

# Augusta University

## STUDENT CODE OF CONDUCT

*\*REVISED AUGUST 2021\**

### **Introduction**

What follows is a compilation of ideals and values that are meant to protect and educate. The language here is meant to protect the integrity of the learning environment while also educating students about behavior that is appropriate here at Augusta University and in greater society. Students who are alleged to have violated the Code of Conduct will be provided due process as outlined in the Non-Academic Student Conduct Process, and if found to have violated the Code of Conduct, will be sanctioned accordingly. If the behavior violates any local, state, or federal law, the student may face arrest and be subject to prosecution and/or civil liability.

## **Non-Academic Student Conduct Process**

### **Section 2.1**

#### **Structure of the University Conduct System**

The University conduct system, under the direction of the Office of the Dean of Students is composed of investigators, administrative hearing officers who are generally University employees, and the University Student Conduct Board. These bodies and officials are charged with hearing and/or reviewing cases of nonacademic misconduct. Cases of nonacademic misconduct involving sexual misconduct will be investigated through a separate process as directed by the Augusta University Title IX Coordinator in accordance with The Board of Regents of the University System of Georgia Policy 6.7. Cases involving academic misconduct or academic dishonesty should follow the processes set forth by the colleges in conjunction with University requirements as coordinated by the Vice President for Academic and Faculty Affairs. This Policy is not intended to infringe or restrict rights guaranteed by the United States Constitution including free speech under the First Amendment, or the due process clauses of Fifth and Fourteenth Amendments.

#### **Augusta University Student Conduct Board**

The University Student Conduct Board is a primary finder of fact and decision-making body in the University's nonacademic conduct system and may consist of students, faculty, and staff. Board members are appointed by the Vice President for Enrollment and Student

Affairs or their designee. Board members will be trained adequately, and individuals tasked with investigating allegations of student misconduct will not be responsible for training Board members. This is to ensure the integrity of the process and to not unduly influence Board decisions.

The University Student Conduct Board, acting through a panel of at least three (3) members (two members plus the chair presiding), hears and decides cases involving alleged individual or organizational violations of the University Code of Conduct, Sexual Misconduct Policy and any other case assigned to it through the nonacademic conduct process. For cases involving potential violations of the AU Sexual Misconduct policy, the hearing panel will be composed of faculty and staff. Decisions of the University Student Conduct Board are final, subject to appeal.

If any member of the Student Conduct Board feels that he/she cannot serve impartially, the member must recuse him/herself from the case. The accused student may request that any member of the Student Conduct Board be excused whenever the student can show cause for bias on the part of the Student Conduct Board member. A written statement that outlines the name(s) of the Board member(s) and the reasons for the claim of bias should be submitted to the Dean of Students or their designee prior to the hearing.

### **Campus Appeals**

Decisions involving violations of the Augusta University Code of Conduct and Sexual Misconduct Policy heard through the University Conduct System may be appealed to the Vice President for Enrollment and Student Affairs (VPESA) or their designee. According to Board of Regents Policy Manual 2.6.1, "The president of each USG institution shall be the executive head of the institution and all its departments and shall exercise such supervision and direction to promote the efficient operation of the institution." To most efficiently and effectively meet the needs of both students and the nonacademic conduct process, the president charges the VPESA with making fair and unbiased decisions that will be considered as final institutional decision within the student conduct process, unless the decision results in suspension or expulsion of a student.

### **Other Hearing Bodies**

In addition to the University Conduct Process, individual colleges, schools, and professional programs may have individual processes for student discipline and/or to make academic judgments on a student's fitness for continuance in his or her respective program of study. The department of Housing and Residence Life may place a student's Housing contract under review for alleged University policy and/or Code of Conduct violations. These additional processes are not intended to be a substitute for the University Student Conduct Process, but are meant to address issues of professionalism, academic progress, and/or breaches of contracts.

## Section 2.2

### University Conduct System Authority and Jurisdiction

The authority and jurisdiction of the University Conduct System is established pursuant to the delegation of legal authority by the University's President and the Board of Regents of the University System of Georgia. According to Board of Regents Policy Manual section 2.6.1, The President is "the executive head of the institution and of all its departments and shall exercise supervision and direction to promote the efficient operation of the institution." The President exercises this delegated authority through the University Conduct System for issues regarding non-academic discipline.

The Student Code of Conduct and the jurisdiction of the University Conduct System shall apply to conduct that occurs on University premises, to conduct that occurs at University sponsored or associated events or activities, and to off-campus conduct that adversely affects the University community and/or the pursuit of its mission or objectives. The appropriate hearing body shall determine initially whether the University conduct system has jurisdiction to apply the student code to conduct occurring off campus on a case-by-case basis based on the following considerations:

- Charged student was acting as a representative of the University
- Charged student was traveling to or from campus
- Degree of violence that occurred
- Injuries to students or others
- Incident otherwise would have resulted in a University charge of Sexual Misconduct
- Extent of danger posed to the University community
- Conduct was directed at another member of the University community
- Involvement of a student organization
- Incident may result in a felony charge
- Weapons were involved
- Drugs or alcohol were involved
- Date of incident
- Conduct history of student(s) involved
- Proximity to campus
- Charged student lives on campus

Each student is responsible for his or her conduct from the time of application of admission through the actual awarding of a degree, even though conduct may occur during periods between terms of actual enrollment and even if the conduct is not discovered until after a degree is awarded.

The University's conduct system is designed to further the University's educational mission and

therefore, it is neither comparable to nor a substitute for any federal, state, or local criminal or civil court system. Thus, even if a violation of the Code of Conduct also subjects a student or organization to criminal or civil liability, the determination of whether a violation occurred will be made on the basis of a preponderance of the evidence (whether it was more likely than not that a violation occurred). Any criminal or civil proceeding may use a different or higher standard of proof. It is important for students to realize that each conduct proceeding to which they may be subject occurs on a separate track, and it is not necessary for any campus conduct process to be held in abeyance until off-campus proceedings are completed.

## **Section 2.3**

### **Initiation of University Conduct Process**

Augusta University will provide clear notice to students and other campus community members as to how to file complaints of misconduct.

The University's conduct process is initiated by a formal complaint. Formal complaints may be in the form of a police report, Housing and Residence Life incident report, written complaint, or verbal complaint. Formal complaints should provide as much information as possible such as: (1) type of misconduct alleged; (2) the name and contact information of the individual(s) accused of misconduct; (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. Complaints should be submitted as soon as possible after the event takes place. Upon receipt of a complaint, a determination will be made if the behavior may violate the Code of Conduct, and if so, a prompt, thorough, and impartial investigation will be conducted to determine whether a potential violation occurred and whether a University Conduct charge should be brought. The determination as to whether or not a formal University charge is brought is final and not appealable.

