

AUGUSTA STATE UNIVERSITY

Student Code of Conduct

Approved by the Faculty



Student Code of Conduct

I. Introduction

Augusta State University exists to serve the higher education needs of those students who qualify for admission. The essence of higher education is found in the unhampered freedom to study, investigate, write, speak, and debate on any aspect or issue of life. In attempting to achieve that unhampered freedom, the students acquire certain fundamental rights and responsibilities. These rights and responsibilities, as defined in this Student Code of Conduct, are considered an integral part of the educational process at Augusta State University.

A student is expected to follow the Code of Conduct and the University is expected to enforce it. At the same time, the University is expected to acknowledge the student's rights stated herein and respect the student's autonomy in these areas.

Unfamiliarity is not an excuse for infractions of the Code of Conduct. Augusta State University is an educational and learning environment in which students are expected to conduct themselves with integrity, honesty and civility toward each other and all employees of the University. Every student who is accepted and registers as a student, as a condition of acceptance, agrees to abide by the Student Code of Conduct and to act honestly and with integrity in all matters associated with the University.

A. Definitions

1. All students are members of the University community. The University reserves the right to take necessary and appropriate action to protect the safety and wellbeing of the campus community and will address all violations of the Student Code of Conduct that occur on University premises.
2. The term "student" includes all persons taking courses at the University, either full-time or part-time. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered "students."
3. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by Augusta State University (including all adjacent streets and sidewalks).
4. The University may initiate conduct proceedings for off-campus incidents when:
 - a. Hazing is involved. Hazing is defined as an act which endangers the mental or physical health or safety of a person, subjects a person to public humiliation or ridicule, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership; or
 - b. The violation is committed while participating in a University sanctioned or sponsored activity; or

- c. The violation constitutes a felony under state or federal law; or
- d. The violation adversely affects the educational, research, or service function of the University.

B. Application of Laws, Regulations, and Jurisdiction

- 1. Students are entitled to be secure in their persons, papers, lodgings, and effects against unreasonable searches and seizures. Searches and seizures by law enforcement personnel incident to investigations or arrests are conducted only under proper warrant. This does not prohibit normal inspections of facilities for maintenance, health or safety purposes. Residence Life policies also allow for the entrance and inspection of student housing units if there is reason to believe that a violation of law or University policy exists, or for life safety and/or emergency circumstances.
- 2. Students enjoy the same freedoms of speech and peaceable assembly as all citizens, but they are under certain legal obligations in the exercise of these freedoms by virtue of their membership in the University community. For details on this policy please refer to the Peaceful Assembly Guidelines in the *Jaguar Student Handbook*.
- 3. Students are protected and must abide by the prevailing municipal, county, state and federal laws including the Official Code of Georgia Annotated (OCGA). When a student is charged both with a criminal offense on or off campus and charged with a violation of the Student Code of Conduct, the two processes are unrelated and conducted independently of each other. A student found not guilty or not responsible in one setting may be found guilty or responsible in the other.

C. Authority and Responsibility

- 1. The Vice President for Student Services and Dean of Students is authorized by the President to be responsible for the administration of the Student Code of Conduct.
- 2. The Vice President for Student Services is authorized by the President of the University to impose sanctions upon any student(s) found to have violated the Student Code of Conduct. The Vice President for Student Services may appoint a designee to fulfill student conduct responsibilities when necessary.
- 3. The Conduct Hearing Board is authorized by the Vice President for Student Services to hear cases of alleged violations of the Student Code of Conduct.

II. Prohibited Conduct Regulations

- A. Attempting, abetting, or being an accessory to any act prohibited by the Student Code of Conduct shall be considered the same as a completed violation.
- B. The following statements constitute the official record of all general student conduct rules, prohibited conduct and regulations at the Augusta State University.
 - 1. Non-Compliance with General Laws

Students involved in violations of any federal, state, or local laws may be subject to disciplinary action. Any disciplinary action imposed by the University may precede and be in addition to any penalty imposed by an off-campus authority. Students who are apprehended and charged by law enforcement agencies with felony criminal conduct on or off campus are required to inform the Dean of Students Office.

Special note for international students: It is possible that students who have been found guilty of violating federal, state, or local laws may be deported and may lose their right to return to the United States.

2. Damage to Property

Damage to or destruction of property owned or operated by the university, its students, faculty, administration and staff, or of another institution is prohibited. Conduct which threatens to damage, or creates hazardous conditions such as dropping, throwing, or causing objects or substances to fall from windows, doors, balconies or roofs is also prohibited. This includes, but is not limited to, unauthorized application of graffiti, painting, etc.

3. Weapons

It is against University policy and unlawful for any person to carry or possess any weapon or explosive compound at any school function, on university property.

4. Firearms

It is against University policy for any person to carry or possess any firearm, handgun or long gun at any school function on or off campus, on University property, Augusta State University Foundation property, or any property leased or operated by Augusta State University. This includes persons who are licensed weapon holders, whether concealed or in open view. Certified law enforcement officials acting under published police agency policies are the only exceptions.

5. Flammable Materials and Fireworks

The ignition or detonation of anything that could cause damage by fire, explosion, or similar means to persons or property, or possession of anything in the nature of fireworks or explosives, is prohibited on any property owned or operated by the University without prior University authorization.

