

Middle Georgia State University Student Code of Conduct

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The Middle Georgia State University Student Code of Conduct is subject to change without notice. Any substantive changes will be announced to the campus community via institutional email. The latest version of the Code is available online at <https://www.mga.edu/student-conduct/index.php>.

Acknowledgements:

Lancaster, James M., and Diane M. Waryold (2008). *Student conduct practice: the complete guide for student affairs professionals*. Sterling, Va: Stylus.

Schrage, J. M. & Giacomini, N.G. (2009). *Reframing campus conflict: Student conduct practice through a social justice lens*. Sterling, Va; Stylus.

Stoner II, Edward N. and Lowery, John Wesley (2004). Navigating Past the ‘Spirit of Insubordination’: A Twenty First Century Model Student Conduct Code with a Model Hearing Script. *Journal of College and University Law*, 31(5), 1-78.

INTRODUCTION

[Board of Regents Policy 4.1.1 on Institutional Responsibility](#) states admission, discipline, promotion, graduation, and formulation of all rules and regulations pertaining to students of University System of Georgia institutions are matters to be handled by the institutions within the framework of policies and regulations issued by the Board of Regents. Students failing to comply with Board of Regents or institution rules, regulations, or directives may face disciplinary actions.

[Board of Regents Policy 4.7 \(Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings\)](#) establishes minimum procedural standards for investigations and resolutions of alleged student conduct violations, which each institution must incorporate into its respective student conduct policies. The purpose of this Policy is to ensure uniformity in the quality of investigations while providing for due process that affords fairness and equity in all student conduct investigations. This

Policy is not intended to infringe or restrict rights guaranteed by the United States Constitution including free speech under the First Amendment, or the due process clauses of the Fifth and Fourteenth Amendments.

These procedures apply to matters relating to student misconduct, except matters related to academic dishonesty, which may be covered under separate institutional policies. Institutions shall inform students of their procedures governing student misconduct complaints and investigations.

For the purposes of this policy, the term Complainant means an individual who is alleged to be a victim of conduct that would violate any Board or other applicable institution policy. The term Respondent means an individual who is alleged to have engaged in behavior that would violate any Board or other applicable institution policy.

Other individuals who report information to an institution regarding alleged policy violations are deemed Reporters. Institutions may establish to what extent the procedures outlined in this policy may apply to Reporters.

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

Laws, statutes, and regulations at the national, state, and local levels grant public institutions the authority to establish standards reasonably relevant to the lawful missions, processes, and functions of the institution. Such standards are not intended to prohibit the exercise of a right guaranteed by the Constitution or a law of the United States to a member of the academic community.

Standards may apply to student behavior on and off the campus when relevant to any lawful mission, process, or function of the institution. The institution may prohibit any action or omission which impairs, interferes with, or obstructs the missions, processes, and functions of the institution.

Institutional standards may require scholastic attainments higher than the average of the population and may require superior ethical and moral behavior. In establishing standards of behavior, institutions are not limited to the standards or the forms of criminal laws. ["General Order on Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax-Supported Institutions of Higher Education," 45 F.R.D. 133/145 (W.D. Mo.1968)].

The acceptance of these responsibilities is a prerequisite for enrollment at Middle Georgia State University. It is the responsibility of each student to know and understand the expectations and the established rules of conduct. Lack of awareness is not recognized as a legitimate reason for failure to comply.

Violators may be accountable to both civil and criminal authorities and to the University for acts of misconduct, which constitute violations of this Code. The Code is not intended to replace federal, state, or local legal activities. The University will decide whether to proceed with action before, during, after, or simultaneously with any legal proceedings. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant. An action involving the student in a legal proceeding does not free the student of responsibility from participation in a University proceeding.

Sanctions may be imposed for acts of misconduct that occur on University property or at any University-sponsored activity. As further prescribed in these rules, off-campus conduct may be subject to student conduct adjudication.

Student conduct policies and procedures at the University are set forth in writing in order to give students general notice of prohibited conduct. The policies and procedures should be read broadly and are not designed to define misconduct in exhaustive terms.

Middle Georgia State University, an institution of the University System of Georgia (USG), expects students to adhere to USG policies and other Middle Georgia State policies as outlined in the Student Handbook. All Middle Georgia State University regulations must be compliant with the policies of the Board of Regents.

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Section 1 – Student Rights and Responsibilities

Scholars may debate whether there was an actual written Code of Chivalry. However, there are some basic tenets that most agreed were a part of the Code: **Courtesy, Honesty, Valor, Honor, and Generosity**. With the Knight as the University's mascot, those same tenets can be seen in the responsibilities that Middle Georgia State University students accept as a part of the learning community. In fact, **the primary expectations of all Middle Georgia State University students are integrity and civility**. Students should approach all academic endeavors, relationships and personal responsibilities with a strong commitment to personal integrity and interpersonal civility. These responsibilities apply collectively to members of recognized student organizations. These responsibilities are:

- Individuals will fulfill their academic responsibilities in an honest and forthright manner.
- Individuals will respect and foster the academic endeavors of other members of the University community.
- Individuals will protect and support the personal safety of all members of the University community.
- Individuals will respect other members of the University community
- Individuals will show regard for the property of the University, its community members, and visitors to campus.
- Individuals will respect the integrity of the University's academic and administrative records.
- Individuals will contribute to a safe environment within the University community.
- Individuals will adhere to federal, state, local, University System of Georgia, and University laws and/or regulations that govern individual actions and relationships among community members.

FUNDAMENTAL STUDENT DUE PROCESS RIGHTS

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

1. Be provided with a written copy of the alleged charge(s) and/or violation(s).
2. Be given a fair and impartial hearing.
3. Know the nature of the evidence against them and the name(s) of witness (es) scheduled to appear during a hearing.
4. Present evidence and witnesses on their behalf. Statements from character witnesses will be accepted only in instances in which the individual(s) providing the information was present during the event(s) in question and/or has direct knowledge of the event(s) in question.

- a. Witness statements may be allowed during Title IX hearings (see Section 9 below)
5. Be accompanied by an advisor. Both the Respondent(s) and Complainant(s) (where applicable), as the 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 his or her 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 (with noted exception during sexual misconduct and Title IX hearings), ([BOR Policy 6.7.6](#)).
6. Be present at the hearing during the presentation of any evidence or material on which a decision will be made. If the student fails to attend a meeting, the hearing will be held in the student's absence.
7. Remain silent and refrain from answering questions without inference of guilt.
8. Submit questions for witnesses to the Student Conduct Officer, who, in cases involving adjudication by a Student Conduct Board hearing panel or hearing officer, serves as the non-voting Chair of the panel. The Chair will determine if the Respondent's question(s) is appropriate and if the Respondent's question(s) will be posed verbally or in writing.
9. An audio recording of the hearing will be made by the Chair of the hearing. The deliberation/sanctioning phase of the proceeding will not be recorded. The Respondent will be provided, upon request, with a copy of the hearing recording. Written transcripts of the hearing will not be available.
10. A decision based solely on the evidence presented.
11. A written notice of the results of the hearing and an explanation of the decision and sanction assessment.
 - a. If a student is found not to be in violation of the charge(s), a record of the case and the decision will be maintained in accordance with documented records retention policies.
12. Appeal the finding and/or sanction.

It should be noted these due process rights generally apply to all cases. However, there may be more specific due process related to specific conduct procedures and/or alleged violations, as noted in later procedural sections of this code.

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Section 2 – Board of Regents Procedural Standards

ABSENCE OF RESPONDENT OR ACCUSED STUDENT

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

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

AMNESTY

Students should be encouraged to come forward and report alleged 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 their consumption 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 regarding the incident and may be required to participate in appropriate educational programs. 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 official or staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

CONFIDENTIALITY

Where a complainant (where applicable) requests that their identity be withheld or the allegation(s) not be investigated, the institution should consider whether such a request(s) can be honored while still promoting a safe and nondiscriminatory institutional 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 and Georgia's Max Gruver Act (see Section 10 related to hazing).

FAILURE TO COMPLY

Failure to comply or respond as directed by the Student Conduct Coordinator, Associate Vice President for Student Affairs, the Student Conduct Board, or any other University official designated to address alleged conduct violations may result in additional conduct charges/violations. This includes but is not limited to a request to meet concerning an alleged violation of the Student Code of Conduct. Failure to comply with the request to meet may result in the placement of an administrative hold on the student's records, which may prevent the student from conducting further official business with the University (i.e., registering for classes, reviewing grades, requesting transcripts).

Further, sanctions up to and including suspension or expulsion may be imposed in the student's absence should the student fail or refuse to comply/respond after proper notification has been given.

FALSE COMPLAINTS/STATEMENTS

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 applicable Board or institution policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and shall be adjudicated pursuant to the institution's policy.

FERPA

The [Family Educational Rights and Privacy Act \(20 U.S.C. § 1232g; 34 CRF Part 99\)](#) is a federal law that protects the privacy of student education records. The law applied to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights are transferred to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students".

INITIAL EVALUATION OF STUDENT CONDUCT REPORTS

Regardless of how an institution becomes aware of alleged misconduct, the institution shall ensure a prompt, fair, and impartial review and resolution of complaints alleging student misconduct. Where a report of student misconduct has been made to the appropriate department and/or person, the institution shall review the complaint to determine whether the allegation(s) describes conduct in violation of the institution's policies and/or code of conduct. If the reported conduct would not be a violation of the institution's policies and/or code of conduct, even if true, then the report should be dismissed. Otherwise, a prompt, thorough, and impartial investigation, and review shall be conducted into each complaint received to determine whether charges against the Respondent should be brought.

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 Assistant Vice Chancellor for Student Affairs or designee by the institution. The Assistant Vice Chancellor for Student Affairs or designee will work with the institution to determine whether any interim measure(s) are necessary, to determine if an investigator needs to be assigned, 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 notice to the Assistant Vice Chancellor for Student Affairs or designee, then the institution shall report that case to the Assistant Vice Chancellor for Student Affairs or their designee prior to proceeding.

INTERPRETATION/REVISIONS

Any question of interpretation of application of the Student Code of Conduct shall be referred to the Associate Vice President for Student Affairs or to his/her designee for final determination, unless otherwise determined by the President of the Institution.

The Student Code of Conduct shall be reviewed at least every three (3) years under the direction of the Vice President for Student Affairs. Any revisions shall be presented to the Student Affairs Committee as well submitted to the University System of Georgia.

JURISDICTION

All students are members of the University community. The University reserves the right to take necessary and appropriate action to protect the safety and well-being of its community. Accordingly, student conduct should be addressed when such acts occur on institution property, at institution-sponsored or affiliated events, or otherwise violate the institution's student conduct policies, regardless to where such conduct occurs. If the student has admitted responsibility and has voluntarily decided to participate in the informal process, the procedures outlined in this section will not apply

Students, faculty, staff, and individuals not associated with the University may submit complaints regarding alleged violations that may have occurred on campus or off campus for review and action by the University. All complaints of alleged violations of the Student Code of Conduct shall be made in writing via the [Behavior Incident Reporting Form](#).

The University may initiate student conduct proceedings for off-campus incidents when:

- Allegations of hazing are involved. (See Section 10)
- The violation is alleged to have been committed while:
 - Participating in a University-sanctioned or sponsored activity; or
 - The victim of the violation is a member of the University community; or
 - The violation constitutes a felony under state or federal law; or
 - The violation adversely affects the educational, research, or service function of the University.

University conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution.

Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Chief Student Conduct Officer. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to a violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

NOTIFICATION

In all cases relative to written notification of students, such notification will be considered complete once a message has been sent to the student's University email address contained in the Banner Student Information System. Notification may be sent to an alternate email address and/or the student's mailing address, upon request of the student.

RECORDS MANAGEMENT AND RETENTION

Student conduct records (including, but not limited to written statements, written findings of fact, transcripts, audio recordings, and/or video recordings), except those pertaining to suspension or expulsion, will be maintained for a minimum of five (5) years after the student's date of graduation or date of last attendance (in accordance with [USG Records Retention Schedule Number: 0472-06-038](#)). Records involving suspension or expulsion will be retained permanently.

All MGA student conduct records are maintained electronically through the Maxient Student Conduct system. Student conduct records do not become a part of the student's academic transcript, except in cases of suspension or expulsion.