When a complaint has been submitted, and an investigation begins, the student or organization will receive written notification via their University assigned email address, the official form of email communication for Augusta University. Receipt of a formal complaint does not automatically mean a violation occurred. A diligent effort will be made to gather as many facts as possible and the stated conduct process will be followed.

Information from complaints may be shared as necessary to investigate and resolve the alleged misconduct. Complaints shall be investigated and resolved as outlined below. The need to issue a broader warning to the community in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") shall be assessed in compliance with federal law. Where appropriate an individual who is alleged to be a victim of conduct that

would be a violation of this Policy (complainant) may file a law enforcement report as well as an institutional report but are not required to file both.

Important terms for students submitting complaints are defined as follows:

*Complainant:* An individual that has experienced conduct that would violate any AU or other applicable Board of Regents policy.

*Respondent:* An individual who is alleged to have engaged in behavior that would violate any AU or other applicable Board of Regents policy.

*Reporters:* Other individuals who report information regarding alleged policy violations.

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

*Retaliation:* Anyone who has made a report or complaint, provided information, assisted, participated or refused to participate in any investigation or resolution under this Policy shall not be subjected to retaliation. Anyone who believes they have been subjected to retaliation should immediately contact the appropriate department or individual(s) for that institution. Any person found to have engaged in retaliation shall be subject to disciplinary action, pursuant to the institution's policy.

*False Complaints:* Individuals are prohibited from knowingly giving false statements to an institution official. Any person found to have knowingly submitted false complaints, accusations, or statements, including during a hearing, in violation of this Policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated under the student conduct policy.

*Amnesty:* Students should be encouraged to come forward and report violations of the law and/or student code of conduct notwithstanding their choice to consume alcohol or drugs. Information reported by a student during the conduct process concerning the use of drugs or alcohol will not be voluntarily reported to law enforcement; nor will information that the individual provides be used against the individual for purposes of conduct violations. Nevertheless, these students may be required to meet with staff members in regard to the incident and may be required to participate in appropriate educational program(s). The

required participation in an educational program under this amnesty procedure will not be considered a sanction.

*Nothing in this amnesty procedure shall prevent a university staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.*

## **Sections 2.4 Investigations**

Upon receipt of a formal complaint, every effort will be made to gather all of the relevant facts. Throughout any investigation and resolution proceedings, the accused student and alleged victim (if applicable) shall receive written notice of the alleged misconduct, shall be provided an opportunity to respond and shall be allowed to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting. If a party chooses to remain silent or otherwise not participate in an investigation, the investigation may still proceed, and the policy charges may still result and be resolved. Timely and equal access to information that will be used during the investigation will be provided to the Complainant (where applicable) and Respondent. Where the potential sanctions for the alleged misconduct may involve suspension or expulsion (even if such sanctions were to be held "in abeyance," such as probationary suspension or expulsion) the institution's investigation and resolution procedures must provide additional minimal safeguards outlined below:

Students have the right to respond in writing within three (3) business days of the date on the notification email to admit or deny the allegations, set forth a defense including any facts, names of witnesses, and any documents that may be used. A non-response will be considered a general denial of the alleged misconduct. Any complainant shall also be provided three business days to respond to or to supplement the notice.

If the accused student admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate. If, at any point, the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of discipline, the complaint should be dismissed.

Where the potential sanctions for the alleged misconduct may involve a suspension or expulsion, an official investigation must take place as outlined below. The University may consult with the University System Director to determine whether any interim measure(s) are necessary and whether to collaborate with the University during the investigation.

Any report that involves allegation(s) of conduct that could lead to the suspension or expulsion of the Respondent(s) in an initial violation must be promptly reported to the System Director of Equity & Investigations (System Director) by the institution. The System Director will work with the institution to determine whether any interim measure(s) are necessary, to assign an investigator and may collaboratively supervise the investigation with the appropriate institution professional (e.g., the Title IX Coordinator, Dean of Students). If an allegation is not initially

identified as one that could lead to suspension or expulsion of the Respondent(s), but facts arise during the course of the investigation that would require oversight from notice to the System Director, then the institution shall report that case to the System Director or their designee prior to proceeding.

An official investigation will begin and will consist of gathering as much available information as possible, including any available documents, interviews with the accused student(s), complainant(s), and any available witnesses, and the collection of any other available information pertaining to the incident.

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

The investigator will prepare a written investigative report based on the evidence collected including written notes and any audio recordings of interviews conducted during the investigation. Any known witnesses not interviewed will be noted with a reason for why those individuals were not interviewed. The summary will outline clearly the facts of the case and potential violations of the Code of Conduct, if any.

The initial investigative report will be provided to the accused student and any complainant (if applicable) via the students' University assigned email address. The accused student and complainant may respond to the report in writing either via email or by hardcopy letter within three (3) business days of the date noted on the email. The investigator may update the summary based on the students' response. Investigating the incident further may be necessary and the report will be updated, as the investigator deems necessary to complete a final investigative report.

If the respondent indicates that he or she contests the charges, the matter will be set for a hearing, however, the alleged victim and accused student may have the option of selecting an informal process to resolve the issue in certain cases where they mutually agree, except where deemed inappropriate by the Vice President for Enrollment and Student Affairs (or his/her designee) or the System Director. The final investigative report will be used during the University Conduct Process and will be provided to the accused student and any alleged victims before any hearing. The investigator may testify at the hearing and answer any questions from the hearing panel, accused students, and alleged victims (if applicable). Complaints regarding separate incidents will be investigated and adjudicated separately and will not be combined unless the accused student and hearing officer agrees in writing.

## **Section 2.5**

### **Interim Measures**

Interim measures may be implemented at any point after the institution becomes aware of the alleged student misconduct and should be designed to protect any student or other individual in the Augusta University community. Interim measures may include, but are not limited to:

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

An interim suspension should only occur where necessary to maintain safety and should be limited to those situations where the accused student 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 all reasonable efforts to give the accused student the opportunity to be heard on whether their presence on campus poses a danger.

If an interim suspension is issued, the terms of the suspension take effect immediately. The accused student shall receive notice of the interim suspension and the opportunity to respond to the interim suspension. Within three business days of receiving the challenge a determination will be made whether the interim suspension should continue.

