encouraged to come forward and to report student misconduct notwithstanding their 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 a disciplinary proceeding and will not be voluntarily reported to law enforcement; however, individuals may be provided with resources on drug and alcohol counseling and/or education, as appropriate.

Not all matters covered under this policy will necessarily involve alleged victims; however, where they are involved, it should be noted that a complainant will not always be the alleged victim but instead may be a third-party witness. The University may also respond to issues raised by third-party complaints (such as referrals by police) or discovered by staff or through its own investigations.

### **Section III. Process for Investigating and Resolving Reports of Student Misconduct**

#### **A. Authority**

Section 4.1.1 of the BOR policies authorizes Valdosta State University to develop appropriate policies and procedures to discipline students and organizations for the violation of university policies or the student code of conduct. In accordance with this responsibility, disciplinary sanctions shall be applied only after due process, fairness, and reasonableness have been met. The aim of any disciplinary action is to redirect student behavior toward the achievement of academic goals.

The President has delegated the function of student discipline to the Vice President of Enrollment & Student Affairs and The Office of Student Conduct & Title IX designee to handle the day-to-day disciplinary process. The Vice President of Engagement & Student Affairs is assisted in the student disciplinary process by the Office of Student Conduct & Title IX designee and various disciplinary committees. The use of the "peer-review" process in student disciplinary matters is consistent with Valdosta State University's educational goals, as well as its practice of student participation in institutional governance.

#### **B. Jurisdiction**

The University will take necessary and appropriate action to protect the safety and well-being of its community. Accordingly, student misconduct will be addressed when such acts occur on University property or at University-sponsored or affiliated events, or otherwise violate the VSU Student Code of Conduct at non-University sponsored events.

Students accused of violations of local, state, or federal laws may also be subject to the appropriate Valdosta State University disciplinary process for these violations. Pending civil or criminal matters shall not prevent Valdosta State University at its discretion from initiating appropriate disciplinary action.

Each student shall be responsible for their conduct from the time of application for admission through the actual awarding of a degree, even though misconduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. Should a student withdraw from the University with disciplinary charges pending, the student's academic record and/or the ability to register for classes may be encumbered by the appropriate university office.

Graduate or professional programs within the University may initiate charges against students for alleged violations of professional standards or ethics as a separate issue or as an extension of alleged acts of academic dishonesty or other violations of this Code of Conduct.

### **C. Rights of Students**

Throughout all investigation and resolution proceedings, a respondent shall receive notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent during the investigation and resolution process, without an adverse inference resulting. If the respondent chooses to remain silent, the investigation may still proceed and policy violation charges may still result and may be resolved against the respondent.

### **D. Initial Review of Student Misconduct Reports**

Regardless of how the University becomes aware of student misconduct, it shall ensure a prompt, fair, and impartial review and resolution of alleged student misconduct. When a report of student misconduct is received by the Office of Student Conduct & Title IX, the report will be reviewed to determine whether the allegation(s) describes conduct in violation of VSU policies and/or code of conduct. If the reported conduct would not be a violation of VSU policies and/or code of conduct then the report will be dismissed. Otherwise, a prompt, thorough, and impartial investigation and review will be conducted into each report received to determine whether charges against the student should be brought.

When the responding student or organization accepts responsibility for the alleged Code of Conduct violations and has voluntarily decided to participate in the informal administrative disciplinary process, the procedures outlined in this section will not apply, and the case will be adjudicated by an informal administrative hearing. Unrelated charges and cases shall be investigated separately, unless the respondent consents to having them aggregated.

If the responding student or organization does NOT accept responsibility for the alleged Code of Conduct violations, or the facts of the case are disputed, the Vice President of Enrollment & Student Affairs may refer the case to the appropriate disciplinary committee for resolution.

### **E. Disciplinary committees**

- The Student Judicial Council
- The Valdosta State University Conduct Committee
- The Title IX Hearing Panel

The composition of each disciplinary committee is as follows:

1. The Student Judicial Council shall be composed of (11) enrolled students representing a cross-section of the Valdosta State University student body. All members of the Council shall have a minimum 2.5 cumulative grade point average the semester of their appointment, and must maintain this average during their tenure. If a member does not maintain a 2.5 cumulative average, has 2 or more unexcused absences to scheduled meetings or hearings, or is found responsible for a violation of the Student Code of Conduct, then the student will automatically forfeit his / her position on the Student Judicial Council.
2. The Valdosta State University Conduct Committee shall be composed of three faculty or staff and two student members. The President of Valdosta State University may authorize the Vice President for Enrollment & Student Affairs or their designee to make the appointments. The Vice President for Enrollment & Student Affairs or their designee will select the chair of the committee from the three faculty members, and appoint two students from the Student Judicial Council.