RECUSAL/CHALLENGE FOR BIAS

Any party may challenge the participation of any institution official, employee, or student panel member in the student conduct process on the grounds of personal bias by submitting a written statement to the [Vice President for Student Affairs](#), the institution's designee setting forth the basis for the challenge. The Vice President for Student Affairs is not responsible for the investigation or adjudication of any alleged violation. The written challenge should be submitted within a reasonable time after the individual reasonably should have known of the existence of the bias. The Vice President for Student Affairs will determine whether to sustain or deny the challenge. If sustained, the Vice President for Student Affairs will appoint a replacement.

REPORTS OF STUDENT MISCONDUCT

In accordance with [BOR Policy 4.07.01.](#), Institutions must provide clear notice to students and other campus community members as to how to file complaints of misconduct.

Complaints to the appropriate department and/or person(s) should include as much information as possible – such as: (1) the 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.

Information from complaints may be shared as necessary to investigate and to 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, Complainants may file a law enforcement report as well as an institutional report but are not required to file both.

RETALIATION

Anyone who has made a report or complaint, provided information, assisted, participated, or refused to participate in any investigation or resolution under applicable Board or institution policy shall not be subjected to retaliation. Anyone who believes they have been the target of retaliation should immediately contact the appropriate department or individual(s) for that institution (for Middle Georgia State University, this would be the [Vice President for Student Affairs](#)). Complaints may be sent electronically via the [Middle Georgia State University Student Grievance/Complaint form](#). Any person found to have engaged in retaliation shall be subject to disciplinary action, pursuant to the institution’s policy.

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Section 3 – General Definitions

- **APPEALS BOARD**

- Any person or persons who has been appointed to the Student Conduct Board to consider an appeal from a previous determination as to whether a student has violated the Student Code of Conduct or related to the sanctions imposed.
- Appeals Boards shall be comprised of one faculty member, one staff member, and one student of the approved Student Conduct Board and shall not include any member of the original hearing panel.

- **CHIEF STUDENT CONDUCT OFFICER**

- The individual designated by the University President to be responsible for the administration of the Student Code of Conduct.

- **COMMUNITY**

- Students, faculty, staff, as well as contractors, vendors, visitors and guests.

- **COMPLAINANT**

- Any person who submits a written complaint or charge alleging that a student violated the Student Code of Conduct or who is alleged to have experienced conduct that would violate the Student Code of Conduct or [any other Board](#) or applicable institution policy.

- **EXPULSION**

- Permanent severance of a student’s relationship with the University.
- Students who are expelled may not participate in University-sponsored activities or be present on campus without prior written authorization and approval from a Student Conduct Officer.

- Students who are expelled during a semester in which they are enrolled in classes shall receive the grade of “F” in those classes.
- Expelled students may not receive a refund of fees.
- **FACULTY MEMBER**
 - Any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
 - May be synonymous with “professor” and/or “instructor”.
- **HEARING OFFICER**
 - An individual who has been trained to serve as the hearing body and decision maker in determining whether a student has or has not violated the Student Code of Conduct. When it is determined that a violation did occur, the Hearing Officer will also determine appropriate sanctions to be imposed on the student.
- **INSTITUTION**
 - Refers to Middle Georgia State University, which may also be designated as MGA or “University”.
- **INVESTIGATOR**
 - An investigator shall be an individual other than the student conduct officer (or staff member) who adjudicates the incident in question. This individual shall provide an unbiased review of the incident and charges. This individual shall be identified and approved by the chief student affairs officer of the institution.
- **MAY**
 - When seen in the Student Code of Conduct, “may” is used in the permissive sense.
- **MEMBER OF THE UNIVERSITY COMMUNITY**
 - Any person who is a student, faculty member, University official, staff member, or any other person employed by the University.
 - May also include contractors, vendors, visitors and guests.
 - A person’s status in a particular situation shall be determined by the Associate Vice President for Student Affairs in his/her role as Chief Student Conduct Officer.
- **POLICY**
 - The [written and published policies and regulations](#) of the University as found in, but not limited to, the [Student Handbook](#), [Resident Student Handbook](#), [Undergraduate Catalog](#), and [Graduate Catalog](#).
- **PREPONDERANCE OF THE EVIDENCE**
 - The standard of proof; the evidence in a case must be sufficient to incline a reasonable and impartial mind to one side of the issue rather than to the other side.
 - In other words, it is more likely than not that a violation occurred.
- **RECOGNIZED STUDENT ORGANIZATION (RSO)**
 - Any number of persons who have complied with the formal requirements of the University’s recognized student organization process.

- May include student clubs, Greek lettered organizations, and athletic teams.
- **RESPONDENT**
 - An individual who is alleged to have engaged in behavior that violates the Student Code of Conduct or [any other Board](#) or applicable institution policy.
- **SHALL**
 - When seen in the Student Code of Conduct, “shall” is used in the imperative sense.
- **STUDENT**
 - Includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies.
 - May also include:
 - A person who withdraws after allegedly violating the Student Code of Conduct.
 - A person who is not officially enrolled for a particular term but who has a continuing relationship with the University.
 - A person who has been notified of their acceptance for admission.
 - A person who is living in University residence halls when classes are not in session.
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- **STUDENT CONDUCT BOARD**
 - Individuals authorized by the University, upon recommendation of the Executive Committee of the MGA Faculty Senate, to serve as decision makers in determining whether a student has or has not violated the Student Code of Conduct.
 - When it is determined that a violation has occurred, the Board will also determine appropriate sanctions to be imposed on the student.
 - Student Conduct Board hearing panels shall be comprised of one faculty member, one staff member, and one student.
- **STUDENT CONDUCT OFFICER**
 - A University official authorized by the President or as defined in the individual's job description to investigate violations of the Code of Conduct and impose appropriate sanctions on students found to have violated the Code.
 - In limited cases, the President may authorize a Student Conduct Officer to serve simultaneously as a Student Conduct Officer and the sole member or one of the members of the Student Conduct Board, further authorizing the same Student Conduct Officer to impose appropriate sanctions.
 - A Student Conduct Officer typically serves as the non-voting chair during Student Conduct Hearings.
- **SUSPENSION**
 - A specific and defined period of time which terminates the student's status as an enrolled student and prohibits the student from attending classes. Further, suspended students may not participate in University-sponsored

activities or be present on campus without prior written authorization and approval from a Student Conduct Officer.

- Suspended students may not receive academic credit of any kind from another institution if earned during their period of suspension from the University.
- Suspended students may not receive a refund of fees.
- **UNIVERSITY OFFICIAL**
 - Any person employed by the University performing assigned administrative or professional responsibilities.
- **UNIVERSITY PREMISES**
 - Includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).

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Section 4 – MGA Code of Conduct Violations

Any student alleged to have engaged in any of the following behaviors is subject to student conduct sanctions outlined in each procedural section below.

1. **Academic Misconduct** – Prohibited behavior includes, but is not limited to, the following:
 - a. **Cheating**: The definition includes but is not limited to:
 - i. The unauthorized use of any source(s), item(s), or tool(s) beyond those allowed by the instructor (via course syllabus, class discussion, or Brightspace/D2L) in taking quizzes, tests, examinations, written papers, reports, discussion posts, or generally carrying out assignments.
 - ii. The acquisition, without written permission, of tests or other academic material belonging to or intended for University faculty or staff (i.e. instructor editions of textbooks)
 - iii. Engaging in behavior specifically prohibited by a faculty member in the course syllabus, class discussion, or via Brightspace/D2L.
 - iv. The unauthorized or undisclosed use of wearable technology (including but not limited to smart watches and smart glasses) during the completion of an exam or assignment.
 - v. Working with or collaborating with others to share information related to tests or exams before, during, or after the exam without the express written permission of the faculty member.
 - b. **Plagiarism**: The definition includes but is not limited to:
 - i. The intentional or unintentional use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement or citation.

- ii. The unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
 - iii. The use of internet material or sources without proper citation
 - iv. The use of one's own previous work for duplicate academic credit or advantage without prior approval from the current faculty member and/or without citation, also known as self-plagiarism.
 - v. A definition provided by the faculty member in the course syllabus or by a program, department or school, and found in a handbook or other material shared as a part of an orientation, or available online or electronically.
 - c. **Other forms of academic dishonesty**, which may include, but are not limited to:
 - i. Submitting course assignments that are not the student's own work.
 - ii. Failing to follow class or test taking policy as instructed by the faculty member and/or in the course syllabus.
 - iii. Academic fraud, or the fabrication or alternation of data in the completion of lab or classroom assignments.
 - iv. Attempts to influence grading.
 - d. **Falsification of records** or reports, academic or administrative, which may include but is not limited to:
 - i. Misrepresentation of academic status, performance, awards, or graduation material to include but not limited to falsification of clinical site location reporting or false statements/communications related to presence/absence at assigned clinical sites.
 - ii. Omission of material form or manipulation of records.
 - iii. Falsification of a signature, identification card, or other means used to verify a student's identity
 - iv. Falsification, alteration, theft or destruction of University records, reports, investigations, or processes.
 - v. Alteration, forgery, or misuse of University academic records.
 - vi. Obtaining grades, course access, or endorsement dishonestly.
2. **Disruption or obstruction of University activities**, including its public service functions on- or off-campus, or other authorized non-University activities when the conduct occurs on University premises. Prohibited behavior includes, but is not limited to:
- a. Disorderly behavior that disrupts teaching, research, or other programmatic, administrative, or public services activities of the University.
 - b. Excessive noise which disrupts classes, studying, other University activities, or other authorized non-University activities occurring on University premises.
 - c. Activities or behaviors that seriously disrupt the learning environment and/or interfere with another student's right to learn and participate.
 - d. Failure to abide by or violation of the General Provisions of [USG 6.5 - Freedom of Expression and Academic Freedom](#).

3. **Acts of Harm.** Prohibited behavior includes, but is not limited to:
 - a. Physical violence or engaging in any form of violence against another person including but not limited to pushing, shoving, kicking, hitting, or other physical actions.
 - b. Threats, or physically, verbally, or by any other means threatening another individual or group, whether communicated to one or more individuals such that the individual or group reasonably believes that the threat is likely to be carried out. Examples include but are not limited to intimidation or coercion.
 - c. Reckless behavior or intentionally causing an act that creates a substantial risk of physical violence to another person.
 - d. Acts against a member of the University community or Emergency Personnel or placing a member of said group in fear or at risk of physical harm or danger or engaging in physical violence against a member of said group.
 - e. Threats toward a University-sponsored activity or directing threats of violence in order to disrupt a University-sponsored event or activity.
 - f. Bullying/Cyberbullying or engaging in repeated or aggressive behavior that intimidates or intentionally harms, controls, or seeks to control another individual, physically, mentally, or emotionally to a point that it alters the conditions of education, employment, or participation in a university program or activity. An isolated incident, unless sufficiently severe, does not constitute a violation.
 - g. Endangerment, or acting in a manner that could or did endanger another person, place the health or safety of another person at serious risk, or injure another person or the community with disregard for the harm that may ensue.
4. **Damage to, and/or misuse of University property**, the property of a member of the University community, or other personal or public property, on- or off-campus. Prohibited behaviors include but are not limited to:
 - a. Vandalism, or the deliberate destruction or defacement of public or private property
 - b. Damage or destruction of University property, regardless of intent.
 - c. Misuse, damage to or tampering with firefighting, safety, or other emergency equipment.
5. **Attempted or actual theft** of University property or the property of a member of the University community. Prohibited behavior includes but is not limited to:
 - a. Theft and/or acting fraudulently to obtain goods, services, or funds from University departments, recognized student organizations, or members of the University community.
 - b. Wrongful sale or use of another's property without express permission.
 - c. Knowingly possessing or using stolen property.