## **Section 2.6**

### **University Conduct Process**

The following is an outline for the complete University conduct process:

*Please note, all meetings including pre-hearings, administrative hearings, and University Student Conduct Board hearings will be conducted in person or via video conferencing technology.*

#### **1. Notice of Charge**

When a charge is initiated against a student, the involved student will receive written

notification in the form of an email and/or letter, asking the student to meet with a representative of that department for a prehearing. This notice will inform the student of the specific policy, rule, or regulation that the student or organization is charged with having violated; the date, time, and place of the prehearing; and any other information deemed pertinent to the specific case.

## **2. Interim Measures**

Interim measures, as outlined above, may be provided at any point during an investigation and should be designed to protect the alleged victim and the community.

## **3. Prehearing Conference**

At the prehearing, a hearing officer will discuss the charges and the nonacademic conduct process with the affected student(s). This meeting is intended to allow the student(s) to ask questions and fully understand the University's conduct process. During the prehearing, or at some time before a formal hearing, the accused student(s) may choose to have the case be heard administratively. However, according to Board of Regents policy 4.6.5., "all cases involving charges of sexual misconduct that go to a hearing shall be heard by a panel of staff and/or faculty." If disciplinary decisions are made by an administrative hearing, the student may appeal the decision(s) by following the process outlined in part seven (7) of this section. In no case shall a hearing to resolve charge(s) of student misconduct take place before the investigative report has been finalized.

## **4. Notice of Hearing**

If a student will face a hearing before a panel of the University Student Conduct Board, the student will be provided written notice of the charges and the date, time, and place of the hearing along with a copy of the Augusta University conduct process. The student will be notified via their University assigned email address and a hardcopy letter may be sent to the student's current mailing address that is on file with the University at least five (5) business days prior to the hearing. If the student has not furnished the University with current contact information, Augusta University will make a reasonable attempt to notify the student using the most recent contact information provided.

## **5. Hearing Process**

Below are procedures used within a University Student Conduct Board hearing. These procedures assume a prehearing has taken place or that a reasonable effort was made to meet with the accused student (and victim if applicable) prior to the hearing date.

- a. Student disciplinary hearings are not intended to be adversarial but educational, conducted in an atmosphere of informality and fairness. Formal rules of process, procedure, and/or technical rules of evidence such as those applied in criminal or civil court are not used in the University conduct process.
- b. A violation of the Code of Conduct has occurred when, by a preponderance of the evidence available, the hearing panel concludes that it is more likely than not that the accused student or organization is responsible for the alleged violation.
- c. The chair of the hearing panel will preside over the hearing. The chair, with the aid of an advisor, will notify all interested parties of the hearing and their rights at the hearing (which will include providing the parties with a list of the members of the conduct board), distribute copies of all relevant materials to the parties and members of the hearing panel before the hearing, and at the beginning of the hearing, explain the process that will be followed.
- d. During the course of the hearing, the chair of the panel will make all procedural and evidentiary determinations, which are final.
- e. In determining whether the accused student is responsible for violations of the Code of Conduct, the University conduct system may consider information that institutions normally make academic and business judgments, including but not limited to pertinent records, exhibits, and oral and written statements.
- f. If the University brings a charge against a student based upon the student's criminal conviction by any trial court of competent jurisdiction, the criminal conviction may be accepted as a final factual determination that the student has violated applicable University policy. The function of the University's conduct process will be limited to determining whether the conduct falls within the jurisdiction of the University conduct system and determining the appropriate University sanction under this and other University policies.
- g. The parties will have the right to present their own case. This includes the right to make an opening statement, present witnesses and other evidence, to ask questions of witnesses presented by others, and to make a closing statement. The chair of the hearing panel will determine the order in which witnesses present relevant information.
- h. For any case where a student complainant is involved, he/she will have the same

rights and opportunities as the respondent , including but not limited to the following: opportunity for a prehearing or meeting with a hearing officer; opportunity for an advisor of their choosing to attend the hearing; opportunity to review the names of the University Student Conduct Board; opportunity to present information during a formal hearing; opportunity to question the accused student(s) and any witnesses; and the opportunity to appeal decisions of a hearing officer or the Board. For instances of sexual misconduct, the victim and accused have the right to meet with the University's Title IX Coordinator or their designee, who is responsible for investigating alleged instances of sexual misconduct, as outlined within the University's Sexual Misconduct policy.

- i. As the parties present information for the panel's consideration, members of the hearing panel, including the chair, may ask questions of the parties and other witnesses concerning the information presented or other information pertinent to the charge. Normally, parties at a hearing will not be limited to a certain number of questions, however, the chair of the panel may determine that one or more questions are not pertinent to the case, and he/she may decide to not ask a question presented, or not allow a question to be asked by any party at the hearing. The Chair will document any unasked questions and reason(s) for not allowing the question to be presented.
- j. Students have the right to remain silent during an investigation and during a hearing. Refusal to respond to questions posed during a hearing will not lead to an adverse inference by the hearing panel. However, the hearing may continue, and the panel will use the available information to render a decision.
- k. In a case in which the student or organization has admitted the wrongful conduct, the hearing panel may elect to proceed directly into deliberation concerning appropriate sanctions rather than hear evidence of the misconduct. The accused student or organization and the victim, when applicable, may have an opportunity to present a final statement prior to deliberations.
- l. At the conclusion of all evidence, the hearing panel will deliberate in private and will determine by majority vote whether it is more likely than not (using a preponderance of the evidence standard) that the student or organization being charged violated the Code of conduct, and if so, will determine an appropriate sanction. For cases that result in suspension or expulsion from the University, the Board must articulate in its written decision, the substantial evidence relied upon in determining that suspension or expulsion were appropriate. For purposes of this

procedure, substantial evidence means evidence that a reasonable person might accept to support the conclusion. The deliberations of the University Student Conduct Board will be closed to the public.

- m. Once a decision is rendered, the respondent (and complainant, if applicable) will be provided an official letter outlining the decision including any sanctions, a summary of the substantial evidence in support of the decisions, and information regarding the opportunity to appeal.
- n. Hearings involving several students or organizations may be consolidated if, in the opinion of the Dean of Students or their designee, the issues involved arise from a common nucleus of facts and circumstances.
- o. The hearing will be recorded in some fashion. The respondent (and complainant, if applicable) has the right to have access to this recording for the purposes of preparing for an appeal.

## **6. Failure to Appear**

If a student fails to attend a prehearing, an administrative hearing, or a hearing before a hearing body, the hearing may be held in the student's absence, which may lead to further charges for Disregard for University Authority. An accused student (and alleged victim when applicable) may request a postponement of a conduct hearing only for extenuating circumstances. A request for postponement must be made at least three (3) hours prior to the hearing and approved by the Dean of Students or their designee.