## **F. Convening Disciplinary Hearings**

1. The accused student and or organization shall be notified in writing by VSU email of the specific charge(s) made against them and of the date, time, and place where a hearing will be held.
2. The notification will inform the accused student and or organization that an advisor of their choosing may accompany them. The advisor is not there to represent the student and or organization before the disciplinary committee. The advisor is only there to advise the student and or organization in their response to the committee.
3. The charge letter notifying the student and or organization of the disciplinary hearing shall be sent no less than (5) class days prior to the date designated for the disciplinary hearing.
4. The accused student and or organization shall be permitted to pose questions at the hearing and question witnesses' testimony. (All questions are to be written, and directed to the chairperson who asks the witness to then respond.)
5. An audio recording of the hearing will be made. A copy of the recording will be kept on file in the Office of Student Conduct & Title IX in accordance with the USG records retention policy (Appendix D, Section II).
6. The hearing shall be conducted in accordance with the policy set forth in Disciplinary Hearing Procedures for Disciplinary Committees at Valdosta State University (Appendix B, Section IV).
7. After proper notification is given, (note items 1-3 above) and if the accused student and or organization does not appear at the hearing, then the hearing can proceed in their absence.

## **G. Investigations of Student Misconduct**

If the Office of Student Conduct & Title IX determines that the potential sanctions for the alleged misconduct may involve a suspension or expulsion (even if such sanctions were to be held "in abeyance," such as probationary suspension or expulsion), the investigation and resolution procedures will provide these additional precautions:

1. The respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice will also include the identity of any investigator(s) involved. Notice will be provided via VSU email to the address on file. Where applicable, a copy shall also be provided to the alleged victim via the same means.
2. Upon receipt of the written notice, the respondent shall be given at least three (3) business days to respond in writing. In that response, the respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and documents – whether written or electronic – in support. A non-response will be considered a general denial of the alleged misconduct.
3. Based on this response, the investigation shall consist of interviews of the respondent, the alleged victim (where applicable) and witnesses, and the collection and review of documents or other physical or electronic information, as well as other steps as appropriate. The investigator will retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any proffered witnesses not interviewed, along with a brief, written explanation.
4. The investigation shall be summarized in writing in an initial investigation report and provided to the Office of Student Conduct & Title IX, who will relay the investigative report to the respondent and the alleged victim (where applicable) in person or via email. This summary should clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions.
5. To the extent the respondent is ultimately charged with any violation, the student shall also have the opportunity to respond in writing. The respondent's written response to the charge(s) shall be due no earlier than three (3) business days following the date of the initial investigation report. The respondent's written response should outline his or her plea in response to the charge(s), and where applicable, his or her defense(s), and the facts, witnesses, and documents – whether written or electronic – in support. A nonresponse to the charge(s) by the respondent will be interpreted as a denial of the charge(s).
6. The investigator shall conduct further investigation and update the investigative report as warranted by the respondent's response.

7. The final investigative report will be provided to the student misconduct panel or hearing officer for consideration in adjudicating the charges brought against the respondent. A copy shall also be provided to the respondent and alleged victim (where applicable) before any hearing. The investigator may testify as a witness regarding the investigation and findings, but shall otherwise have no part in the hearing process and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing. The individual tasked with investigating allegations of student misconduct shall not be responsible for training student conduct hearing panel members or appellate body members.

#### **H. Interim Measures**

The Office of Student Conduct & Title IX designee may impose interim disciplinary measures, including interim suspension, when a student and/or organization is accused of a serious violation of a Valdosta State University regulation or of a local, state, or federal law or regulation, when it is necessary to maintain safety, and when the accused student poses a serious and immediate danger or threat to persons or property.

Interim suspensions, that is, suspensions while the investigation and adjudication process are proceeding, should only occur when necessary to maintain safety. In making such an assessment, the Office of Student Conduct & Title designee will consider the existence of a significant risk to the health or safety of the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.

Before an interim suspension is issued, the Office of Student Conduct & Title designee will make all reasonable efforts to give the accused student the opportunity to be heard on whether his or her presence on campus poses a danger. If an interim suspension is issued, the terms of the suspension shall take effect immediately.

When requested by the responding student, a review to determine whether the interim suspension should continue will be held within three (3) business days of the request. The Office of Student Conduct & Title designee may assign the student's request to a review committee composed of three senior Student Affairs staff members or three members of the Behavioral Intervention Team. The purpose of this review is to consider rescinding the interim disciplinary action, so the student may be allowed to continue their presence at Valdosta State University until their appropriate institutional disciplinary action is administered.

#### **Section IV. Disciplinary Hearing Procedures for Student Misconduct**

Disciplinary hearings at Valdosta State University are hearings to arrive at corrective recommendations regarding alleged student misconduct. These recommendations affect the student or organization's relationship with the University. The administration of discipline is viewed as an educational process NOT a criminal or civil trial proceeding. As such, the disciplinary procedures used are determined and administered by educators. Such procedures will give cognizance to the test of fairness, truth, and due process.

In no case shall a hearing to resolve charge(s) of student misconduct take place before the investigative report has been finalized or before the respondent has had an opportunity to respond in writing, unless the respondent has chosen to go through an informal process or otherwise provided a written waiver of rights to these procedures. Further, unrelated charges and/or cases shall be heard separately unless the respondent voluntarily consents to the charges/cases being heard jointly.