- d. Failure to comply with written policies or agreements regarding the timely return of materials or equipment checked out or on loan to a student by a program or department.
6. **Hazing**, is defined as the following in accordance with GA Senate Bill 85, also known as the “Max Gruver Act”, the federal Stop Campus Hazing Act, and BOR Policy 4.06.07:
- a. subjecting a student to an activity that endangers or is likely to endanger the physical health of a student or coerces a 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.
 - b. any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that—
 - i. is committed in the course of an initiation into, an affiliation or connection with, the maintenance of membership in, or any other condition or precondition connected to a student organization or school organization; and
 - ii. causes or creates a risk, above the reasonable risk encountered in the course of participation in institution or organization activities (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—
 - 1. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity;
 - 2. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - 3. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 - 4. causing, coercing, or otherwise inducing another person to perform sexual acts;
 - 5. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
 - 6. any activity against another person that includes a criminal violation of local, state, tribal, or federal law; and
 - 7. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, tribal, or federal law

7. **Failure to comply.** Prohibited behaviors include but are not limited to:

- a. Willful failure to identify or false identification of oneself, or one's guest(s);
 - b. Failure to comply with appropriate and reasonable requests from University Police, University Security personnel, or any University staff member in performance of their duties.
 - c. Failure to appear, in response to a proper summons, when requested to do so by a University official.
 - d. Failure to comply with or complete sanctions from a student conduct adjudication and/or hearing.
8. **Unauthorized entry** to or use of University premises, or possession/duplication of University keys to any University premises. Prohibited behaviors include but are not limited to:
- a. Unauthorized possession or use of University key(s) or key card(s).
 - b. Providing a key or key card to another person without proper authorization.
 - c. Trespassing, or unauthorized entry into a room, office, building, or other University premises without expressed or written permission by an appropriate University official.
9. **Violation of University policy**, rule, or regulation published in hard copy or available electronically on the University website. Prohibited behaviors include but are not limited to:
- a. Violation of University policy, procedure or regulations, to include, but not limited to:
 - i. University catalog
 - ii. Student Handbook
 - iii. Parking Policies
 - iv. Tobacco and Smoke-Free Campus – [BOR Policy 4.06.05.](#)
 - b. Violation of school or department policy, procedure, or regulations to include but not limited to:
 - i. Aviation Student Drug Testing Agreement
 - ii. Nursing Student Handbook
 - iii. Respiratory Therapy Handbook
 - iv. Recognized Student Organization (RSO) handbook
 - v. Any handbook related to a specific academic program.
 - c. Violation of Residence Life policy, procedure, or regulations to include but not limited to:
 - i. Residence Life Handbook
 - ii. Housing Contract
 - iii. Repeat Violations, with prior notification, related to noise, trash, guest/visitation policy, smoke-free campus, propped doors, or alcohol paraphernalia.
 - d. Violation of any Board of Regents or University System of Georgia policy, procedure or regulations.

10. **Violation of any federal, state or local law.** Prohibited behavior includes, but are not limited to:

- a. Not reporting a crime committed on campus.
- b. Violation of State or Federal Law
 - i. Per [USG/BOR Policy Manual 4.06.01](#), “a student in any University System of Georgia (USG) institution who is charged with, or indicted for, a felony or crime involving moral turpitude may be suspended pending the disposition of the criminal charges against him or her. Upon request the student shall be accorded a hearing as provided in this Policy Manual and any related institution policy, where he or she shall have the burden of establishing that his or her continued presence as a member of the student body will not be detrimental to the health, safety, welfare, or property of other students or members of the campus community or to the orderly operation of the institution. Upon final conviction, the student shall be subject to appropriate disciplinary action.
- c. Students must report if they are charged with, indicted for, or convicted of a felony or crime involving moral turpitude as outlined in [BOR Policy 4.06.01](#).
 - i. Failure to report such felony charges or convictions to the Office of Student Affairs may result in the suspension of the student pending the disposition of the criminal charge.

11. Use, possession, manufacture, and/or distribution of **substances or drugs controlled** under federal or state law, including but not limited to marijuana, cocaine, methamphetamines, heroin, narcotics, or other controlled substances except as expressly permitted by law (in accordance with [BOR Policy 4.6.3](#)).

Prohibited behavior includes but is not limited to:

- a. Possession or misuse of controlled substances.
- b. Sale, manufacture, or distribution of controlled substances.
- c. Possession of drug paraphernalia or any equipment that is used to produce, conceal, or consume illicit drugs including but not limited to: pipes (metal, wooden, acrylic, glass, stone, plastic, or ceramic), water pipes, roach clips, bongs, miniature spoons, syringes, and cocaine freebase kits.
- d. any such student organization which, through its officers, agents, or responsible members, knowingly permits, authorizes, or condones the manufacture, sale, distribution, possession, serving, consumption or use of marijuana, controlled substances, or other illegal or dangerous drugs at any affair, function, or activity of such student organization, social or otherwise, violates the laws of this State and, after being afforded the constitutional requirements of due process, shall have its recognition as a student organization withdrawn and shall be expelled from the campus for a minimum of one calendar year from the date of determination of guilt.

12. Use, possession, manufacture, and/or distribution of **alcohol** (except as expressly permitted by University regulations and/or officials), or public intoxication (in accordance with [BOR Policy 4.06.03](#)). Prohibited behaviors include but are not limited to:
- a. Underage possession of alcohol, as alcohol may not, in any circumstances, be used by, possessed by, or distributed to any person under twenty-one years of age.
 - b. Unauthorized possession of alcohol on campus, even when the person is of legal age to use or possess alcohol.
 - c. Possession, and/or use of alcohol paraphernalia, and/or rapid consumption items. This includes displaying alcohol beverages for decoration/display, beer bong, and posters promoting underage drinking.
 - d. Intoxication that disrupts other individuals or any University activities/functions or administrative responsibilities.
 - e. Aiding or abetting in the possession and/or consumption of alcohol by a person under twenty-one years of age.
13. **Illegal or unauthorized possession of firearms**, explosives, other weapons, or dangerous chemicals on University premises, or the use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others. Prohibited behaviors include but are not limited to:
- a. Threatening with a weapon.
 - b. Illegal possession of a weapon, incendiary device, or explosive.
 - c. Possession of articles or substances that are used as weapons or simulated weapons unless prior written authorization is received from the MGA Chief of Police, or his/her designee.
 - d. Failure to comply with [MGA Weapons on Campus policy](#) and [BOR Policy 4.06.06](#)
14. **Abuse of technology resources**. Prohibited behaviors include but are not limited to:
- a. Failure to abide by [MGA Office of Technology Resources policies](#)
15. Students are required to engage in responsible **social conduct** that reflects credit upon the University community and to model good citizenship in any community. Prohibited behaviors include but are not limited to:
- a. Using one's leadership position for personal gain, including but not limited to, financial advantage, manipulation of resources, or taking advantage at the expense of others.
 - b. Failure to report knowledge of an alleged violation of the Code of Conduct.
 - c. Misuse of one's position within or outside of the University community.
16. Conduct that is disorderly, lewd, or indecent; **breach of peace**. Prohibited behaviors include but are not limited to:

- a. Aiding, abetting or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University or members of the academic community.
 - b. Indecent exposure, defined as intentionally revealing one's private body parts in a setting considered indecent.
 - c. Any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress.
17. Violation of [BOR Sexual Misconduct Policy 6.7](#). Prohibited behaviors include but are not limited to:
- a. 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. The existence of such relationship shall be determined based on the totality of the circumstances including, without limitation to: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.
 - i. 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.
 - b. 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.
 - c. Nonconsensual Sexual Contact - Any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to the touching of a person's intimate parts (for example, genitalia, groin, breasts, or buttocks); touching a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts. This provision also includes "Fondling" as defined by the Clery Act.
 - d. Nonconsensual Sexual Exploitation - Any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and the genitals or anus of another person. This provision also includes "Rape, Incest, and Statutory Rape" as defined by the Clery Act.
 - e. Sexual Exploitation - Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. Examples of sexual exploitation may include, but are not limited to, the following:
 - i. Invasion of sexual privacy;
 - ii. Prostituting another individual;
 - iii. Non-consensual photos, video, or audio of sexual activity;

- iv. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity or capturing of the activity was consensual;
- v. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
- vi. Knowingly transmitting an STD or HIV to another individual through sexual activity;
- vii. Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or
- viii. Sexually based bullying.
- f. Sexual Harassment (Student on Student) - Unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes), determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity.
- g. Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:
 - i. 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, and follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with person's property.
 - ii. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

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Section 5 – MGA General Conduct Procedures

- NOTE: Many of the following procedures are in accordance with the Board of Regents Procedural Standards Policy 4.7 as previously noted.
- ABSENCE OF RESPONDENT/LACK OF COOPERATION
 - If the student is absent from the University community while a student conduct process is pending or if a student declines to participate in the student conduct process, the student is not absolved of responsibility.
 - Students who have been properly notified of a scheduled hearing, and who fail to appear at the conference/hearing after proper notice has been given, will have their cases adjudicated in absentia at the scheduled hearing time and will be bound by the findings.
- ACCOMMODATIONS FOR STUDENTS WITHIN THE CONDUCT PROCESS

- All students with documented disabilities who are involved in the student conduct process, including complainants, respondents, and witnesses may seek accommodations during any stage of the student conduct process, including panel hearings, administrative hearings, investigations, and any pre- or post-hearing meetings.
- Any student requesting an accommodation must do so far enough in advance to allow the request to be reviewed and an appropriate accommodation identified and implemented. Although there is no firm deadline beyond which an accommodation cannot be requested, the student will be held accountable for making any request in a timely fashion, and the University may not be able to provide an accommodation that is not requested with reasonable advance notice before the accommodation is needed to allow time for review and implementation. Accordingly, each student seeking an accommodation is strongly encouraged to do so as early as possible in the student conduct process.
- Reasonable accommodations may be offered in consultation with the Office of Accessibility Services.
- 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 their consumption 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 regarding the incident and may be required to participate in an appropriate educational program(s). The required participation in an education 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.
- 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 a request(s) can be honored while still promoting a safe and nondiscriminatory institutional 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.
- FAILURE TO COMPLY
 - Failure to comply/respond as directed by the Student Conduct Coordinator, Associate Vice President for Student Affairs, the Student Conduct Board, or any other University official designated to address

alleged conduct incidents may result in additional conduct charges/violations.

- This includes, but is not limited to, a request to meet concerning an issue or a notice of alleged violation of the Student Code of Conduct,
- This may result in the immediate placement of an administrative hold on the alleged student's records. This hold may prevent students from conducting further official business with the University (i.e., registering for classes, reviewing grades, requesting transcripts).
- 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 applicable Board or institution policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated through MGA's student conduct policy.
- INTERPRETATION/REVISIONS
 - Any question of interpretation or application of the Student Code shall be referred to the Associate Vice President for Student Affairs, his/her designee, the Student Conduct Coordinator, or the Chief Student Conduct Officer for final determination, unless otherwise determined by the President.
 - The Student Code shall be reviewed at least every three (3) years under the direction of the Vice President for Student Affairs. Any revisions shall be subject to the approval of the President.
- JURISDICTION
 - Each institution shall take necessary and appropriate action to protect the safety and well-being of its community. Accordingly, student conduct should be addressed when such acts occur on institution property, at institution-sponsored or affiliated events, or otherwise violate the institution's student conduct policies, regardless to where such conduct occurs. If the student has admitted responsibility and has voluntarily decided to participate in the informal process, other procedures outlined in this Code may not apply.
 - Students, faculty, staff, and individuals not associated with the University may submit complaints regarding alleged violations that may have occurred on campus or off-campus for review and action by the University. All complaints of an alleged violation of the Student Code of Conduct shall be made in writing via the [Behavior Incident Reporting Form](#).
- NOTIFICATION
 - In all cases relative to written notification of students, such notification will be considered complete once a message has been sent to the student's University e-mail address contained in the BANNER Student Information System.
- RECORDS MANAGEMENT
 - Per the [BOR Records Retention Policy](#), student conduct records (including, but not limited to written findings of fact, transcripts, audio

recordings, and/or video recordings), except those pertaining to suspension or expulsion, will be maintained for a minimum of five (5) years after graduation or date of last attendance but at least one year after final notice to Immigration and Naturalization Service.