## **7. Appeal**

If the decision by a hearing officer or hearing panel may be appealed, the student or organization must submit a request for appellate consideration to the Office of the Dean of Students within five (5) business days of the decision being appealed as determined by the date on the notification email letter.

### **a. Basis for Appeal**

Cases involving violations of the Code of Conduct heard by any University hearing body may be appealed to the Vice President for Enrollment and Student Affairs (VPESA) or their designee. The VPESA may appoint a panel of individuals to review the appeal and make a decision. The review will be based solely upon the written request for appellate consideration and the information presented to the University hearing body. The role of the VPESA is not to substitute their judgment for the decision of the University conduct body. Rather, appellate review only considers the following:

- i. whether prescribed University disciplinary procedures were not followed such that the fairness of the hearing was impacted, including but not limited to, whether the alleged misconduct falls within the jurisdiction of the University conduct system, whether any hearing questions were improperly excluded, or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, investigator(s), or hearing decision maker;
- ii. whether the decisions made or sanction(s) imposed by the hearing body were consistent with the weight of the information available; and
- iii. whether new evidence exists sufficient to alter the original decision that was not considered at the original hearing and was not known or knowable by the accused student or organization at the time of the hearing.

Once a decision has been made, the student or organization will be notified in writing of the appellate ruling. Decisions by the VPESA are considered as final institutional decisions within the Student Conduct Process unless the decision results in a student's suspension or expulsion from the University.

If after appeal the decision includes suspension or expulsion from the University, a student may appeal to the Augusta University President within five (5) business days, as determined by the date of the decision letter. Appeals made to the President should be made on the basis indicated in 7.a. of this section. The appellant will be notified of the President's decision in writing. The decision of the President will be considered the final decision of the institution.

According to Policy 6.26 of the Board of Regents Policy Manual, "Any University System of Georgia student aggrieved by a final decision of a USG institution may apply to the University System Office of Legal Affairs (USO Legal Affairs) for a review of the decision... Applications from USG students are permitted for final institution decisions other than decisions on admissions (including program admissions), residency, student grades, and traffic citations, as the final decision on those matters rests with the President of the institution at which the appeal is heard. Notwithstanding the foregoing, an application may be reviewed if (1) the record suggests that a miscarriage of justice might reasonably occur if the application is not reviewed; or, (2) the record suggests that the institutional decision, if not reviewed, might reasonably have detrimental and system-wide significance. Each application for review shall be submitted in writing to USO Legal Affairs within 20 calendar days following the final institution decision." "The decisions of the USO Legal Affairs and the Committee shall be final and binding for all purposes."

## **8. Victim Notification**

The University will disclose to the complainant the results of any disciplinary proceeding conducted through the student conduct process. If the victim is deceased as a result of the crime or offense, the information will be provided, upon request, to the next of kin of the alleged victim.

## **9. Recusals and Challenges of Bias**

Any party may submit in writing a challenge of bias of any University official. A written statement that outlines the name(s) of the official(s) and the reasons for the claim of bias should be submitted to the Vice President for Enrollment and Student Affairs or their designee. The designee shall not be the same individual responsible for investigating or adjudicating the conduct allegation. The challenge may be submitted any time prior to the Student Conduct Board hearing and within five (5) business days after the decision of the Student Conduct Board, as determined by the date of the notification email.

## **10. Actions Including Student Holds**

If a student fails to appear in response to a notice of a prehearing, a notice of an administrative hearing, or a notice to appear before the University Student Conduct Board, and/or if a student receives sanctions based on a finding that he or she was in violation of the Code of Conduct and has neglected to complete those sanctions, a hold may be placed on the student's account. A hold restricts a student's ability to conduct the following nonexclusive list of activities: register for classes, drop or add classes, obtain transcripts, receive a diploma, and withdraw from the University. It is within the discretion of the office which places the hold to determine under what circumstances a hold may or may not be released.

## **Section 2.7**

### **Reports of Sexual Misconduct**

#### **Title IX Investigation Process**

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 still result. A party's choice to remain silent or otherwise not participate will be considered a general denial.

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 civil 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 dictated by 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 a party's advisor (if applicable). This report should fairly summarize the relevant evidence gathered during the investigation and clearly indicate any resulting charges or alternatively, a determination of no charges. For purposes of this Policy, a charge is not a finding of responsibility.
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 case is not resolved through informal resolution the case shall be set for a hearing. 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 there is a valid basis for the individual's unavailability, require that the individual properly sequester in a manner that ensures testimony has not been tainted, and make a determination that such arrangement will not unfairly disadvantage any party.

Should it be reasonably believed that the individual presented tainted testimony, the hearing panel will disregard or discount the testimony. Parties may also request to provide testimony in a separate room from the opposing party, so long as no party is unfairly disadvantaged, and they have the opportunity to view the testimony remotely and submit follow-up questions.

At all times participants in the hearing process, including parties, a party's advisor, and institution officials, are expected to act in a manner that promotes dignity and decorum throughout the hearing. Participants are expected to be temperate, 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 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:

### ***Title IX Hearings***

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 be subject to cross-examination.

The parties shall have the right to present witnesses and evidence at the hearing.

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.

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.

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.

Formal civil rules of evidence do not apply to the resolution process and the standard of evidence shall be a preponderance of the evidence.

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 rationale for any sanction or other administrative action. The decision must include a discussion of the substantial evidence relied upon in determining that a student is responsible for violating the Sexual Misconduct Policy. For purposes of this Policy substantial evidence means evidence that a reasonable person might accept to support the conclusion. The institution shall also notify the parties of their right to appeal as outlined below.

## **Section 2.8 Mediation**

In lieu of a hearing, matters involving personal disputes between students and/or organizations may be mediated, during which all parties involved proceed in a good faith effort to resolve the conflict on a basis that is fair and just for all parties. Once the parties agree to proposed solutions (e.g., sanctions, restitution, etc.), the resolution is confirmed in a letter. Failure by any party to accept and/or comply with the mediation resolution terms will result in the incident being forwarded through appropriate student conduct channels.

## **Sections 2.9 Disciplinary Sanctions**

Below is a nonexclusive list of sanctions available to nonacademic conduct decision makers. In determining the severity of sanctions or corrective actions, the hearing officer or hearing panel should consider the frequency, severity, and nature of the offense, history of past conduct, the accused student's willingness to accept responsibility, strength of the evidence, previous response by the institution to similar conduct, and the wellbeing of the university community.