Where the respondent indicates that the student contests the charges, and once the investigative report has been finalized and copies provided to the respondent and alleged victim (where applicable,) the case shall be set for hearing; however, the alleged victim (where applicable) and respondent may have the option of selecting mediation as a possible resolution in certain student misconduct cases where they mutually agree, except where deemed inappropriate by the Office of Student Conduct & Title IX designee.

Where a case is not resolved through mediation, the respondent shall have the option of having the charges heard either by an administrator (hearing officer) or a student disciplinary committee.

#### **A. Procedures for Disciplinary Committee Hearings for Student Misconduct**

1. All disciplinary hearings involving the responding student and the appropriate disciplinary committee are open meetings, but will be conducted in a manner consistent with the Family Educational Rights and Privacy Act (FERPA) and applicable law.
2. Disciplinary hearings are presided over by the chairperson of the committee. The disciplinary committee chair may exclude any person from the disciplinary hearing who materially interferes with the disciplinary hearing proceedings. Any disruptions of a disciplinary hearing can result in disciplinary action being taken against the student and or organization involved in the disruption. The chairperson of the committee makes such a determination with input of the Office of Student Conduct & Title IX designee, and when that determination is made those causing the disruption will be asked to leave the hearing and its premises immediately. If they do not voluntarily leave, the University Police will be contacted to escort them off the premises. A disciplinary committee quorum is one more than 50% of its membership present. A hearing may proceed with less than a quorum if the accused elects to proceed.
3. The respondent and alleged victim (where applicable), as parties to these proceedings, shall have the right to use an advisor (including an attorney) of his or her choosing, and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The advisor may advise his or her advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions of the advisee, but shall not participate directly. The University shall not prohibit family members of a party from attending if the party requests such attendance, but may limit each participant to two family members.
4. The respondent shall have the right to present witnesses and evidence to the hearing officer or panel, as well as to ask questions to any witnesses. This questioning will take place through the submission of written questions to the panel or hearing officer for consideration; however, the parties' advisors may still actively advise and assist in drafting those questions. The hearing officer or panel shall ask the questions as written, and will limit questions only if they are unrelated to determining the veracity of the charge leveled against the respondent(s). In any event, the hearing officer or panel shall err on the side of asking all submitted questions, and must document the reason for not asking any particular questions.
5. Where the hearing officer or panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the hearing officer or panel may establish special procedures for providing testimony from a separate location. In doing so, the hearing officer or panel must determine there is a valid basis for the unavailability, ensure proper sequestration in a manner that ensures testimony has not been tainted, and make a determination that such an arrangement will not unfairly disadvantage any party. Should it be reasonably believed that a party or witness who is not physically present has presented tainted testimony, the hearing officer or panel will disregard or discount the testimony during the hearing.
6. Formal civil rules of evidence do not apply to the investigatory or resolution process. The standard of review shall be a preponderance of the evidence; the disciplinary committee will determine based on the evidence presented at the hearing, whether it is more likely than not that the violation in question did occur. However, any decision to suspend or to expel a student must also be supported by substantial evidence at the hearing.
7. Documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings and/or video recordings, will be on file in the Student Conduct & Title IX designee in accordance with USG records retention policy (Appendix C. Section III).
8. Following a hearing, both the respondent and alleged victim (where applicable) shall be provided a written decision via VSU email of the outcome and any resulting sanctions. The decision should include details on how to appeal. Additionally, the written decision must summarize the evidence in support of the sanction. The same information will be provided, regardless of whether the student opts for a student panel or an administrative hearing.

#### **Section V. Disciplinary Sanctions for Student Misconduct**

The following are possible disciplinary measures that may be imposed upon a student or organization for a finding of responsibility for violations of the Student Code of Conduct. In determining the severity of sanctions or corrective actions the following will be considered: the frequency, severity, and/or nature of the offense, history of past conduct, the respondent's willingness to accept responsibility, previous response to similar conduct, and the university's interests. The disciplinary committee or hearing officer will determine sanctions and issue notice of the same, as outlined above. The responsibility for implementation of the recommendation(s) will reside with the Director of Student Conduct & Title IX.

This broad range of sanctions is not exhaustive and may be expanded or modified as needed.