- Records involving suspension or expulsion will be retained permanently.
 - All student conduct records at MGA are maintained electronically through the Maxient Student Conduct system.
 - Beginning Fall 2025, student conduct records involving sanctions of expulsion from the University, suspension related to behavioral infractions, and loss of housing/residence life privileges may be shared with appropriate representatives at the University System of Georgia office.
- **RECUSAL/CHALLENGE FOR BIAS**
 - Any party may challenge the participation of any institution official, employee, or student panel member in the process on the grounds of personal bias by submitting a written statement to the [Vice President for Student Affairs](#), the institution's designee, setting forth the basis for the challenge, as the Vice President for Student Affairs is not responsible for the investigation or adjudication of any alleged violation. The written challenge should be submitted within a reasonable time after the individual reasonably should have known of the existence of the bias. The Vice President for Student Affairs will determine whether to sustain or deny the challenge, and if sustained, appoint a replacement.
 - **RETALIATION**
 - Anyone who has made a report or complaint, provided information, assisted, participated, or refused to participate in any investigation or resolution under applicable Board or institution 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 (for Middle Georgia State University, this would be the [Vice President for Student Affairs](#)). Complaints must be sent electronically via the [Middle Georgia State University Student Grievance/Complaint form](#). Any person found to have engaged in retaliation shall be subject to disciplinary action, pursuant to the institution's policy.

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Section 6 – Academic Conduct Procedures

- **General Statement**

- Academic misconduct strikes at the heart of the educational process. Faculty members have the right to demand honesty in all academic pursuits and have the responsibility to report all cases of academic misconduct to the Student Conduct Officer.
- This process protects the academic integrity of the institution and guarantees that the due process rights of all students are protected.
- Students accused of academic misconduct have the right to have their case heard in a fair and impartial manner with all the safeguards available within the documented and approved student conduct processes.
- **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 his or her 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.
- **Initiation and Evaluation of Complaint**
 - In no case shall a hearing to resolve charges of student misconduct take place before the investigative report has been finalized.
 - A charge of violation of the Code of Conduct may be filed by any academic or administrative official, any university staff member, any member of the faculty, any student and any member of the local community and must be reported to the Office of Student Conduct **within fifteen (15) University business days from date of detection**, in order to provide timely due process to the accused student.
 - Allegations of academic misconduct must be reported via the [Academic Infraction Reporting Form](#) and must include:
 - Name and MGA ID number of the student alleged to have violated the Code.
 - Date(s), time(s), and location(s) of the alleged violation.
 - Type or nature of the alleged violation.
 - Supporting documentation related to the alleged violation including but not limited to:
 - Student's original submission or assignment
 - Turnitin.com Similarity Report
 - Similar uncredited source documents
 - Course Syllabus
 - Student's signed acknowledgement of program or course expectations
 - Other relevant documents or emails

- Failure to provide any or all of these documents may impact the ability to proceed with alleged violations.
- The Office of Student Conduct, upon review of the allegations, shall determine whether the charge will be considered for possible sanctioning, confirming with the faculty member the appropriate violation.
- The student will be required to attend a scheduled Administrative Disciplinary Meeting with either the faculty member or a Student Conduct Officer to review the charge. An administrative meeting is required for every student to attend to address any charge(s) reported.
 - If the student fails to attend the Administrative Disciplinary Meeting request and sanctions have been recommended, the student will be given an assigned deadline to respond in person or in writing with acceptance or denial of the recommended sanctions.
- The Office of Student Conduct, in consultation with the faculty member, will determine:
 - If an alleged violation shall be pursued or dismissed.
 - The appropriate alleged violation.
 - The appropriate sanction.
 - In the absence of a published minimum sanction in the course syllabus, at minimum, the student will receive a grade of zero for the work involved.
 - The appropriate means for addressing or adjudicating the alleged violation.
- The student respondent will be provided with an opportunity to hear and review the nature of the charge, review the documentation associated with the charge, and choose from adjudication options with either the faculty member or with a Student Conduct officer.
- The student respondent shall have at least three (3) University business days to respond to the allegation and select his/her adjudication option.
- **Adjudication Options**
 - Respondent accepts responsibility for the alleged violation, accepts the sanction, and waives hearing and appeal rights.
 - Respondent denies responsibility and requests a hearing on the alleged violation.
- **Resolution/Hearing Process**
 - When a student accepts responsibility for the alleged violation and accepts the sanction, he/she will acknowledge this acceptance in writing or via email from their MGA email account.
 - The sanction will be imposed, and the case will be considered closed.
 - When a student denies responsibility for an alleged violation, he/she will have the opportunity to have the case heard before a Student Conduct Hearing Panel or before a Student Conduct Hearing Officer.
 - The student will meet with a Student Conduct Officer to review the initial complaint and sanction and will confirm the request for a hearing in writing.

- The Student Conduct Officer will coordinate a hearing based on the student's choice of a Hearing Panel or a Hearing Officer within ten (10) University business days after the written request is received.
 - If there are extenuating circumstances that prevent or limit the ability to schedule a hearing, the Student Conduct Officer will notify the student in writing and shall request an extension of no more than ten more days to schedule the hearing.
 - A written notice of the date, time, and location or manner of the hearing shall be provided at least three (3) days prior to the hearing. This notice shall be provided by institutional email, or by alternative method, as necessary.
 - Hearings will be held during regular hours of operation on the Cochran or Macon campus, or online via Teams.
 - The student may also request a continuance if circumstances are such that a delay is warranted. This request must be made in writing. A continuance may be granted at the discretion of the Hearing Officer with written notice of the rescheduled hearing provided to the student.
 - A Student Conduct Officer shall serve as the non-voting Chair of the hearing body, be it a Hearing Panel with members of the Student Conduct Board, or Hearing Officer, based on the availability of those individuals.
- **Findings**
 - After both parties (complainant and respondent) have had an opportunity to present their side of the case, the hearing body will, in a closed session, deliberate and reach a decision regarding the responsibility of the respondent related to the violation of the Student Code of Conduct.
 - In cases heard by a Student Conduct Hearing Panel, a majority vote is necessary to reach a decision regardless of the quorum.
 - During deliberation, the hearing body will decide based on whether it is more likely than not that a violation of the Code of Conduct occurred and must provide the reasoning/justification for their decision
 - If the student is found responsible for academic misconduct, the hearing body will determine an appropriate sanction.
 - While this sanction may be in accordance with the published sanctions for academic misconduct as published in the course syllabus or other documentation distributed to members of the class, the hearing body may review prior student conduct history only after reaching a determination of responsibility in the current case.
 - A higher sanction, not limited to the grade of "F" for the course, may be entered at the discretion of the hearing body, provided they offer reasoning and justification for the higher sanction.
 - If the student is not found responsible, the Hearing Officer will refer the assignment in question to the appropriate department chair/dean and ask

them to facilitate a resolution concerning a fair grade for the work in question.

- Following a hearing, both the respondent and the complainant shall be provided with a written decision via institutional email of the outcome and any resulting sanctions. The decision shall include details as to how the respondent can appeal the decision.

- **Sanctions**

- As previously noted, in the absence of a published minimum sanction in the course syllabus, at minimum, the student will receive a grade of zero for the work involved.
- In determining the severity of the sanction or corrective actions the following should be considered: the frequency, severity, and/or nature of the offense, history of past conduct, the respondent's willingness to accept responsibility, previous institutional response to similar conduct, and the institution's interests.
- The following are appropriate academic sanctions that may be imposed upon the student. This list is not exhaustive, and the University reserves the right to modify or enlarge the list at any time depending on the nature of the violation.
- Sanctions may include but are not limited to:
 - **Opportunity to rewrite or re-submit assignment for a lesser grade** within a specific deadline (NOTE: Instructor will be asked to provide a specific point or grade reduction)
 - **Grade of "0" on the assignment**, or portion of assignment
 - **Grade of "F" on the assignment** (NOTE: Instructor will be asked to provide a specific point value for the assignment, if other than "0")
 - **Grade of "F" for the course**
 - **Suspension**, as previously defined
 - **Expulsion**, as previously defined
- Students who are responsible for any type of violation of the Code of Conduct will not be permitted to avoid sanctioning by withdrawing from a class or from the University. An administrative hold may be placed on any student who does not respond to requests to adjudicate alleged violations. Students who withdraw from a class before adjudication occurs may be added back to the class, and the appropriate sanction applied.
- Other than expulsion or revocation or withholding a degree, sanctions shall not be made a part of the student's permanent academic record but shall become part of the student's conduct record.
- Students should be aware of the impact any sanction may have on their educational standing including, but not limited to, the following:
 - Academic standing
 - Tuition, Housing/Residence Hall costs and fees (suspension does not forgive financial obligations)
 - Student financial aid including HOPE and institutional scholarships

- Co-curricular participation and eligibility to include athletics and recognized student organizations
 - Health insurance
 - Participation in the Residence Life program
 - Meal plans
 - Use of University resources and access to University facilities/campuses.
 - Visa/immigration status for international students
 - Veterans and dependents of veterans
 - Internships, co-ops, and study abroad opportunities
 - Class withdrawal
- **Appeals**
 - A respondent found responsible for a violation of the Code of Conduct, regardless of the sanction, shall have the right to appeal the outcome. The appeal must be based on at least one of the following grounds, with additional rationale as to why the student is selecting that ground:
 - To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the original hearing.
 - To allege a procedural -error within the hearing process that may have substantially impacted on the fairness of the hearing, including, but not limited to, whether any hearing questions were improperly excluded, whether the decision was tainted by bias, or whether there was a violation of the student's due process.
 - To allege that the finding or sanction was inconsistent with the weight of the information.
 - Appeals may be made by the respondent for the above reasons in any case where sanctions are/were issued by a Hearing Panel or Hearing Officer – even those in which such sanctions are held “in abeyance,” such as probationary suspension or expulsion.
 - The appeal must be made in writing and must set forth one or more of the bases outlined above and must be submitted within five (5) University business days of the date of the final written outcome decision.
 - Respondents should use the [Hearing Appeal Procedures and Request Form](#). Once completed, this form goes directly to studentconduct@mga.edu.
 - Appeals shall be a review of the record only. No new meeting with the respondent, complainant, or witnesses will be held.
 - The Student Conduct Officer will convene an Appeals Body. This Appeals Body may be a Hearing Officer or a Hearing Panel, neither of which shall be comprised of any individual involved in the original hearing. These appeal proceedings will be held within five (5) University business days of the receipt of the written appeal by the respondent.

- In rare cases, the Student Conduct Officer may ask for an additional five (5) University business days when it may be challenging to coordinate availability of the Appeals Body.
- The Appeals Body will make one of the following decisions:
 - Affirm the original finding and sanction.
 - Affirm the original finding but issue a new sanction(s) of lesser severity.
 - Remand the case back to the original decision-maker to correct a procedural or factual defect.
 - Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
- The Student Conduct Officer shall issue a decision in writing to the respondent and complainant within five (5) University business days of the Appeal Body's decision.
- This decision may be then appealed in writing within five (5) University business days (as determined by the date of the appeal decision letter) to the President of the University solely on the grounds set forth above.
 - This appeal should be sent to president@mga.edu.
- The President will make one of the following decisions:
 - Affirm the original finding and sanction.
 - Affirm the original finding but issue a new sanction(s) of lesser severity.
 - Remand the case back to the original decision-maker to correct a procedural or factual defect.
 - 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 issued in writing to the respondent within five (5) University business days.
- The President's decision shall be the final decision of the institution.
- Should the respondent wish to appeal the President's decision, he or she may request an [Application for Discretionary Review](#) from the University System of Georgia and the Board of Regents.
 - Applications for review shall be submitted in writing to the University System Office of Legal Affairs within 20 calendar days following the final institution decision.
 - Information about this application can be found in the [Board of Regents Policy 6.26](#).

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Section 7 – Behavioral Conduct Procedures

• General Statement

- The Board of Regents has established [minimum procedural standards](#) for investigations and resolutions of alleged student conduct violations, which each institution must incorporate into its respective student conduct

policies. The purpose of this Policy is to ensure uniformity in the quality of investigations while providing for due process that affords fairness and equity in all student conduct investigations. 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.

- Students accused of behavioral misconduct have the right to have their case heard in a fair and impartial manner with all the safeguards available within the documented and approved student conduct processes.

- **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 his or her 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.