**Oral reprimand/warning** – an oral statement of disapproval with or without written follow-up communication.

**Written reprimand/warning** – a written notice to the student or organization of the inappropriate nature of the conduct.

**Disciplinary probation** – a written reprimand to a student or organization for violation of specified regulations. Probation is for a definite period of time and includes the possibility of more severe sanctions if the student or organization is found to violate any University rules and regulations during the probationary period.

**Social probation** – prohibits an organization from sponsoring or participating in any organized social activity, party, or function; prohibits a student from participation within social organizations on campus or representing the University as a member of a group.

**Loss of privileges** – denial of specified privileges for a designated period of time. This may

include, but is not limited to, loss of visitation rights, denial of participation in specific programs, denial of participation in University-related organizations or groups, denial of the right to attend University-sponsored events, and denial of access to campus resources or facilities.

**Fines** – monetary fines may be assigned.

**Restitution** – compensation for loss, damage, or injury. Restitution may take the form of appropriate service and/or monetary or material replacement.

**Community service** – work assignments for the benefit of the University or community. Community service assignments must be approved by the Dean of Students or their designee. If the student or student organization assigned community service does not complete the community service hours by the assigned completion date, the student may have a hold placed on his or her account and may be found in violation of "Disregard for University Authority" and subject to additional University sanctions.

**Assessment** – a student may be required to attend sessions with a counselor for an assessment, either through the University's Counseling Center, Student Health Services, or outside provider.

**Substance Abuse Education** – a student may be required to meet with a substance abuse educator, attend programs, or complete courses designed to help the student deal with substance abuse issues and learn from the experience.

**Educational requirements** -- actions that will enhance the educational impact of the student discipline process on the student. This may include oral or written reports to the Dean of Students or other appropriate hearing body or officer. Educational sanctions are designed to increase the student's understanding of how his or her behavior affects others. Educational requirements when used as a disciplinary sanction within the Code of Conduct will not be related to any course or coursework required for the completion of a degree.

**Loss of recognition** – a student organization may lose its recognition on campus as a chartered student organization. The Dean of Students will notify any national or regional governing body with which the organization is associated, or which sponsors social, academic, or sports events when such loss of recognition is imposed so that the full impact of this decision may be understood.

**Parental notification** – parents may be notified of violations of the alcohol and drug policies if the student is under the age of 21.

**Suspension** – separation of the student or organization from the University for a definite

period of time, after which the student or organization is eligible to return. Conditions for readmission may be specified. The University may not accept or transfer academic credit for courses taken or academic work performed during the suspension.

**Expulsion** – permanent separation of the student or organization from the University community.

The student expelled is not allowed to enroll or participate in University programs or enter University facilities without the permission of the Department of Public Safety, and the Office of the Dean of Students. Exceptions to this rule include but are not limited to the following: ticketed events where the person is admitted by presenting a ticket to gain entry such as athletics events; being admitted to, using for clinical services, or visiting a patient at one of the University's health sciences clinics, hospitals, or other health care facility.

For student organizations, "Expulsion" means the organization will no longer be officially recognized by the University and all organizational activities such as recruiting and gathering for the purpose of meeting as an organization must cease. The organization will no longer be able to request funding from SGA or Student Activities Fee Committee, reserve facilities on campus, or other privileges granted to recognized student organizations.

## **Sections 2.10**

### **Interim Suspension While Charges Pending**

Under ordinary circumstances, a student charged with a violation of the Code of Conduct will remain free to attend class and engage in all other University functions and activities while discipline charges are pending. However, some or all of a student's privileges may be limited or suspended by the Dean of Students or designee on an interim basis pending the outcome of the University conduct process. The Dean of Students may limit or suspend student privileges when the Dean determines that the accused student poses a serious and immediate danger or threat to persons or property. An interim suspension or withdrawal of privileges does not replace the regular University conduct process, which shall proceed in the normal course up to and through a University conduct hearing and appeal(s).

Before issuing an interim suspension to a student, the Dean of Students will make all reasonable efforts to give the student an opportunity to be heard on whether his or her presence on campus poses a danger. When requested in writing by the accused student, a hearing to determine whether the interim suspension should continue will be held within three (3) business days of the request.

## **Section 2.11**

### **Simultaneous University, Local, State, or Federal Actions**

Augusta University nonacademic conduct system is designed to further the University's educational mission and therefore, it is neither comparable to nor a substitute for any federal, state, or local criminal or civil court system. Thus, even if a violation of the Code of Conduct also subjects a student or organization to criminal or civil liability, the University conduct system will determine whether a violation occurred on the basis of preponderance of the evidence (whether it was more likely than not that a violation occurred). Any criminal or civil proceeding may use a different or higher standard of evidence. It is important for students to realize that each judicial or disciplinary proceeding to which they may be subject occurs on a separate track, and it is not necessary for any campus conduct process to be held in abeyance until off-campus proceedings are completed. Nevertheless, the University conduct system may accept a criminal conviction by any trial court of competent jurisdiction as a final factual determination that the student has violated applicable University policies within the Code of Conduct.

The University conduct process does not affect the jurisdiction of the courts and other civil authorities over any Augusta University student. Membership in the University community does not create any privilege or immunity from the laws and other regulations that apply equally to all residents of the state of Georgia.

## **Section 2.12**

### **Disciplinary Record Retention**

Nonacademic conduct decisions, including the imposition of disciplinary sanctions shall be noted within a student's confidential disciplinary record maintained by the Office of the Dean of Students or other applicable campus department. Student disciplinary records shall not be disclosed to third parties except as required by the Campus Security Act or allowed by the Federal Educational Rights and Privacy Act. Records of student disciplinary hearings will be retained under the direction of the Office of the Dean of Students or other appropriate conduct body or officer for at least ten (10) years following the date of the original student conduct decision. If a case involves suspension or expulsion from the University or involves ongoing or pending litigation, the records may be kept longer.

## **Student Responsibilities**

### **Section 3.1**

#### **Presentation of Identification**

Students at Augusta University have the responsibility to present University identification to authorized University personnel upon request, including, but not limited to, University police

officers, Residence Life staff, faculty, staff, and administrators.

Failure or refusal to present an identification card upon request to any University official may result in disciplinary action.

The University issues each student a photograph identification card, known as the JagCard, at the time of registration. This card is to be used to identify the recipient as a student of Augusta University. Students may be asked to present their identification card to participate in various University sponsored events, enter secure buildings, and at other times during their tenure. This card is a valuable document and should be in the student's possession at all times.