- A. Expulsion: permanent severance of the student's or organization's relationship with the University.
- B. Disciplinary Suspension: a temporary severance of the student's or organization's relationship with the University for a specified period of time, and or the loss of campus facilities access and access to all Valdosta State University events.
- C. Disciplinary Probation: notice to the student and or organization that any further disciplinary violation will result in more severe sanctions, which could include suspension or expulsion from the University. Disciplinary probation might also include one or more of the following: the setting of certain restrictions, the issuing of a reprimand, referral to an educational program, or restitution for damages.
- D. Reprimand: oral reprimand (an oral disapproval issued to the student and or organization) or a letter of reprimand (a written statement of disapproval to the student and or organization).
- E. Restrictions: loss of University privileges, change in class, residence hall, no contact orders, exclusion from participation in campus organization leadership / membership, involvement in campus social, recreational and sporting, or recruitment activities, residence hall visitation or access, the use of campus facilities, identification card privileges, limitation of mobility on campus; delays in obtaining administrative services and benefits such as holding transcripts, delaying registration, graduation, with additional sanctions for violating.
- F. Restitution: reimbursement or replacement of property; this may take the form of appropriate service or other compensation.
- G. University Initiated Withdrawal: from the academic course within which an offense occurred, without credit for the course; or in the case of suspension, withdrawal from all courses.
- H. Change in Grade: for the course in which the offense occurred.
- I. Referral or Professional Assessment: The referral to the University Counseling Center, the Office of Health Promotions & Wellness, Office of Student Conduct & Title IX.
- J. Community Service: Assigned service with on or off campus agencies with prior approval from said organizations.
- K. Educational Programs: Required participation in alcohol or other drug education or abuse programs, anger management or conflict resolution or mediation programs, sexual or relationship sensitivity awareness or education programs, etc.
- L. Academic Requirements: Scholarly work or research on related topic.
- M. Parental and/or Guardian Notification Policy The Family Educational Rights and Privacy Act (20 USCS § 1232g (i)(1) provides in pertinent part that institutions of higher education are not prohibited "...from disclosing, to a parent or legal guardian of a student, information regarding any violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use of possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records, if - (A) the student is under the age of 21; and (B) the institution determines that the student had committed a disciplinary violation with respect to such use or possession."

#### **Section VI. Appeals Procedure for Student Misconduct**

Appeals may be made by a respondent who has been found responsible in any case where sanctions are issued – even those in which such sanctions are held “in abeyance,” such as probationary suspension or expulsion. The respondent (and in cases involving sexual misconduct or other forms of discrimination and or harassment, the victim), shall have the right to appeal the outcome on any of the following grounds:

1. To consider new information, sufficient enough 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;
2. 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;
3. To allege that the finding was inconsistent with the weight of the information.

Appeals, only for cases that include suspension or expulsion, will be to the Vice President of Enrollment & Student Affairs and must be solely on the above three guidelines. The appeal will be a review of the record only, and no new meeting with the respondent or any alleged victim is required. All appeals must be submitted in writing to the Office of Student Conduct & Title IX within five (5) business days as determined by the date of the decision of the previous appeal. The Vice President of Enrollment & Student Affairs 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. The Office of Student Conduct & Title IX designee will issue a decision in writing to the respondent and victim (where applicable) within ten (10) business days.

The decision of the Vice President of Enrollment & Student Affairs may be appealed to the President of the University within five (5) business days as determined by the date of the decision of the Vice President, solely on the above three guidelines. The President may affirm the original finding and sanction, affirm the original finding but issue a new sanction of greater or lesser severity, remand the case back to the decision maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The President's decision shall be simultaneously issued in writing to the complainant, the respondent and the alleged victim (where applicable) within a reasonable time period.

The President's decision shall be the final decision of the institution. Should the respondent or alleged victim (where applicable) wish to appeal the decision of the University President, they may request review by the Board of Regents in accordance with the Board of Regents Policy 8.6 on Discretionary Review.

### **Section VII. Recusal/Challenge for Bias**

Any party may challenge the participation of any University official, employee or student panel member in the disciplinary process on the grounds of personal bias by submitting a written statement to the Office of Student Conduct & Title IX designee, setting forth the basis for the challenge. The designee may 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 reasonably should have known of the existence of the bias. The University designee will determine whether to sustain or deny the challenge, and if sustained, the replacement to be appointed.

## **Appendix C**

### **Section I. Student Sexual Misconduct Code**

#### **Initial Review 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 allegation(s), if true, would rise to the level of prohibited conduct, whether a Formal Complaint must be filed, whether an investigation is appropriate in light of the circumstances, whether the parties prefer an informal resolution, and whether any safety concerns exist for the campus community. The need to issue a broader warning to the community in compliance with the Clery Act shall be assessed in compliance with federal law.

#### **Confidentiality:**

Where a Complainant requests that their identity be withheld or the allegation(s) not be investigated, the Coordinator should consider whether or not such request(s) can be honored 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.

#### **Retaliation:**

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

**False Complaints/Statements:**

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

**Amnesty:**

Students should be encouraged to come forward and to report Sexual Misconduct notwithstanding their choice to consume alcohol or to use drugs. Information reported by a student during the Sexual Misconduct process concerning the consumption of drugs or alcohol will not be used against the particular student in a disciplinary proceeding or voluntarily reported to law enforcement; however, students may be provided with resources on drug and alcohol counseling and/or education, as appropriate. Nevertheless, these students may be required to meet with staff members regarding the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this amnesty procedure will not be considered a sanction. Nothing in this amnesty provision shall prevent an institution staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

**Jurisdiction:**

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

**Access to Advisors:**

For Formal Title IX Complaints: Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing. The advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the Sexual Misconduct process, including providing questions, suggestions and guidance to the party, but may not actively participate in the process except to conduct cross-examination at the hearing as outlined in the Resolution/Hearing section below. If a party chooses not to use an advisor during the investigation, the institution will provide an advisor for the purpose of conducting cross-examination on behalf of the relevant party. All communication during the Sexual Misconduct process will be between the institution and the party and not the advisor. The institution will copy the party's advisor prior to the finalization of the investigation report when the institution provides the parties the right to inspect and review directly related information gathered during the investigation.