- **Initiation and Evaluation of Complaint**

- In no case shall a hearing to resolve charges of student misconduct take place before the investigative report has been finalized.
- A charge of violation of the Code of Conduct may be filed by any academic or administrative official, any university staff member, any member of the faculty, any student and any member of the local community and must be reported to the Office of Student Conduct **within fifteen (15) University business days** from the date of the alleged infraction, in order to provide timely due process to the accused student.
- Allegations of behavioral misconduct must be reported via the [Behavior Incident Reporting Form](#). This complaint shall include:
 - The name and MGA ID number of the student alleged to have violated the Code.
 - Date(s), time(s), and location(s) of the alleged violation.
 - Type or nature of the alleged violation.
 - Supporting documentation related to the alleged violation including but not limited to:
 - Written statement from the complainant or reporter outlining the alleged violation and a basic timeline of events
 - Witness statements, if any
 - Photographs related to the alleged violation, if any
 - Other relevant documents or emails
 - Failure to provide any or all of these documents may impact the ability to proceed with alleged violations.

- The Office of Student Conduct, after a review of the allegations, shall determine whether the charge will be considered for possible sanctioning.
 - If so, the student will be required to attend a scheduled Administrative Disciplinary Meeting with the a Student Conduct Officer to review the charge. An administrative meeting is required for every student to attend to address any charge(s) reported.
 - If the student fails to attend the Administrative Disciplinary Meeting request and sanctions have been recommended, the student will be given an assigned deadline to respond in person or in writing with acceptance or denial of the recommended sanctions.
 - The Office of Student Conduct, in consultation with the complainant or reporter, will determine:
 - If an alleged violation shall be pursued or dismissed.
 - The appropriate alleged violation.
 - The appropriate sanction.
 - In case of minor Residence Life violations, residence life staff will be asked to address and resolve this issue.
 - The appropriate means for addressing or adjudicating the alleged violation.
 - The student respondent will be provided with an opportunity to hear and review the nature of the charge, review the documentation associated with the charge, and choose from adjudication options.
 - The student respondent shall have at least three (3) University business days to respond to the allegation and select his/her adjudication option.
- **Adjudication Options**
 - Respondent accepts responsibility for the alleged violation, accepts the sanction, and waives hearing and appeal rights.
 - Respondent denies responsibility and requests a hearing on the alleged violation.
 - **Resolution/Hearing Process**
 - When a student accepts responsibility for the alleged violation and accepts the sanction, he/she will acknowledge this acceptance in writing or via email from their MGA email account.
 - The sanction will be imposed, and the case will be considered closed.
 - When a student denies responsibility for an alleged violation, he/she will have the opportunity to have the case heard before a Student Conduct Hearing Panel or before a Student Conduct Hearing Officer.
 - The student will meet with a Student Conduct Officer to review the initial complaint and sanction and will confirm the request for a hearing in writing.
 - The Student Conduct Officer will coordinate a hearing based on the student's choice of a Hearing Panel or a Hearing Officer within ten (10) University business days after the written request is received.

- If there are extenuating circumstances that prevent or limit the ability to schedule a hearing, the Student Conduct Officer will notify the student in writing and shall request an extension of no more than ten more days to schedule the hearing.
 - A written notice of the date, time, and location or manner of the hearing shall be provided at least three (3) days prior to the hearing. This notice shall be provided by institutional email, or by alternative method, as necessary.
 - Hearings will be held during regular hours of operation on the Cochran or Macon campus, or online via Teams.
 - The student may also request a continuance if circumstances are such that a delay is warranted. This request must be made in writing. A continuance may be granted at the discretion of the Hearing Officer with written notice of the rescheduled hearing provided to the student.
 - A Student Conduct Officer shall serve as the non-voting Chair of the hearing body, be it a Hearing Panel with members of the Student Conduct Board, or Hearing Officer, based on availability of those individuals.
- **Findings**
 - After both parties (complainant and respondent) have had an opportunity to present their side of the case, the hearing body will, in a closed session, deliberate and reach a decision regarding the responsibility of the respondent related to the violation of the Student Code of Conduct.
 - In cases heard by a Student Conduct Hearing Panel, a majority vote is necessary to reach a decision regardless of the quorum.
 - During deliberation, the hearing body will decide based on whether it is more likely than not that a violation of the Code of Conduct occurred and must provide the reasoning/justification for their decision.
 - If the student is found responsible for behavioral misconduct, the hearing body will determine an appropriate sanction.
 - Sanctions of suspension or expulsion shall be considered recommendations and may require further approval by the University and/or the University System of Georgia.
 - If the student is found not responsible, the Hearing Officer will notify the complainant/reporter and the respondent of the decision and the case will be considered closed, with no further action to be taken.
 - Following a hearing, both the respondent and the complainant shall be provided with a written decision via institutional email of the outcome and any resulting sanctions. The decision shall include details as to how the respondent can appeal the decision.
- **Sanctions**
 - In determining the severity of the sanction or corrective actions the following should be considered: the frequency, severity, and/or nature of

the offense, history of past conduct, the respondent's willingness to accept responsibility, previous institutional response to similar conduct, and the institution's interests.

- The following are appropriate behavioral sanctions that may be imposed upon the student. This list is not exhaustive, and the University reserves the right to modify or enlarge the list at any time depending on the nature of the violation.
- Sanctions may include one or a combination of the following:
 - **Student Conduct Warning**, or an official written reprimand.
 - **Student Conduct Probation**, or a defined period of time during which further violations of the rules and regulations of the University may result in harsher sanctions, to include suspension or expulsion.
 - **Community Service Hours** – Students may be required to complete work at a designated or pre-approved location for a specific number of hours and provide documentation of completed hours.
 - **Educational Programs** – Students may be required to attend programs on special topics or complete on-line education courses related to the offense. This does not include academic courses for credit.
 - **Restricted Presence on campus** – Students may be restricted from certain areas on campus which would not interfere with their ability to attend classes or complete coursework.
 - **Special Projects** – Students may be required to write papers and/or present programs on topics related to the offense.
 - **Substance Abuse Assessment** – Students may be required to submit to an assessment for substance abuse. Periodic drug testing, not to exceed two random tests per semester for a minimum of three semesters, may be required.
 - **Restitution** – Students may be required to reimburse the University or other persons, groups or organizations for damages incurred as a result of the violation of the Code of Conduct.
 - **Confiscation** – The University reserves the right to confiscate goods used or possessed in violation of the Student Code of Conduct. Items confiscated by MGA Campus Police will not be returned as those items may be used as evidence in any criminal proceedings.
 - **Alcohol and Drug Fines** – Students may be required to pay a Student Conduct fine in relation to alcohol, alcohol paraphernalia (i.e. bottles/cans), marijuana, or other drug-related violations or related to damage to University property.
 - Fines for alcohol related infractions
 - 1st offense - \$75.00

- 2nd offense - \$100.00
 - 3rd /repeat offense - \$150.00 plus possible loss of housing privileges; possible suspension or expulsion
 - Fines for Marijuana or drug related infractions
 - 1st offense - \$100.00
 - 2nd offense - \$150.00
 - 3rd /repeat offense - \$200.00 plus possible loss of housing privileges; possible suspension or expulsion
 - Fines for Damage to Property will be based on an estimate to repair the damage (to include parts, supplies, labor)
 - Disciplinary sanctions for students convicted of a felony offense involving the manufacture, distribution, sale, possession, or use of marijuana, controlled substances, or other illegal or dangerous drugs shall include the forfeiture of academic credit and the temporary or permanent suspension or expulsion from the institution. All sanctions imposed by the institution shall be subject to review procedures authorized by Board of Regents' Policy on [Application for Discretionary Review](#).
- **Housing Holds and Fines** – Sanctions for the following residence hall violations can be found in the [Residence Life Program Handbook](#) and include:
 - Health and Safety (Unacceptable living conditions or possession of prohibited items)
 - Noise Complaints (after being documented once by an RA)
 - Propped Doors, specifically exterior doors to residence halls
 - Smoking (Clear evidence of smoking inside a residence hall or room, in proximity to a residence hall, or on a balcony)
 - Trash/Garbage (Trash or garbage piled up in kitchen, hallway, breezeway, or other areas – not properly disposed)
 - Visitation (violations of guest policy)
 - **Administrative Holds** – The University may place an administrative hold (i.e., Dean of Student or DS Hold) on student records which may prevent release of transcripts, delay in registration, prevent review of grades, and prevent graduation or receipt of diploma.
 - **Loss of Student Office/Leadership Position** – Students in elected/appointed positions may lose the position as a result of a violation of the Code of Conduct.
 - **Course Withdrawal** – Students may be withdrawn from an academic course(s) within which a violation of the Code of Conduct

occurred or from the institution as a whole without receiving academic credit for the course(s), fees, or refunds.

- **Removal from the Residence Life Program** – Students may be removed from residence halls, either for a defined period of time or permanently. Additionally, students may be responsible for payment of any remaining costs associated with the housing contract and/or early termination fee. Removal from the Residence Life program does not necessarily equal suspension or expulsion from the University.
- **Temporary or Permanent separation of the Parties** – Students may receive a change in classes, reassignment of residence or no contact orders (issued either by the court system or by an appropriate University Official), limiting geography of where parties can go on campus. If a student is temporarily suspended from an academic course, not to exceed two (2) class meetings, the student is still responsible for any material covered during the temporary suspension.
- **Interim Measures**
 - Interim measures may be implemented by the institution at any point after the institution becomes aware of the alleged student misconduct and should be designed to protect any student or other individual in the USG community. To the extent interim measures are imposed, they should minimize the burden on both the Complainant (where applicable) and the Respondent, where feasible. Interim measures may include, but are not limited to:
 - Change of housing assignment;
 - Issuance of a “no contact” directive;
 - Restrictions or bars to entering certain institution property;
 - Changes to academic or employment arrangements, schedules, or supervision;
 - Interim suspension; and
 - Other measures designed to promote the safety and well-being of the parties and the institution’s community.
 - An interim suspension should only occur where necessary to maintain safety and should be limited to those situations where the respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of a significant risk to the health or safety of the Complainant (where applicable) or the campus community; the nature, duration, and severity of the risk; the probability of potential

injury; and whether less restrictive means can be used to significantly mitigate the risk.

- Before an interim suspension is issued, the institution must make all reasonable efforts to give the respondent 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. The Respondent shall receive notice of the interim suspension and the opportunity to respond to the interim suspension
- When requested by the respondent, a hearing to determine whether immediate suspension should continue will be held within three (3) University business days of the request.
- Where 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 institution’s investigation and resolution procedures must provide these additional, minimum safeguards:
 - a. The Respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice shall also include the identity of any investigator involved. Notice shall be provided via University email. Where applicable, a copy shall also be provided to any and all complainants/alleged victims via the same means.
 - b. Upon receipt of the written notice, the respondent shall have three (3) University 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 of facts, witnesses, and documents – either written or electronic – in support. A non-response will be considered a general denial of the alleged misconduct.

- **Suspension** – A decision of suspension terminates the student’s status as an enrolled student for a specified period of time and prohibits the student from attending classes. A suspended student may not participate in University-sponsored activities or be present on campus with specific written authorization from an appointed Student Conduct Officer. The Student Conduct Officer may further impose a summary suspension in cases where a suspended student chooses to violate the terms of his/her suspension.

Suspended students may not receive academic credit of any kind from another institution if earned during the period of suspension from the University. Suspended students may not receive a refund of fees.