Students are required to wear their issued identification card while on the Health Sciences campus, or any other clinical facility operated by the University. The badge must be visible at all times and presented upon request.

Any misuse, including but not limited to the lending of and selling of an identification card by its holder or the use or attempted use by another person may result in cancellation of privileges provided and disciplinary action.

The loss or theft of a student's identification card should be reported immediately to the JagCard Office. A substitute card will be issued (a fee may be charged for this service).

## **Section 3.2**

### **Drugs and Drug Paraphernalia**

The unlawful use, possession, distribution, sale, manufacture, and delivery of drugs and drug paraphernalia, including the misuse of prescription medications, is prohibited on all campuses of AU. Additionally, behavior that is a direct result of illegal drug consumption, such as being visibly overcome by the consumption, use, or abuse of drugs, including the illegal use of prescription drugs is prohibited.

According to the Official Code of Georgia Annotated (§20-1-23), *"Any student of a public educational institution who is convicted, under the laws of this state, the United States, or any other state, of any felony offense involving the manufacture, distribution, sale, possession, or use of marijuana, a controlled substance, or a dangerous drug shall as of the date of conviction be suspended from the public educational institution in which such person is enrolled. [The] suspension shall be effective as of the date of conviction... and shall continue through the end of the term, quarter, semester, or other similar period for which the student was enrolled as of the date of conviction. The student shall forfeit any right to any academic credit otherwise earned or earnable for such term, quarter, semester, or other similar period; and the educational institution shall subsequently revoke any such academic credit which is granted prior to the completion of administrative actions necessary to implement such suspension."*

## **Section 3.3**

### **Alcohol on Campus**

The unlawful possession and/or consumption of alcoholic beverages on all AU campuses is prohibited. Students residing in University owned or operated residence halls should refer to the Housing and Residence Life Handbook.

Additionally, behavior that is a direct result of alcohol consumption, such as being visibly overcome by the consumption of alcohol and/or illegally driving under the influence of alcohol is prohibited.

The distribution of alcoholic beverages without a license is illegal and thus prohibited.

The University prohibits items that provide for a common distribution of alcohol on the campus. Examples may include, but are not limited to, kegs, unattended coolers, and bars with alcohol available to anyone, and without a licensed server.

Drinking games and other rapid consumption techniques and rapid consumption devices, by their nature, promote abusive drinking and therefore are prohibited. Examples may include, but are not limited to, the following: funnels, beer bong, "shotgunning," liquor shots, and drinking games such as "beer pong."

#### Alcohol Abuse and Health Risks

There are long-term health risks associated with alcohol use. These risks include damage to the heart, liver, and brain. However, it should be noted that the vast majority of our health risks occur over the course of a single evening, not after decades of abuse. A college-aged student has a much higher risk of an alcohol-related injury caused by a car crash, slipping or falling, getting into a fight, etc. than developing cirrhosis of the liver. However, understanding the long-term health risks is important because young adults who continue the behavior of drinking heavily risk damaging their bodies in numerous ways, including permanent damage to internal organs.

The University's Alcohol and Other Drugs policy can be found at the following web address:  
<https://www.augusta.edu/compliance/policyinfo/policy/drug-alcohol-policy.pdf>

#### **ALCOHOL ABUSE AND HEALTH RISKS**

There are long-term health risks associated with alcohol use. These risks include damage to the heart, liver, and brain. However, it should be noted that the vast majority of our health risks

occur over the course of a single evening, not after decades of abuse. A college-aged student has a much higher risk of an alcohol-related injury caused by a car crash, slipping or falling, getting into a fight, etc. than developing cirrhosis of the liver. However, understanding the long-term health risks is important because young adults who continue the behavior of drinking heavily risk damaging their bodies in numerous ways, including permanent damage to internal organs.

### **Section 3.4**

#### **Tobacco-Free Campus**

Augusta University prohibits the use of tobacco products on any property owned, leased or controlled by Augusta University, Augusta University Medical Center, or the Physicians Practice Group.

##### *Reason for Policy*

The use of tobacco products is widely accepted as a leading cause of avoidable death. The mortality and morbidity of tobacco use has adverse effects among tobacco users and non-users alike including respiratory disorders, heart disease and various forms of cancer. Tobacco smoke contains 7,000-plus chemical compounds, more than 70 of which are known or suspected to cause cancer. People exposed to secondhand smoke absorb nicotine and other toxic chemicals just as smokers do.

Because of the deleterious effects of tobacco use, Augusta University, AU Medical Center, and the AU Medical Associates have committed to a tobacco-free campus for the purpose of promoting a healthy environment for all persons, including faculty, students, staff, visitors, and others who visit the campus.

##### *Definitions:*

**Augusta University property** – includes but is not limited to all buildings, surrounding land, parking lots, parking decks, green space, and adjacent sidewalk areas owned, leased or controlled by Augusta University, AU Medical Center, or the AU Medical Associates.

**Green space** – Green space includes the landscaped and grassy areas of the campus.

**Tobacco-related product** – Any product derived from tobacco, including but not limited to cigarettes, e-cigarettes, cigars, bidis, kreteks, pipes, and smokeless or spit tobacco.

\*Tobacco Cessation support is available through the AU Cancer Center 706-721-6744

### **Section 3.5**

#### **Fraud, Including False Identification, and Other Acts of Dishonesty**

Augusta University strictly prohibits the alteration, falsification, or other misuse of a student's documents or of Augusta University documents, records, or forms of identification. Additionally,

the University prohibits the misuse of any state-issued or federally issued identification (e.g., driver's license), including the possession of fake or fictitious identification or the possession of identification belonging to someone other than the student.

In addition to the examples indicated above, fraud and other acts of dishonesty may include, but are not limited to, the following: furnishing false information to the University including providing known false accusations of misconduct, forgery, unauthorized alteration of any official documentation, misuse of a University official's signature, inappropriate use of a student identification card, misuse of information technology user id's and/or passwords, offering a bribe of favor to a University official to influence a decision, and fraudulent misrepresentation of one's organizational affiliation(s) or sponsorship(s). Unauthorized use of the name of the University or the names of members or organizations in the University community also is considered fraud.