With the party's permission, the advisor may be copied on all communications.

For Non-Title IX Sexual Misconduct Complaints: Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing at the party's own expense.

The advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the Sexual Misconduct process but may not actively participate in the process. All communication during the Sexual Misconduct process will be between the institution and the party and not the advisor. With the party's permission, the advisor may be copied on all communications.

**Interim Measures:**

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

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

Before an interim suspension is issued, the institution must make reasonable efforts to give the Respondent the opportunity to be heard on whether the Respondent's presence on campus poses a danger. If an interim suspension is issued, the terms of the interim suspension take effect immediately. The Respondent shall receive notice of the interim suspension and the opportunity to respond to the interim suspension.

Within three business days of receiving a challenge the institution will determine whether the interim suspension should continue.

### **Definitions and Prohibited Sexual Misconduct**

- A. **Community:** Students, faculty and staff, as well as contractors, vendors, visitors, and guests.
- B. **Complainant:** An individual who is alleged to have experienced conduct that violates this Policy.
- C. **Confidential Employee:** University employees who have been designated by the Title IX Coordinator to talk with an alleged victim in confidence. Confidential employees must only report that the incident occurred and provide date, time, location, and name of alleged 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 Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). Confidential Employees may be required to fully disclose details of an incident in or to ensure campus safety.
- D. **Consent:** Words or actions that show a knowing and voluntary willingness to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, intimidation or coercion, by ignoring or acting in spite of objections of another, or by taking advantage of the incapacitation of another, where the respondent knows or reasonably should have known of such incapacitation. 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. Minors under the age of 16 cannot legally consent under Georgia law. Either party can withdraw consent at any time by using clear words or actions.
- E. **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. 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.
- F. **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.
- G. **Incapacitation:** The physical and/or mental inability to make informed, rational judgments, and can result from mental disability, sleep, involuntary physical restraint, 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.
- H. **Nonconsensual Sexual Contact:** Any physical contact with another person of a sexual nature without the person's consent. Sexual contact includes but is not limited to, touching of a person's intimate parts (such as breasts, buttocks, groin, or genitals); touching another person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts.

- I. **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 of another.
- J. **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 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.
- K. **Reasonable Person:** An individual who is objectively reasonable under similar circumstances and with similar identities to the person being evaluated by the institution.
- L. **Reporter:** A individual who reports an allegation of conduct that may violate this Policy but who does not a party to the complainant.
- M. **Respondent:** An individual who is alleged to have engaged in conduct that violates this policy.
- N. **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). Responsible Employees are not required to report information disclosed at public awareness events (*e.g.*, "Take Back the Night," candlelight vigils, protests, "survivor speak-outs" or other public forums in which students may disclose incidents of prohibited conduct).
- O. **Sexual Exploitation:** Sexual exploitation occurs when an individual takes nonconsensual or abusive sexual advantage of another for his or her own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited. Examples of sexual exploitation may include, but are not limited to, the following:
  - 1. Invasion of sexual privacy.
  - 2. Prostituting another individual.
  - 3. Nonconsensual photos, video or audio of sexual activity.
  - 4. Nonconsensual distribution of photos, video or audio of sexual activity.
  - 5. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts.
  - 6. Knowingly transmitting an STD or HIV to another individual through sexual activity.
  - 7. Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in nonconsensual circumstances.
  - 8. Sexually-based bullying.
- P. **Sexual Harassment:** Unwelcome verbal, nonverbal, or physical conduct, based on sex or gender stereotypes, that is implicitly or explicitly a term or condition of employment or status in a course, program or activity; is a basis for employment or educational decisions; or is sufficiently severe, persistent, or pervasive to interfere with one's work or educational performance creating an intimidating, hostile, or offensive working or learning environment or limiting one's ability to participate in or benefit from an educational program or activity.
- Q. **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.
- R. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

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

## **Section II. Reporting Sexual Misconduct**

A complainant of sexual misconduct may, but need not, file a criminal complaint with law enforcement officials, file a misconduct report with a Responsible Employee or the Title IX Coordinator, or both. A report may be filed anonymously, although anonymous reports may make it difficult for the university to address the complaint. Any individual who believes that the student is a victim of sexual misconduct is encouraged to report allegations of sexual misconduct promptly.

All reports of sexual misconduct alleged to have been committed by a student must be handled consistently with requirements set forth in Appendix B. Section III. Process for Investigating and Resolving Reports of Student Misconduct.

All reports of sexual misconduct alleged to have been committed by a non-student member of the VSU community will be addressed and or resolved through the VSU and Board of Regents' applicable policies for discipline of non-students.