- **Expulsion** – A decision of expulsion constitutes a permanent severance of the student's relationship with the University. An expelled student may not enter any part of the campus without specific written authorization from an appointed Student Conduct Officer and/or Campus Police. Expelled students shall not receive a refund of fees. Expelled students shall receive the grade of "F" in any classes in which he or she is enrolled.
- **Revocation of Admission and/or Degree** - Admission to or a degree awarded by the University may be revoked for fraud, misrepresentation, or other violation of University standards in admittance processes, obtaining a degree, or for other serious violations committed by a student prior to graduation.
- **Withholding Degree** – The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code, including the completion of all sanctions imposed, if any.
- Students who are responsible for any type of violation of the Code of Conduct will not be permitted to avoid sanctioning by withdrawing from a class or from the University. An administrative hold may be placed on any student who does not respond to requests to adjudicate alleged violations. Students who withdrawn from a class before adjudication occurs may be added back to the class and the appropriate sanction applied.
- Other than expulsion or revocation or withholding a degree, sanctions shall not be made a part of the student's permanent academic record but shall become part of the student's conduct record.
- Students should be aware of the impact any sanction may have on their educational standing including, but not limited to, the following:
 - Academic standing
 - Tuition, Housing/Residence Hall costs and fees (suspension does not forgive financial obligations)
 - Student financial aid including HOPE and institutional scholarships
 - Co-curricular participation and eligibility to include athletics and recognized student organizations
 - Health insurance
 - Participation in the Residence Life program
 - Meal plans
 - Use of University resources and access to University facilities/campuses.
 - Visa/immigration status for international students
 - Veterans and dependents of veterans

- Internships, co-ops, and study abroad opportunities
- Class withdrawal

● Appeals

- A respondent found responsible for a violation of the Code of Conduct, regardless of the sanction, shall have the right to appeal the outcome. The appeal must be based on at least one of the following grounds, with additional rationale as to why the student is selecting that ground:
 - To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the original hearing.
 - To allege a procedural error within the hearing process that may have substantially impacted on the fairness of the hearing, including, but not limited to, whether any hearing questions were improperly excluded, whether the decision was tainted by bias, or whether there was a violation of the student's due process.
 - To allege that the finding or sanction was inconsistent with the weight of the information.
- Appeals may be made by the respondent for the above reasons in any case where sanctions are/were issued by a Hearing Panel or Hearing Officer – even those in which such sanctions are held “in abeyance,” such as probationary suspension or expulsion.
- The appeal must be made in writing and must set forth one or more of the bases outlined above and must be submitted within five (5) University business days of the date of the final written outcome decision.
 - Respondents should use the [Hearing Appeal Procedures and Request Form](#). Once completed, this form goes directly to studentconduct@mga.edu.
- Appeals shall be a review of the record only, and no new meeting with the respondent, complainant, or witnesses will be held.
- The Student Conduct Officer will convene an Appeals Body. This Appeals Body may be a Hearing Officer or a Hearing Panel, neither of which shall be comprised of any individual involved in the original hearing. These appeal proceedings will be held within five (5) University business days of the receipt of the written appeal by the respondent.
 - In rare cases, the Student Conduct Officer may ask for an additional five (5) University business days when it may be challenging to coordinate availability of the Appeals Body.
- The Appeals Body will make one of the following decisions:
 - Affirm the original finding and sanction.
 - Affirm the original finding but issue a new sanction(s) of lesser severity.
 - Remand the case back to the original decision-maker to correct a procedural or factual defect.

- Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
- The Student Conduct Officer shall issue a decision in writing to the respondent and complainant within five (5) University business days of the Appeal Body's decision.
- This decision may be then appealed in writing within five (5) University business days (as determined by the date of the appeal decision letter) to the President of the University solely on the grounds set forth above.
 - This appeal should be sent to president@mga.edu.
- The President will make one of the following decisions:
 - Affirm the original finding and sanction.
 - Affirm the original finding but issue a new sanction(s) of lesser severity.
 - Remand the case back to the original decision-maker to correct a procedural or factual defect.
 - 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 issued in writing to the respondent within five (5) University business days.
- The President's decision shall be the final decision of the institution.
- Should the respondent wish to appeal the President's decision, he or she may request an [Application for Discretionary Review](#) from the University System of Georgia and the Board of Regents.
 - Applications for review shall be submitted in writing to the University System Office of Legal Affairs within 20 calendar days following the final institution decision.
 - Information about this application can be found in the [Board of Regents Policy 6.26](#).

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Section 8 – Student Organization/RSO Conduct Procedures

• General Statement

- Recognized Student Organizations (RSOs) of the University are required to comply with the regulations of the University.
- The use of marijuana, controlled substances, or other illegal or dangerous drugs constitutes a serious threat to the public health, welfare, and academic achievement of students enrolled in the University System of Georgia (USG). Therefore, all student organizations, including but not limited to societies, fraternities, sororities, clubs, and similar groups of students which are affiliated with, recognized by, or which use the facilities under the jurisdiction of USG institutions, are responsible for enforcing compliance with local, state, and federal laws by all persons attending or

participating in their respective functions and affairs, social or otherwise, as directed by [Board of Regents Policy 4.06](#).

- All student organizations, including but not limited to societies, fraternities, sororities, clubs and similar groups of students which are affiliated with, recognized by, or which use the facilities under the jurisdiction of USG institutions, are responsible for enforcing compliance with local, state, and federal law by all persons attending or participating in their respective functions and affairs, social or otherwise as directed by [Board of Regents Policy 4.06.02](#).
- The right of provisional organizations to operate may be revoked upon an adverse finding during the investigation phase. In cases of revocation of provisional status, there is no institutional appeal of the decision.
- **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 his or her 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.
- **Initiation and Evaluation of Complaint**
 - In no case shall a hearing to resolve charges of student misconduct take place before the investigative report has been finalized.
 - Complaints against an RSO for an alleged violation of policy or the Code of Conduct should be provided in writing to the Director of Student Engagement and the Associate Vice President for Student Affairs, who shall conduct an inquiry and investigation into the alleged violation.
- **Adjudication Options**
 - In cases where it is further determined that a violation of the Code of Conduct may have occurred, the Director of Student Affairs and the Associate Vice President for Student Affairs shall issue a formal charging document to the designated president/student leader of the RSO and the designated RSO advisor(s), with appropriate sanctions.
 - The RSO may accept responsibility for the violation, accept the sanction, and waive their hearing and appeal rights in the case.
 - The RSO may deny responsibility for the violation and request a hearing on the case.
 - In cases where it is determined that there is not enough information to determine whether a violation occurred, the designated president/student leader of the RSO and the designated RSO advisor(s) will be notified of the allegation and the dismissal of the case.
- **Hearing Process/Resolution**

- After both parties (complainant and a student representative of the RSO as the respondent) have had an opportunity to present their side of the case, the hearing body will, in a closed session, deliberate and reach a decision regarding the responsibility of the respondent related to the violation of the Student Code of Conduct.
 - In cases heard by a Student Conduct Hearing Panel, a majority vote is necessary to reach a decision regardless of the quorum.
- During deliberation, the hearing body will make a decision based on whether it is more likely than not that a violation of the Code of Conduct occurred.
- If the RSO is found responsible for the alleged violation, the hearing body will determine an appropriate sanction.
 - The hearing body may review prior student conduct history related to the RSO only after reaching a determination of responsibility in the current case.
- If the RSO is found not responsible, the Hearing Officer will notify the president/student leader of the RSO and the designated RSO advisor(s) of the decision and the case will be closed.
- **Findings**
 - The Hearing Body shall base their decision and finding on a preponderance of the evidence. That is, whether it is more likely than not that a violation of the Code has occurred.
 - Following a hearing, both the respondent and the complainant shall be provided with a written decision via institutional email of the outcome and any resulting sanctions. The decision shall include details how to appeal.
- **Sanctions**
 - In determining the severity of sanctions or corrective actions the following should be considered: the frequency, severity, and/or nature of the offense; history of past conduct; an offender's willingness to accept responsibility; previous institutional response to similar conduct; strength of the evidence; and the wellbeing of the university community.
 - Possible sanctions for RSOs, (including those noted in the Behavioral Conduct Procedures above) include but are not limited to:
 - Educational or learning objectives as a result of the violation.
 - Community Service.
 - Suspension or cancellation of recognized status.
 - Imposition of monetary fines
 - Withholding or withdrawal of allocated COA funds and/or Dues Account funds.
 - Imposition of restitution for damages.
 - Removal of any RSO officers or members from the RSO and its activities.
 - Restriction of any privileges or rights enjoyed by an RSO (i.e. prohibited from using any property or facilities of the institution for a period of at least one year.

- Any lease, rental agreement, or other document between the Board of Regents or the institution and the student organization that relates to the use of the property leased, rented, or occupied shall be terminated for the student organization knowingly having permitted or authorized the unlawful actions described above.
 - All sanctions imposed by this policy shall be subject to review procedures authorized by the Board of Regents' Policy on Application for Discretionary Review.
- **Appeals**
 - An RSO found responsible for a violation of the Code of Conduct, regardless of the sanction, shall have the right to appeal the outcome on any of the following grounds:
 - To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the original hearing.
 - To allege a procedural error within the hearing process that may have substantially impacted on the fairness of the hearing, including, but not limited to, whether any hearing questions were improperly excluded, whether the decision was tainted by bias, or whether there was a violation of the student's due process.
 - To allege that the finding or sanction was inconsistent with the weight of the information.
 - Appeals may be made by the RSO for the above reasons in any case where sanctions are/were issued by a Hearing Panel or Hearing Officer – even those in which such sanctions are held “in abeyance,” such as probationary suspension or expulsion.
 - The appeal must be made in writing and must set forth one or more of the bases outlined above and must be submitted within five (5) University business days of the date of the final written outcome decision.
 - Respondents are encouraged to use the [Hearing Appeal Procedures and Request Form](#). Once completed, this form goes directly to studentconduct@mga.edu.
 - Appeals shall be a review of the record only, and no new meeting with the respondent, complainant, or witnesses will be held.
 - The Student Conduct Officer will convene an Appeals Body. This Appeals Body may be a Hearing Officer or a Hearing Panel, neither of which shall be comprised of any individual involved in the original hearing. These proceedings will be held within five (5) University business days of the receipt of the written appeal by the respondent.
 - In rare cases, the Student Conduct Officer may ask for an additional five (5) University business days when it may be challenging to coordinate availability of the Appeals Body.
 - The Appeals Body will make one of the following decisions:
 - Affirm the original finding and sanction.

- Affirm the original finding but issue a new sanction of lesser severity.
- Remand the case back to the original decision-maker to correct a procedural or factual defect.
- Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
- The Student Conduct Officer shall issue a decision in writing to the respondent and complainant within five (5) University business days of the Appeal Body's decision.
- This is the final appeal at the institutional level.
- Should the respondent(s) wish to appeal the President's decision, he or she may request an [Application for Discretionary Review](#) from the University System of Georgia and the Board of Regents.
 - Applications for review shall be submitted in writing to the University System Office of Legal Affairs within 20 calendar days following the final institution decision.
 - Information about this application can be found in the [Board of Regents Policy 6.26](#).
 - An appeal to the Board of Regents shall not defer the effective date of the adverse action against the student organization pending the Board's review unless the Board so directs. Any such stay or suspension by the Board shall expire as of the date of the Board's final decision on the matter.

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Section 9 – Sexual Misconduct Procedures

- **General Statement**
 - These procedures are in accordance with [USG Policy 6.07 - Sexual Misconduct Policy](#).
 - While some of this information has been previously referenced in this Code of Conduct, given the nature of alleged sexual misconduct complaints, it is important to re-emphasize this information here.
- **Definitions and Prohibited Conduct**
 - **Community:** Students, faculty, and staff, as well as contractors, vendors, visitors and guests.
 - **Complainant:** An individual who is alleged to have experienced conduct that violates this Policy.
 - **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. Minors under the age of 16 cannot legally consent under Georgia law.

- Consent is also absent when the activity in question exceeds the scope of consent previously given. Past consent does not imply present or future consent. Silence or an absence of resistance does not imply consent.
- Consent can be withdrawn at any time by a party by using clear words or actions.
- **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. The existence of such relationship shall be determined based on the totality of the circumstances including, without limitation to: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.
- 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.
- **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.
- **Incapacitation:** The physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep or any state of unconsciousness, involuntary physical restraint, status as a minor under the age of 16, or from intentional or unintentional taking of alcohol and/or other drugs. Whether someone is incapacitated is to be judged from the perspective of an objectively reasonable person.
- **Nonconsensual Sexual Contact:** Any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to the touching of a person's intimate parts (for example, genitalia, groin, breasts, or buttocks); touching a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts. This provision also includes "Fondling" as defined by the Clery Act.
- **Nonconsensual Sexual Penetration:** Any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and the genitals or anus of another person. This provision also includes "Rape, Incest, and Statutory Rape" as defined by the Clery Act.