### **Section 3.6**

#### **Disregard for University Authority**

Augusta University expects all of its students to comply and to refrain from interfering with University officials acting in performance of their duties. This rule prohibits, but is not limited to, the following:

1. failure to comply with the reasonable and lawful directions or requests of University officials, including, but not limited to, campus police officers, security officials, faculty, and residence hall staff;
2. failure to comply with a written notice to appear during any investigation, conduct proceeding, or appeal procedure;
3. falsification, distortion, or misrepresentation of information before a hearing body or any University official prior to or during any investigation, conduct proceeding, or appeal procedure;
4. disruption or interference with any investigation, conduct proceeding, or appeal procedure;  
  
attempting to discourage an individual's proper participation in, or use of, the conduct, complaint or grievance processes;
5. attempting to influence the impartiality of a member of a conduct board or hearing body, the charging party, a witness, or victim prior to, during the course of, or after the conduct or other similar University proceeding;

6. harassment (verbal or physical) and/or intimidation of a member of a conduct board or hearing body, the charging party, a witness, or victim prior to, during the course of, or after the conduct or other similar University proceeding;
7. failing to comply with or violating the terms of the disciplinary sanction(s) imposed in accordance with University regulations;
8. influencing or attempting to influence another person to commit an abuse of the conduct, complaint or grievance processes;
9. intentionally or recklessly submitting false accusations or charges through any University conduct, complaint, or grievance process; and
10. attempting to bribe or influence another person with an offer of money, gifts, or services to perform an act or provide a service contrary to University policy.

### **Section 3.7** **Disorderly Conduct**

Augusta University prohibits behavior that disrupts the academic, research or service mission or activities of the University, or disrupts any activity or event of the University community. Some examples of disorderly conduct include, but are not limited to, the following: conduct which causes a breach of the peace; lewd, obscene or indecent conduct; conduct which interferes with or disrupts activities or functions sponsored or participated in by the University or by members of the University community; conduct that is disruptive to a classroom lecture, lab, or other teaching or research entity of the University, interfering with or obstructing pedestrian or vehicular traffic; obstructing or interfering with ingress or egress of campus buildings or facilities; conduct which interferes with the rights of others; unauthorized use of electronic or other devices to make an audio or video record of any person without his or her expressed or implied consent when such recording is likely to cause injury or distress.

### **Section 3.8** **Gambling**

Augusta University prohibits any student from unlawfully conducting, organizing, or participating in any activity involving games of chance or gambling on campus including within any University-operated residence hall.

The sections outlined in the Code of Conduct regarding Endangering the Safety of Others, Harassment, Stalking and Cyberstalking, Hazing, and Sexual Misconduct are behaviors that may include discrimination in some form that is protected by law. In addition to the University's conduct process, the University provides a mechanism to address grievances that may arise over sexual harassment (including sexual assault and relationship violence) or alleged discrimination on the basis of race, gender, gender identity, sexual orientation, sexual identity, religion, veteran's status, age, national origin, or handicap as prohibited by Title VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and Sections 503 and 504 of the Rehabilitation Act of 1973. Incidents of discrimination should be reported to the Office of the Dean of Students, The University's Title IX Coordinator, and/or the Office of Employment Equity.

### **Section 3.9**

#### **Endangering the Safety of Others**

Students at Augusta University have the responsibility to refrain from conduct which causes bodily harm to others. The University prohibits purposely, knowingly, or recklessly causing or attempting to cause bodily injury to another; purposely, knowingly, or recklessly placing another in fear of serious bodily harm; and intentional, reckless, or negligent conduct that threatens or endangers the health or safety of any student, faculty, staff member, or guest of the University.

### **Section 3.10**

#### **Harassment**

Students and other members of the Augusta University community have the right to an environment free of conduct that unreasonably interferes, hinders, or otherwise denies them a suitable learning, living, or working environment. Therefore, harassment, as defined within this section of the Code of Conduct, is prohibited

Harassment is any unwelcomed conduct, including expression not protected by the constitutions of the United States and the State of Georgia that is so objectionably offensive, severe, pervasive and/or persistent that it effectively denies a person the right to an educational opportunity or effectively creates a hostile environment. Examples of conduct prohibited by this policy include, but are not limited to, the following: intentionally inflicting severe emotional distress or harm; defaming another (a false statement that harms the reputation of another); and speech or conduct based upon actual or perceived status including, race, color, gender, gender identity, national origin, religion, age, disability, veteran status, or sexual orientation.

Bullying and Cyber Bullying are also considered harassment within this section of the Code of

Conduct. Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally and are not protected by the Constitutions of the United States or State of Georgia.

This policy shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly. For conduct to violate this policy, the conduct must be more than merely offensive; it must be so offensive, pervasive, and/or severe it would effectively deny the victim access to the University's resources and opportunities, unreasonably interfere with the victim's work or living environment, or deprive the victim of some other protected right.

### **Section 3.11 Stalking and Cyberstalking**

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. This policy shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly. When such conduct includes expression or speech, the conduct must be more than merely offensive; it must be so offensive, pervasive, and/or severe it would effectively deny the victim access to the University's resources and opportunities, unreasonably interfere with the victim's work or living environment, or deprive the victim of some other protected right.

### **Section 3.12 Hazing**

Augusta University prohibits hazing in any form. Hazing is defined by § 16-5-61 of the Georgia Code "to subject a student to an activity which endangers or is likely to endanger the physical health of a student or coerces the student through the use of social or physical pressure to consume any food, liquid, alcohol, drug, or other substance which subjects the student to a likely risk of vomiting, intoxication, or unconsciousness regardless of a student's willingness to participate in such activity."

For hazing, a school organization is defined as "any association, corporation, order, club, society, fraternity, sorority, athletic team or a group living together which has students or alumni as its principal members, including local affiliate organizations. It is unlawful for any person to haze any student in connection with as a condition or precondition of gaining acceptance, membership, office, or other status in a school organization."

### **Section 3.13 Sexual Misconduct**

Augusta University strives to create a safe, respectful, and non-threatening environment for its students. All members of the community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Sexual Misconduct in any form is dangerous and deleterious to the learning environment. Therefore, all acts of sexual misconduct are prohibited.

Students and employees are strongly encouraged, and in many cases may be required to report instances of sexual misconduct to a Title IX Coordinator. The University has adopted the Board of Regents Policy on sexual misconduct. The Augusta University Sexual Misconduct policy can be found at the following web address:

<https://www.augusta.edu/compliance/policyinfo/policy/sexual-misconduct-policy-students-employees.pdf>.

The Sexual Misconduct policy provides definitions of what constitutes acts that are prohibited and provides the process for addressing violations of the Sexual Misconduct policy. Please refer to the Augusta University Sexual Misconduct policy for specific information related to acts of misconduct, reporting, investigations of acts, and the disciplinary process to be used to investigate and adjudicate instances of sexual misconduct.