### **A. Institutional Reports**

Complainants of sexual misconduct who wish to file a report with the University should notify a Responsible Employee or the Title IX Coordinator, Selenseia Holmes, in the Office of Student Conduct & Title IX (229) 333-5409 or email [saholmes@valdosta.edu](mailto:saholmes@valdosta.edu).

Responsible Employees informed about sexual misconduct allegations involving any student should not attempt to resolve the situation, must notify and report all relevant information to the Title IX Coordinator as soon as practicable. Confidential Employees are not bound by this requirement but may, consistent with their ethical and legal obligations, be required to report limited information about incidents without revealing the identities of the individuals involved to the Title IX Coordinator. All members of the VSU community are encouraged to report incidents of sexual misconduct promptly.

VSU has Deputy Title IX Coordinators to whom reports may be made, as well. Complainants are encouraged to report their complaints in writing, though oral complaints will also be accepted, taken seriously, and investigated, to the extent possible. While complaints should be made as quickly as possible following an alleged incident of sexual misconduct, all reports will be accepted regardless of when reported.

The Title IX Coordinator shall refer to the System Director any allegation(s) of sexual misconduct that could, standing alone as reported, lead to the suspension or expulsion of the respondent(s). The System Director will work with the institution to determine whether any interim measure(s) are necessary and to assign an investigator who will work under the direction of the System Director or designee, if directed by System Director. If an allegation is not initially identified as one that would lead to the suspension or expulsion of the respondent(s), but facts arise during the course of the investigation that would require transfer to the System Director, the Title IX Coordinator shall transfer oversight to the System Director or designee. The System Director shall have the discretion to retain oversight or transfer oversight to the institution.

### **B. Law Enforcement Reports**

Because sexual misconduct may constitute criminal activity, a complainant also has the option, should he or she so choose, of filing a report with campus or local police, for his or her own protection and that of the surrounding community. The institution may assist the complainant in reporting the incident to law enforcement officials.

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:

1. Clothing worn during the incident including undergarments;
2. Sheets, bedding, and condoms, if used;
3. Lists of witnesses with contact information;
4. Text messages, call history, social media posts;
5. Pictures of injuries;
6. Videos.

### **C. Anonymous Reports**

Reports of sexual misconduct can be reported anonymously to University Police (229) 333-7816, or the UPD website at <https://www.valdosta.edu/administration/finance-admin/police/forms/anonymous-tip-reporting.php>. Anonymous reports can also be made via the Student Conduct Incident Report Form located at <https://publicdocs.maxient.com/incidentreport.php?ValdostaStateUniv> or by contacting the Office of Student Conduct &

### **Section III. Addressing Reports of Student Sexual Misconduct**

#### **A. Support Services**

Once an individual makes a complaint, receives notice that a complaint has been made against him or her, or the Title IX Coordinator otherwise learns of a complaint of sexual misconduct, the complainant, respondent and alleged victim (where applicable) will receive written information about support services, such as counseling, advocacy, housing assistance, academic support, disability services, health and mental health services, and legal services that are available on campus. Students can receive confidential counseling services on-campus through the VSU Counseling Center at no charge. In addition, the VSU Counseling Center can provide direct referrals to community-based organizations that provide additional services and support.

Information about support services will be provided regardless as to whether an individual elects to go forward with filing a formal complaint of sexual misconduct or with notifying law enforcement. Information on support services will also be provided to students and employees regardless of where the alleged misconduct occurs.

#### **B. Informal Resolutions**

Allegations of sexual misconduct may be resolved informally, without a determination of misconduct, if **all** the following are met:

- 1) When complainant(s) and respondent agree to an informal resolution.
- 2) When the initial allegation could not result in expulsion.
- 3) When the complainant(s) and respondent(s) agree to the terms of the informal resolution.
- 4) When the investigator concludes that informal resolution is in the best interest of the parties and the institution's community.

The alleged victim(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.

### **Section IV. Investigations of Institutional Reports of Student Sexual Misconduct**

#### **Investigation**

Throughout any investigation and resolution proceeding, a party shall receive written notice of the alleged Sexual Misconduct, shall be provided an opportunity to respond and shall be allowed the right to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting. If a party chooses to remain silent or otherwise not participate in the investigation or resolution process, the investigation and resolution process may still proceed, and policy violations may result.

Until a final determination of responsibility, the Respondent is presumed to have not violated the Sexual Misconduct Policy. Prior to the finalization of the investigation report, timely and equal access to information directly related to the allegations that has been gathered during the investigation and may be used at the hearing will be provided to the Complainant, the Respondent, and a party's advisor (where applicable).

Formal judicial rules of evidence do not apply to the investigation process, additionally the standard of review throughout the Sexual Misconduct process is a preponderance of the evidence.