- **Confidential Employees:** Institution employees who have been designated by the institution to talk with a Complainant or Respondent in confidence. Confidential Employees must only report that the incident occurred and provide date, time, location, and name of the Respondent (if known) without revealing any information that would personally identify the alleged victim. This minimal reporting must be submitted in compliance with Title IX and the Clery Act. Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety.
- **Privileged Employees:** Individuals employed by the institution to whom a complainant or alleged victim may talk in confidence, as provided by law. Disclosure to these employees will not automatically trigger an investigation against the complainant's or alleged victim's wishes. Privileged Employees include those providing counseling, advocacy, health, mental health, or sexual-assault related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers) or as otherwise provided by applicable law. Exceptions to confidentiality exist where the conduct involves suspected abuse of a minor (in Georgia, under the age of 18) or otherwise provided by law, such as imminent threat of serious harm.
- **Reasonable Person:** An individual who is objectively reasonable under similar circumstances and with similar identities to the person being evaluated by the institution.
- **Reporter:** An individual who reports an allegation of conduct that may violate this Policy, but who is not a party to the complaint.
- **Respondent:** An individual who is alleged to have engaged in conduct that violates this Policy.
- **Responsible Employees:** Those employees who must promptly and fully report complaints of or information regarding sexual misconduct to the 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).
- **Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited.
 - Examples of sexual exploitation may include, but are not limited to, the following:
 - Invasion of sexual privacy;
 - Prostituting another individual;
 - Non-consensual photos, video, or audio of sexual activity;

- Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity or capturing of the activity was consensual;
 - Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
 - Knowingly transmitting an STD or HIV to another individual through sexual activity;
 - Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or Sexually based bullying.
- **Sexual Harassment (Student on Student):** Unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes), determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity.
 - **Sexual Harassment (Other Than Student on Student):** Unwelcome verbal, nonverbal, or physical conduct, based on sex (including gender stereotypes), that may be any of the following:
 - Implicitly or explicitly a term or condition of employment or status in a course, program, or activity;
 - 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 work or learning environment, or interfering with or limiting one's ability to participate in or to benefit from an institutional program or activity.
 - The USG also prohibits unwelcome conduct determined by a Reasonable Person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a USG education program or activity in violation of Title IX.
 - **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.
 - **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:
 - Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, means, follows, monitors, observes, surveils, threatens, or

communicates to or about a person, or interferes with person's property.

- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

- **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 his or her 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.

- **Initiation and Evaluation of Complaint**

- In no case shall a hearing to resolve charges of student misconduct take place before the investigative report has been finalized.
- 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 Title IX Coordinator or their designee](#). Any

person found to have engaged in retaliation shall be subject to disciplinary action.

- **False Complaint/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, the student may be provided with resources on drug and alcohol counseling and/or education, as appropriate. Nevertheless, 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 education 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 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 the respective party through 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 with 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 parties 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 by the institution at any point after the institution becomes aware of the alleged student misconduct and should be designed to protect any student or other individual in the USG community. To the extent interim measures are imposed, they should minimize the burden on both the Complainant (where applicable) and the Respondent, where feasible. Interim measures may include, but are not limited to:
 - Change of housing assignment;
 - Issuance of a "no contact" directive;
 - Restrictions or bars to entering certain institution property;
 - Changes to academic or employment arrangements, schedules, or supervision;
 - Interim suspension; and
 - Other measures designed to promote the safety and well-being of the parties and the institution's community.
- An interim suspension should only occur where necessary to maintain safety and should be limited to those situations where the respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of a significant risk to the health or safety of the Complainant (where applicable) or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.
 - Before an interim suspension is issued, the institution must make all reasonable efforts to give the respondent 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. The Respondent shall receive notice of the interim suspension and the opportunity to respond to the interim suspension

- When requested by the respondent, a hearing to determine whether immediate suspension should continue will be held within three (3) University business days of the request.
- Where the potential sanctions for the alleged misconduct may involve a suspension or expulsion (even if such sanctions were be held “in abeyance”, such as probationary suspension or expulsion) the institution’s investigation and resolution procedures must provide these additional, minimum safeguards:
- The Respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice shall also include the identity of any investigator involved. Notice shall be provided via University email. Where applicable, a copy shall also be provided to any and all complainants/alleged victims via the same means.
 - Upon receipt of the written notice, the respondent shall have three (3) University 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 of facts, witnesses, and documents – either written or electronic – in support. A non-response will be considered a general denial of the alleged 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 have 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 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.
 - 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.

- Upon receipt of the written notice, the parties shall have at least three (3) business days to respond in writing. In that response, the Respondent shall have the right to admit or deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A Complainant shall have the right to respond to and supplement the notice. Throughout the Sexual Misconduct process the Complainant and the Respondent shall have the right to present witnesses and other inculpatory and exculpatory evidence.
- If the Respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
- 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.
- 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.
- 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.
- The Complainant and the Respondent shall have at least ten (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.
- The final investigation report should be provided to the Complainant, the Respondent, and the party's advisor, if applicable, at least ten (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.

- **Hearing Process/Resolution**

- 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 with 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 ten (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.
- The hearing 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 decide that such arrangement will not unfairly disadvantage any party. Should it be reasonably believed that the individual presented tainted testimony, the hearing panel will disregard or discount the testimony. Parties may also request to provide testimony in a separate room from the opposing party,

so long as no party is unfairly disadvantaged, and they 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:
 - 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 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 determine 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 questions raised 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 medical 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 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 with a written decision via institution email of the hearing outcome and any resulting sanctions or administrative actions. The decision must include the allegations, procedural steps taken through the investigation and resolution process, findings of facts supporting the determination(s), determination(s) regarding responsibility, and the evidence relied upon and rationale for any sanction or other administrative action. The institution shall also notify the parties of their right to appeal as outlined below.
- Non-Title IX Sexual Misconduct Hearings
 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 determine the veracity of the allegations against the Respondent(s). In any such event, the Hearing Office 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 medical 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 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 with 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.

- **Sanctions**

- In determining the severity of sanctions or corrective actions the following should be considered: the frequency, severity, and/or nature of the offense; history of past conduct; an offender's willingness to accept responsibility; previous institutional response to similar conduct; strength of the evidence; and the wellbeing of the university community. The institution will determine sanctions and issue notice of the same, as outlined above.
- The broad range of sanctions includes: expulsion, suspension for an identified time frame or until satisfaction of certain conditions, or both; temporary or permanent separation of the parties (e.g., change in classes, reassignment of residence, no contact orders, limiting geography of where parties can go on campus) with additional sanctions for violating no-contact orders; required participation in sensitivity training/awareness education programs; required participation in alcohol and other drug awareness and abuse prevention programs; counseling or mentoring; volunteering/community service; loss of institutional privileges; delays in obtaining administrative services and benefits from the institution (e.g., holding transcripts, delaying registration, graduation, diplomas); additional academic requirements relating to the scholarly work or research; financial restitution; or any other discretionary sanctions directly related to the violation of conduct.
- For suspension and expulsion, the institution must articulate, in its written decision, the substantial evidence relied upon in determining that suspension or expulsion is appropriate. For purposes of this Policy substantial evidence means evidence that a reasonable person might accept to support the conclusion.

- **Appeals**

- Appeals may be allowed in any case where sanctions are issued, even when such sanctions are held "in abeyance," such as probationary or expulsion. Where the sanction imposed includes a suspension or expulsion (even for one held in abeyance), the following appellate procedures must be provided.
- The Respondent (and in cases involving sexual misconduct or other forms of discrimination and/or harassment, the Complainant) shall have the right to appeal the outcome on any of the following grounds:

- To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing (or appeal).
 - To allege a procedural error within the hearing process that may have substantially impacted on the fairness of the hearing (or appeal), including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, investigator(s), decision maker(s).
 - To allege that the finding was inconsistent with the weight of the information.
- The appeal must be made in writing, must set forth one or more of the bases outlined above, and must be submitted within five (5) business days of the date of the final written decision. The appeal should be made to the institution's President or their designee.
- The appeal shall be a review of the record only, and no new meeting with the Respondent or any Complainant is required. The President or their designee may:
 - Affirm the original finding(s) and sanction(s).
 - Affirm the original finding but issue a new sanction of greater or lesser severity.
 - Remand the case back to any lower decision maker to correct a procedural or factual defect.
 - Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
- The President or their designee's decision shall be simultaneously issued in writing to the parties within a reasonable time period. The President or their designee's decision shall be the final decision of the institution.
- Should the respondent or the complainant wish to appeal the President's decision, he or she may request an [Application for Discretionary Review](#) from the University System of Georgia and the Board of Regents.
 - Applications for review shall be submitted in writing to the University System Office of Legal Affairs within 20 calendar days following the final institution decision.
- Information about this application can be found in [the Board of Regents Policy 6.26.](#)
- Appeals received after the designated deadlines above will not be considered unless the institution or Board of Regents has granted an extension prior to the deadline. If any appeal is not received by the deadline the last decision on the matter will become final.
- **Recusal/Challenge for Bias**
 - Any party may challenge the participation of any institutional official, employee, or student panel member in the process on the grounds of personal bias by submitting a written statement to the institution's designee setting forth the basis for the challenge. The designee shall not be the same individual responsible for investigating or adjudicating the

conduct allegation. The written challenge should be submitted within a reasonable time after the individual knows or reasonably should have known of the existence of the bias. The institution's designee will determine whether to sustain or deny the challenge and, if sustained, the replacement to be appointed.

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Section 10 – Hazing Conduct Procedures

- **General Statement**

- On May 9, 2021, Georgia's Governor Brian Kemp passed into law the "[Max Gruver Act](#)" which amends the state's hazing laws found in Georgia Code Section 16-5-61. Most notably the Act expands (1) the definition of hazing and school organizations that could potentially engage in hazing, (2) the protection against hazing to prospectively enrolled students, and (3) the public disclosure requirements for hazing incidents.
- The federal [Stop Campus Hazing Act](#) was signed into law in December 2024.
- [BOR Policy 4.06.07 on Hazing](#) defines "a criminal act under state law and must be specifically prohibited by each institution's student code of conduct."
- The public disclosure of each incident of hazing adjudicated pursuant to this Code shall include the following minimal information to be posted prominently on the school's website for a period of not less than five (5) years after final adjudication or conviction. This information shall include:
 - The name of the school/student organization involved
 - The date or dates on which the hazing occurred, the investigation was initiated, the investigation ended with a finding of responsibility, and the institution provided notice to the student/school organization that the incident resulted in a hazing violation; and
 - A general description of the violation, including whether the violation involved the abuse or illegal use of drugs or alcohol; and
 - A description of the hazing related findings, sanctions, adjudication and convictions (as applicable).
- Public disclosure provided pursuant to this Code shall not include the personal identifying information of any individual student and shall be subject to the requirements of the Family Education Rights and Privacy Act.
- The institution's hazing website should also make clear that no reportable incidents have occurred for each academic year where that is the case.
- All disclosures and reportable incidents can be found at <https://www.mga.edu/student-affairs/student-conduct-care/max-gruver-act.php>.

- **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 his or her 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.

- **Initiation and Evaluation of Complaint**

- Within fifteen (15) University business days from the time of detection of an alleged violation, complaints of suspected behavioral misconduct against a student should be reported to the Office of Student Conduct via the [Behavior Incident Reporting Form](#). This complaint shall include:
 - The name and MGA ID number of the student alleged to have violated the Code.
 - Date(s), time(s), and location(s) of the alleged violation.
 - Type or nature of the alleged violation.
 - Supporting documentation related to the alleged violation including but not limited to:
 1. Written statement from the complainant or reporter outlining the alleged violation and a basic timeline of events
 2. Witness statements, if any
 3. Photographs related to the alleged violation, if any
 4. Other relevant documents or emails
 - Failure to provide any or all of these documents may impact the ability to proceed with alleged violations.
- The Office of Student Conduct, and when applicable, the Office of Student Life, in consultation with the complainant or reporter, will determine:
 - If an alleged violation shall be pursued or dismissed.
 - The appropriate alleged violation.
 - The appropriate sanction.
 - The appropriate means for addressing or adjudicating the alleged violation.
- The student respondent(s) will be provided with an opportunity to hear and review the nature of the charge, review the documentation associated with the charge, and choose from adjudication options.
- The student respondent(s) shall have at least three (3) University business days to respond to the allegation and select his/her adjudication option.

- **Adjudication Options**

- Respondent(s) accepts responsibility for the alleged violation, accepts the sanction, and waives hearing and appeal rights.