### **Section 3.14**

#### **Respect for Property and the Property Rights of Others (Theft)**

Augusta University prohibits intentional interference with the property rights of others, whether by theft, attempted theft, unauthorized possession of, or causing damage to the property of others, or the possession, retention, or disposal of stolen property. Theft of another's identity also is prohibited under this policy.

The willful abuse or damage to property is prohibited. Examples include, but not limited to the following: littering, vandalism, or defacing of University property or the property of students, faculty, staff, and guests. It is expected that all members of the University community will treat the property of the University and of others with respect. Students will be held responsible for any destruction or damage to University or personal property and may face discipline through the University conduct system, as well as criminal and/or civil liability.

### **Section 3.15**

#### **Arson, Explosive Devices, and Emergency Equipment**

The unauthorized setting of fires, use of explosive devices, and misuse of emergency equipment are prohibited at Augusta University. Below is a nonexclusive list of prohibited actions under this policy.

1. The University prohibits the attempt to set, the setting of, or the adding to unauthorized fires on University property, including bonfires.
2. Unauthorized open flames are prohibited on all property owned or operated by Augusta University, especially inside any building owned and/or operated by Augusta University. This includes candles, torches, potpourri burners, incense burners, etc. This is not intended to prohibit faculty or clinicians from using lab equipment or other instructional materials in the course of their work.
3. Occupants of all University facilities have a responsibility to follow the directions and directives of the fire department, or a designated representative, and University personnel during fire emergencies as well as unannounced fire drills and practice evacuations. The failure or refusal to cooperate will constitute a breach of regulations and is subject to disciplinary action.
4. The University prohibits the possession, use, or threatened use of explosive devices, materials, or chemicals, including, but not limited to, firecrackers, cherry bombs, bottle rockets, and dynamite.
5. Any student found willfully to have tampered with, damaged, or misused any campus emergency protection equipment or initiated a false alarm may be expelled from the University and held responsible for the cost of all damages. In addition to disciplinary action through the University conduct system, students and/or their nonstudent guests who engage in such activity may be subject to criminal prosecution and civil liability.

### **Section 3.16**

#### **Possession of Weapons**

Consistent with Georgia state law (§16-11-127.1), Augusta University prohibits the unlawful possession of a weapon on university property or at a university function. The possession of a weapon in violation of this policy may subject one to criminal liability, removal from campus events or facilities, employment discipline, and/or other university sanctions.

### **Section 3.17**

#### **Unauthorized Entry**

Augusta University prohibits the unauthorized entry to or use of a University facility and/or property. This rule prohibits, but is not limited to, the following:

1. Unauthorized entry into or presence in University buildings or facilities or areas of buildings that are locked or closed to the student body and the public;
2. Failure or refusal to leave University grounds, or a specific portion thereof, or a University facility when requested by an authorized University official; or

3. Improper or unauthorized entry into a campus residence or University office.

### **Section 3.18**

#### **Responsibility for Guests**

Students at Augusta University have the responsibility to ensure that their guests on campus will behave in a manner consistent with the policies of the University. Student may be held responsible for the behavior of their guest(s) on campus if the guest(s) violates the Code of Conduct, or any other applicable University policy.

### **Section 3.19**

#### **Amplified Sound and Other Noise Level Violations**

Augusta University restricts noise or sound, whether amplified or not, that disrupts the academic, research, or service activities or mission of the University, or disrupts any activity or event of the University community. Amplified sound at any gathering, social or otherwise is prohibited unless it is a Augusta University sponsored activity or it is approved by a University administrative office. Any initial violation of this policy will result in a warning to conform to an appropriate sound level, and a second violation may result in disciplinary action. There may be places and times at the University where this policy is more restrictive, i.e., within the residence halls during quiet hours. Whether a warning is given for such a violation is at the discretion of the University official addressing the situation.

### **Section 3.20**

#### **Information Technology Appropriate Use**

It is considered a violation of the Augusta University Code of Conduct for any student to violate the University's Acceptable Use of Information Technology policy. It is expected that all users of information technology resources use them responsibly and to the benefit of the University's mission. The official University policy can be found at the following web address: <https://www.augusta.edu/compliance/policyinfo/policy/acceptable-use-of-information-technology.pdf>.

### **Section 3.21**

#### **Retaliation**

Any act of retaliation is prohibited when, in good faith, someone reports what they believe to be a violation of any Augusta University policy, including the Code of Conduct, participates or cooperates in, or is otherwise associated with any investigation. Anyone who believes they have been the target of retaliation should report the actions to the Dean of Students or designee as soon as possible.

## **Section 3.22**

### **Observance of Local, State, and Federal Criminal Laws**

Students at Augusta University have the responsibility to refrain from conduct that would violate local, state, or federal criminal laws. Students violating local, state, and/or federal laws may be subject to disciplinary action in addition to criminal prosecution.

## **Section 3.23**

### **Violation of Other Applicable University Policies**

Students at Augusta University have the responsibility to comply with all other generally applicable University policies. Students may be found responsible and sanctioned appropriately for violating other stated University policies.

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## **REFERENCE LIST FOR GEORGIA STATE CODE**

In many cases, behavior that is prohibited on the campuses of Augusta University also is prohibited by Georgia state law. Where applicable, a reference list is available for your information. This is not an exhaustive list of laws that may violate the Augusta University Code of Conduct, and if behavior that otherwise violates the laws of Georgia is not listed here, it is not meant to imply the behavior is neither illegal nor a violation of the Augusta University Non-Academic Student Code of Conduct. This reference list is provided to you, the student, to help educate you about behavior that is prohibited in greater society.

Section 3.2, Drugs and Drug Paraphernalia--GA Code § 16-13-70

Section 3.3, Alcohol--GA Code § 3-3-23

Section 3.7, Disorderly Conduct--GA Code § 16-11-39 Section 3.8, Gambling--GA Code § 16-12-21

Section 3.9, Assault--GA Code § 16-5-20

Section 3.10, Harassment (harassing communications)--GA Code § 16-11-39.1

Section 3.11, Stalking and Cyberstalking--GA Code § 16-5-90

Section 3.12, Hazing--GA Code § 16-5-61

Section 3.14, Theft--GA Code § 16-8-2

Section 3.15, Arson--GA Code § 16-7-60

Section 3.15, Explosive Devices--GA Code § 16-7-82

Section 3.16, Carrying Weapons Within School Safety Zones--GA Code § 16-11-127.1

Section 3.17, Criminal Trespass (vandalism)--GA Code § 16-7-21

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