1. The parties shall be provided with written notice of the: report/allegations with sufficient details, pending investigation, possible charges, possible sanctions, available support services and interim measures, and other rights under applicable institutional policies. For the purposes of this provision sufficient details include the identities of the parties involved, if known, the conduct allegedly constituting Sexual Misconduct, and the date and location of the alleged incident, if known. This information will be supplemented as 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.
2. Upon receipt of the written notice, the parties shall have at least three business days to respond in writing. In that response, the Respondent shall have the right to admit or deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A Complainant shall have the right to respond to and supplement the notice. Throughout the Sexual Misconduct process the Complainant and the Respondent shall have the right to present witnesses and other inculpatory and exculpatory evidence.
3. If the Respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
4. An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any party's proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.
5. An investigator shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
6. The initial investigation report shall be provided to the Complainant, the Respondent, and the party's advisor (if applicable). This report should fairly summarize the relevant evidence gathered during the investigation and clearly indicate any resulting charges or alternatively, a determination of no charges. For purposes of this Policy, a charge is not a finding of responsibility.
7. The Complainant and the Respondent shall have at least 10 calendar days to review and respond in writing to the initial investigation report and directly related information gathered during the investigation. The investigator will review the Complainant's and the Respondent's written responses, if any, to determine whether further investigation or changes to the investigation report are necessary.
8. The final investigation report should be provided to the Complainant, the Respondent, and a party's advisor, if applicable, at least 10 calendar days prior to the Hearing. The final investigation report should also be provided to all Hearing Panel members for consideration during the adjudication process.

### **Resolution/Hearing**

The Respondent and the Complainant, as parties to the matter, may have the option of selecting informal resolution as a possible resolution in certain cases where the parties agree, and it is deemed appropriate by the institution. Where a matter is not resolved through informal resolution 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.

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

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

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

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

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

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

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

#### **A. Title IX Hearings**

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 rely on statements of that party or witness in reaching its determination regarding responsibility. The hearing panel shall not draw an adverse inference against the party or witness based solely on their absence from the hearing or refusal to subject to cross-examination.
2. The parties shall have the right to present witnesses and evidence at the hearing.
3. The parties shall have the right to confront any witness, including the other party, by having their advisor ask relevant questions directly to the witness. The Hearing Officer shall limit questions raised by the advisor when they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any such event, the Hearing Officer shall err on the side of permitting all the raised questions and must document the reason for not permitting any particular questions to be raised.
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, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
6. Formal judicial 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.

#### **B. Non-Title IX Sexual Misconduct Hearings**

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 not asking any particular 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, 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.
5. Formal judicial 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.

## Appendix D

### Section I. Family Educational Rights & Privacy Act (FERPA) Privacy of Student Records

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA rights are provided only to University applicants upon actual acceptance to and subsequent enrollment for classes at the University. Under FERPA, students attending an institution of postsecondary education may:

- A. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such disclosure is authorized without consent;
- B. Choose to suppress (i.e., keep from being disclosed) their directory information per the process identified;
- C. Inspect and review their education records;
- D. Seek amendment of those education records believed to be inaccurate, misleading or otherwise in violation of their privacy rights; and
- E. File complaints with the Department of Education about alleged failures by the University to comply with the requirements of FERPA.

Valdosta State University may disclose information without the consent of school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person, including a student, serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

With no attempt to make this list exhaustive, other types of disclosures which do not require prior consent of the student include these:

- Upon request, to officials of another school in which the student seeks or intends to enroll,
- To parents of dependent students, as defined in section 152 of the Internal Revenue Code of 1986,
- In case of a health or safety emergency,

- Results in disciplinary hearings to an alleged victim of a crime of violence,
- Directory information.

In accordance with FERPA regulations, and as a result of VSU's concern for the health and development of our students, the Valdosta State University Substance Abuse Task Force recommended the following parental notification policy for drug and or alcohol related conduct code violations.

"In recognition that Valdosta State University students under the age of 21 are striving to become more responsible young adults, it is the recommendation of the Substance Abuse Task Force that the university adopt a policy of notifying parents or guardians of students found responsible for violating established alcohol or drug policies. Notification would take place after a second or subsequent infraction. The task Force concluded that repeated offenses may be indicative of a greater problem, and that it is in the student's best interest if a joint intervention approach is employed, including parent or guardian involvement. It is further recommended that notification be made through the Office of Student Conduct & Title IX.

In keeping with this policy, the Office of Student Conduct & Title IX will generate a notification letter or schedule a conference call to the parents or guardians of a student ONLY after the student has been found responsible for a second or subsequent alcohol or drug code violation. The letter will be mailed, or the call made, one week after the disciplinary recommendation is enacted, and all appeals have been finalized. This allows the student an opportunity to discuss the incident with the parent or guardian first. Valdosta State University's hope is the delay will facilitate a follow-up discussion between the Office of Student Conduct & Title IX and the parent or guardian(s).

The full text of Valdosta State University's Procedure on Student Records/Family Educational Rights and Privacy Act may be found at the Registrar Office's "Rights Under FERPA" at <http://www.valdosta.edu/registrar/>, or the Valdosta State University Policies website at <http://www.valdosta.edu/vsu/policies/>

## **Section II. Disciplinary Records Retention Policy**

All student disciplinary records are retained in accordance with the Board of Regents Policy as stated in Student Records Category K (64) Student Conduct Records/ disciplinary action records explanation: This series documents academic dishonesty and conduct violations among students. Records may include but are not limited to incident reports; final reports; evidence; notification of allegation; timely notice forms; conduct-pending, conduct-restitution, and Suspension Lists; Semester Security reports; disciplinary reports; informal discussion notes; formal hearing notes; final summary statements; decision statements; appeals documentation; and related documentation and correspondence. Retention: 5 years after graduation or date of last attendance.