- Respondent(s) denies responsibility and requests a hearing on the alleged violation.
- **Hearing Process/Resolution**
 - When a student accepts responsibility for the alleged violation and accepts the sanction, he/she will acknowledge this acceptance in writing or via email from their MGA email account.
 - The sanction will be imposed, and the case will be considered closed.
 - When a student denies responsibility for an alleged violation, he/she will have the opportunity to have the case heard before a Student Conduct Hearing Panel or before a Student Conduct Hearing Officer.
 - The student will meet with a Student Conduct Officer to review the initial complaint and sanction and will confirm the request for a hearing in writing.
 - The Student Conduct Officer will coordinate a hearing based on the student's choice of a Hearing Panel or a Hearing Officer within ten (10) University business days after the written request is received.
 1. If there are extenuating circumstances that prevent or limit the ability to schedule a hearing, the Student Conduct Officer will notify the student in writing and shall request an extension of no more than ten more days to schedule the hearing.
 - A written notice of the date, time, and location or manner of the hearing shall be provided at least three (3) days prior to the hearing. This notice shall be provided by institutional email, or by alternative method, as necessary.
 - Hearings will be held during regular hours of operation on the Cochran or Macon campus, or online via Teams.
 - The student may also request a continuance if circumstances are such that a delay is warranted. This request must be made in writing. A continuance may be granted at the discretion of the Hearing Officer with written notice of the rescheduled hearing provided to the student.
 - A Student Conduct Officer shall serve as the non-voting Chair of the hearing body, be it a Hearing Panel with members of the Student Conduct Board, or Hearing Officer, either based on availability of those individuals.
- **Findings**
 - After both parties (complainant and respondent) have had an opportunity to present their side of the case, the hearing body will, in a closed session, deliberate and reach a decision regarding the responsibility of the respondent related to the violation of the Student Code of Conduct.
 - In cases heard by a Student Conduct Hearing Panel, a majority vote is necessary to reach a decision regardless of the quorum.

- During deliberation, the hearing body will make a decision based on whether it is more likely than not that a violation of the Code of Conduct occurred.
- If the student is found responsible for behavioral misconduct, the hearing body will determine an appropriate sanction.
 - Sanctions of suspension or expulsion shall be considered recommendations and may require further approval by the University and/or the University System of Georgia.
- If the student is found not responsible, the Hearing Officer will notify the complainant/reporter and the respondent of the decision and the case will be considered closed, with no further action to be taken.
- As noted previously, in accordance with the Max Gruver Act, the public disclosure of each incident of hazing adjudicated pursuant to this Code shall include the following minimal information to be posted prominently on the school's website for a period of not less than five (5) years after final adjudication or conviction. This information shall include:
 - The name of the school organization involved
 - The date(s) on which the hazing allegedly occurred
 - A description of the specific hazing related findings, sanctions, adjudications, and convictions for any person or school organization.
- Following a hearing, both the respondent and the complainant shall be provided with a written decision via institutional email of the outcome and any resulting sanctions. The decision shall include details as to how to appeal.
- This information can be found on the [MGA Student Code of Conduct webpage](#).
- **Sanctions**
 - In determining the severity of sanctions or corrective actions the following should be considered: the frequency, severity, and/or nature of the offense; history of past conduct; an offender's willingness to accept responsibility; previous institutional response to similar conduct; strength of the evidence; and the wellbeing of the university community.
 - The following are appropriate behavioral sanctions that may be imposed upon the student. This list is not exhaustive, and the University reserves the right to modify or enlarge the list at any time depending on the nature of the violation.
 - Sanctions may include one or a combination of the following:
 - **Student Conduct Warning**, or an official written reprimand.
 - **Student Conduct Probation**, or a defined period of time during which further violations of the rules and regulations of the University may result in harsher sanctions, to include suspension or expulsion.
 - **Community Service Hours** – Students may be required to complete work at a designated or pre-approved location for a specific number of hours and provide documentation of completed hours.

- **Educational Programs** – Students may be required to attend programs on special topics or complete on-line education courses related to the offense. This does not include academic courses for credit.
- **Restricted Presence on campus** – Students may be restricted from certain areas on campus which would not interfere with their ability to attend classes or complete coursework.
- **Special Projects** – Students may be required to write papers and/or present programs on topics related to the offense.
- **Substance Abuse Assessment** – Students may be required to submit to an assessment for substance abuse. Periodic drug testing, not to exceed two random tests per semester for a minimum of three semesters, may be required.
- **Restitution** – Students may be required to reimburse the University or other persons, groups or organizations for damages incurred as a result of the violation of the Code of Conduct.
- **Confiscation** – The University reserves the right to confiscate goods used or possessed in violation of the Student Code of Conduct. Items confiscated by MGA Campus Police will not be returned as those items may be used as evidence in any criminal proceedings.
- **Fines** – Students may be required to pay a Student Conduct fine in relation to alcohol, alcohol paraphernalia, marijuana, or other drug-related violations or related to damage to University property.
 1. Fines for alcohol related infractions
 - 1st offense - \$75.00
 - 2nd offense - \$100.00
 - 3rd /repeat offense - \$150.00 plus possible loss of housing privileges; possible suspension or expulsion
 2. Fines for Marijuana or drug related infractions
 - 1st offense - \$100.00
 - 2nd offense - \$150.00
 - 3rd /repeat offense - \$200.00 plus possible loss of housing privileges; possible suspension or expulsion
 3. Fines for Damage to Property will be based on an estimate to repair the damage (to include parts, supplies, labor)
- **Administrative Holds** – The University may place an administrative hold (i.e., Dean of Student or DS Hold) on student records which may prevent release of transcripts, delay in registration, prevent review of grades, and prevent graduation or receipt of diploma.
- **Loss of Student Office/Leadership Position** – Students in elected/appointed positions may lose the position as a result of a violation of the Code of Conduct.
- **Course Withdrawal** – Students may be withdrawn from an academic course(s) within which a violation of the Code of Conduct

occurred or from the institution as a whole without receiving academic credit for the course(s), fees, or refunds.

- **Removal from the Residence Life Program** – Students may be removed from residence halls, either for a defined period of time or permanently. Additionally, students may be responsible for payment of any remaining costs associated with the housing contract and/or early termination fee. Removal from the Residence Life program does not necessarily equal suspension or expulsion from the University.
- **Temporary or Permanent separation of the Parties** – Students may receive a change in classes, reassignment of residence or no contact orders (issued either by the court system or by an appropriate University Official), limiting geography of where parties can go on campus. If a student is temporarily suspended from an academic course, not to exceed two (2) class meetings, the student is still responsible for any material covered during the temporary suspension.
- **Interim Suspension**
 1. Interim suspensions – that is, suspension while the investigation and adjudication process are proceeding – should only occur where necessary to maintain safety and should be limited to those situations where the respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of 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.
 2. Before an interim suspension is issued, the institution must make all reasonable efforts to give the respondent 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 respondent, a hearing to determine whether immediate suspension should continue will be held within three (3) University business days of the request.
 3. Where 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 institution’s investigation and resolution procedures must provide these additional, minimum safeguards:
 - The Respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available

support services. The notice shall also include the identity of any investigator involved. Notice shall be provided via University email. Where applicable, a copy shall also be provided to all complainants/alleged victims via the same means.

- Upon receipt of the written notice, the respondent shall have three (3) University 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 of facts, witnesses, and documents – either written or electronic – in support. A non-response will be considered a general denial of the alleged misconduct.
- **Suspension** – A decision of suspension terminates the student's status as an enrolled student for a specified period of time and prohibits the student from attending classes. A suspended student may not participate in University-sponsored activities or be present on campus with specific written authorization from an appointed Student Conduct Officer. The Student Conduct Officer may further impose a summary suspension in cases where a suspended student chooses to violate the terms of his/her suspension. Suspended students may not receive academic credit of any kind from another institution if earned during the period of suspension from the University. Suspended students may not receive a refund of fees.
- **Expulsion** – A decision of expulsion constitutes a permanent severance of the student's relationship with the University. An expelled student may not enter any part of the campus without specific written authorization from an appointed Student Conduct Officer and/or Campus Police. Expelled students shall not receive a refund of fees. Expelled students shall receive the grade of "F" in any classes in which he or she is enrolled.
- **Revocation of Admission and/or Degree** - Admission to or a degree awarded by the University may be revoked for fraud, misrepresentation, or other violation of University standards in admittance processes, obtaining a degree, or for other serious violations committed by a student prior to graduation.
- **Withholding Degree** – The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code, including the completion of all sanctions imposed, if any.
- Students who are responsible for any type of violation of the Code of Conduct will not be permitted to avoid sanctioning by withdrawing from a class or from the University. An administrative hold may be placed on any student who does not respond to requests to adjudicate alleged violations.

Students who withdrawn from a class before adjudication occurs may be added back to the class and the appropriate sanction applied.

- Other than expulsion or revocation or withholding a degree, sanctions shall not be made a part of the student's permanent academic record but shall become part of the student's conduct record.
- Students should be aware of the impact any sanction may have on their educational standing including, but not limited to, the following:
 - Academic standing
 - Tuition, Housing/Residence Hall costs and fees (suspension does not forgive financial obligations)
 - Student financial aid including HOPE and institutional scholarships
 - Co-curricular participation and eligibility to include athletics and recognized student organizations
 - Health insurance
 - Participation in the Residence Life program
 - Meal plans
 - Use of University resources and access to University facilities/campuses.
 - Visa/immigration status for international students
 - Veterans and dependents of veterans
 - Internships, co-ops, and study abroad opportunities
 - Class withdrawal

- **Appeals**

- A respondent found responsible for a violation of the Code of Conduct, regardless of the sanction, shall have the right to appeal the outcome on any of the following grounds:
 - To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the original hearing.
 - To allege a procedural error within the hearing process that may have substantially impacted on the fairness of the hearing, including, but not limited to, whether any hearing questions were improperly excluded, whether the decision was tainted by bias, or whether there was a violation of the student's due process.
 - To allege that the finding or sanction was inconsistent with the weight of the information.
- Appeals may be made by the respondent for the above reasons in any case where sanctions are/were issued by a Hearing Panel or Hearing Officer – even those in which such sanctions are held “in abeyance,” such as probationary suspension or expulsion.
- The appeal must be made in writing and must set forth one or more of the bases outlined above and must be submitted within five (5) University business days of the date of the final written outcome decision.

- Respondents are encouraged to use the [Hearing Appeal Procedures and Request Form](#). Once completed, this form goes directly to studentconduct@mga.edu.
- Appeals shall be a review of the record only, and no new meeting with the respondent, complainant, or witnesses will be held.
- The Student Conduct Officer will convene an Appeals Body. This Appeals Body may be a Hearing Officer or a Hearing Panel, neither of which shall be comprised of any individual involved in the original hearing. These proceedings will be held within five (5) University business days of the receipt of the written appeal by the respondent.
 - In rare cases, the Student Conduct Officer may ask for an additional five (5) University business days when it may be challenging to coordinate availability of the Appeals Body.
- The Appeals Body will make one of the following decisions:
 - Affirm the original finding(s) and sanction(s).
 - Affirm the original finding but issue a new sanction(s) of lesser severity.
 - Remand the case back to the original decision-maker to correct a procedural or factual defect.
 - Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
- The Student Conduct Officer shall issue a decision in writing to the respondent and complainant within five (5) University business days of the Appeal Body's decision.
- This decision may be then appealed in writing within five (5) University business days (as determined by the date of the appeal decision letter) to the President of the University solely on the grounds set forth above.
 - This appeal should be sent to president@mga.edu.
- The President will make one of the following decisions:
 - Affirm the original finding(s) and sanction(s).
 - Affirm the original finding but issue a new sanction(s) of lesser severity.
 - Remand the case back to the original decision-maker to correct a procedural or factual defect.
 - 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 issued in writing to the respondent within five (5) University business days.
- The President's decision shall be the final decision of the institution.
- Should the respondent(s) wish to appeal the President's decision, he or she may request an [Application for Discretionary Review](#) from the University System of Georgia and the Board of Regents.
 - Applications for review shall be submitted in writing to the University System Office of Legal Affairs within 20 calendar days following the final institution decision.

Information about this application can be found in the [Board of Regents Policy 6.26.](#)