## **Section III. Disciplinary Policy Review**

The University will review this policy as needed but not less than on an annual basis to determine its effectiveness and to ensure that disciplinary sanctions are consistently enforced. The principal reviewers may include the following:

- Director of Student Conduct and Title IX
- Student Conduct Compliance Officer
- Title IX Compliance Officer
- The Vice President of Enrollment and Student Affairs
- The University Attorney
- Other appropriate university personnel

This Student Code of Conduct was last reviewed and revised August of 2023.

## **Section IV. Freedom of Expression Policy**

Valdosta State University is a learning environment based on trust and mutual respect in which open dialogue, vigorous debate, and the free exchange of ideas are welcome. The University is equally dedicated to the core values of community, including a commitment to practice civility, integrity, and citizenship. The rights guaranteed by the First Amendment, including the right to free speech, free expression, free exercise of religion, and the right to assemble peaceably are of the utmost importance, and Valdosta State University is committed to protecting those rights.

While Valdosta State University will enact policies to promote campus safety, to ensure the proper functioning of the academic environment and other important institutional objectives, these policies will not unduly burden the free expression rights of students, faculty and staff. Any parameters placed on time, place, and manner of expression will not be based on the content of the expression. To better facilitate the free exchange of ideas, Valdosta State University provides the stage on the Palms Quadrangle on main campus, which is located next to the primary student dining facility and several student residence halls as a public forum. Valdosta State University may designate alternative area (s) to accommodate large crowds or other special requests.

This Public Forum Venue is generally available from 8:00am until 5:00pm, Monday through Friday, provided that the area has not previously been reserved. To avoid conflicts in scheduling, reservation requests for the general Public Forum Venue are made through the Vice President of Enrollment & Student Affairs office. A two-business day notice is suggested for requesting this space. Areas will be assigned on a first come first serve basis.

**Provisions for use of the area:**

1. There shall be no interference with the free flow of traffic nor the ingress and egress to buildings on campus.
2. There shall be no interruption of the orderly conduct of University classes or other University activities.
3. No commercial solicitations, campus sales, or fund-raising activities shall be undertaken that are not sponsored by or authorized by the University.
4. The person who makes the reservation shall be responsible for seeing that the area is left clean and in good order.

**Section V. Involuntary Withdraw**

Under the guidelines of Title II of the Americans with Disabilities Act, Valdosta State University has initiated the following Involuntary Withdrawal Procedure. Before a student may be involuntarily withdrawn, the following factors will be considered.

1. The student displays behavioral indicators determined by a mental health professional to be a significant risk to the health or safety of others.
2. When a mental health professional recommends that a student needs to be withdrawn from Valdosta State University because of a direct risk to the health and safety of others, an informal hearing will be held to determine whether or not the student should be withdrawn.
3. During this informal hearing, conducted by the Student Conduct & Title IX Office, the student or their representative may present any pertinent information that the student believes may have bearing on the particular case.

This procedure is to allow the University to remove a student whom it feels, based on professional evaluation, may present a danger to the health or safety of others.

Other policies relating to withdrawals in general as well as medical or hardship withdrawals, may be found on the Vice President for Enrollment & Student Affairs website at <https://www.valdosta.edu/administration/student-affairs/>.

**Section VI. Equal Opportunity Statement**

Valdosta State University is committed to maintaining a fair and respectful environment for living, working and studying. To that end, and in accordance with federal and state law, Board of Regents' policy, and University policy, the University prohibits any member of the faculty, staff, administration, or student body from discriminating against any other member of the University community because of that person's race, gender, sexual orientation, ethnic or national origin, religion, age, disabled status, or status as a disabled veteran.

**Section VII. Student Grievance Procedure**

While it is expected that students with complaints of an academic nature will file such complaints through the normal channels (faculty member, department head, dean, vice president for academic affairs and Provost, president), if, during the course of enrollment in or employment by the institution, a student feels that the student has been discriminated against or harassed in violation of the University's affirmative action and/or sexual harassment policies, the following action should be taken:

1. A conference should be immediately scheduled with the Title IX Coordinator, located in the Office of Student Conduct & Title IX, (229) 333-5409, and the appropriate individual will advise the student of their rights with respect to the nature of the complaint.
2. A determination will be made as to whether the complaint warrants a formal investigation which requires filing an official complaint by the student. A record of the findings will be retained by the Title IX Coordinator in the Office of Student Conduct & Title IX in accordance with the VSU records retention policy
3. In the case of a student employee, the procedure outlined in the regular staff handbook will be followed. The Title IX Coordinator located in the Office of Student Conduct & Title IX will make this information available to the student.