6. Arson

No person shall start a fire on University property without University authorization, and willful damage to property (as described above) shall be prosecuted as arson when appropriate.

7. Emergency Alarms and Emergency Equipment

No person shall make, or cause to be made, a false fire alarm, bomb threat or emergency report of any kind. No person shall tamper with, damage, disable or misuse fire or other safety equipment.

Note to University Village residents: Students found in violation of tampering with, damaging, and/or disabling fire safety equipment at University Village are also subject to fines.

8. **Gambling**
Gambling is not permitted on campus. The playing of cards or any games of skill or chance for money or other items of value is prohibited.
9. **Theft or Misappropriation**
Theft of any kind, including seizing, receiving, or concealing property with knowledge that it has been stolen, is forbidden. Sale, possession, or misappropriation of any property, including ASU property, without the owner's permission is also prohibited. Property that is found shall be turned in to the ASU Public Safety Office.
10. **Unauthorized Sale of Textbooks**
The sale of a textbook by any student who does not own the book is prohibited without prior written authorization from the owner of the book. Books that are found shall be turned in to the ASU University Police.
11. **Student Identification Cards**
Lending, selling, or otherwise transferring a student identification card (JagCard) of any type is prohibited, as is the use of an identification card by anyone other than its original owner. No student shall obtain under false pretenses any additional student identification cards. A student must present proper credentials to properly identified University faculty and staff upon their request while these persons are in the performance of their duties.
12. **Disorderly Conduct**
Individual or group behavior which unnecessarily disturbs individuals or groups is prohibited. Such conduct includes (but is not limited to) physical assault or threat of assault, hazing, and boisterous conduct which is unreasonable in the area, time or manner in which it occurs. Electronic transmissions are included as prohibited for use in threatening or a harassing manner.
13. **Abuse**
Physical abuse, or threatened abuse, either verbally, written or transmitted electronically, of any person on institutional property or at institutional sponsored or supervised functions is prohibited. No student shall push, strike, or physically assault any member of the faculty, administration, staff, or student or any visitor to the campus.
14. **Disruption**
Internal disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other institutional activities is prohibited. This includes threats, both verbal and written or transmitted electronically, and menacing gestures. Additionally this includes unauthorized entry, misuse of university documents, fraud or lying, misuse of the JagCard, failure to respond to official requests, and misuse of keys.

15. Disruptive Activity

No person may interfere with or disrupt the normal activity and operations of students, faculty, administration, or staff of this institution or its buildings or facilities. Any form of expression that materially interferes with such activities and operations or invades the rights of persons is prohibited.

- a. To maintain classroom order, the faculty member has the right and responsibility to take the steps he or she deems necessary and reasonable, including private or public requests that the student(s) refrain from disruptive behavior and/or expulsion from the class.
- b. In all cases where students are withdrawn by the faculty member from a specific course because of disruptive behavior, the student does not have the right to attend the class without written consent from the faculty member involved. The student may seek other interim remedies from the appropriate department chair.
- c. To remain in the vicinity of any activity which threatens to disrupt or is disrupting normal University functions may have serious legal and disciplinary implications. Bystanders as well as more active participants in the disruptive activity may be charged with jointly engaging in an enterprise which is prohibited by law. Students should accordingly avoid the scene of any disruptive or potentially disruptive action. In any case, failure to leave when asked to disperse by University or law enforcement officials will result in disciplinary and/or legal action.
- d. In all cases where a faculty member becomes aware of a threat, or if student misconduct is repetitive or of an abusive nature, the faculty member should refer the case to the Dean of Students for disciplinary review.

16. Misuse of Communication Equipment

No student shall misuse or abuse or assist in the misuse or abuse of communication equipment at the University. Such activity includes, but is not limited to, using any form of communication equipment to harass or threaten any person or persons, making unauthorized calls on University telephones, or using any form of communication equipment to disrupt the normal operations or activities of any person, organization, or the University. Using any device unless required for the course without prior consent of the instructor is prohibited. Communication equipment includes, but is not limited to, telephones, electronic mail, video, computers, printers, etc. The viewing of pornography on University computers is forbidden. The viewing of child pornography is illegal and is subject to prosecution by local, state, or federal authorities.

17. Alcoholic Beverages

It is unlawful, and therefore a violation of the Student Code of Conduct, for a student to violate any provision of the ASU Alcohol and Drug Policy on the

use of alcohol by students, which is stipulated in the *Jaguar Student Handbook*.

Note to University Village residents: University Village has developed and published specific regulations in the Resident's Handbook concerning alcohol use, including where it may be consumed, who may consume, and who may be present when alcohol is being served or consumed.

18. Drugs

The possession, use, manufacture, sale, or distribution of any counterfeit, illegal, dangerous, or controlled drug without a prescription or the possession of drug paraphernalia, such as pipes, bongs or any items modified or adapted so that they can be used to consume drugs are not permitted on University premises or at any University sponsored activity.

Note to University Village residents: The Residence Life Coordinator has developed and published an explanation of sanctions in the University Village Residents Handbook related to students who use, purchase, possess, or sell drugs, which includes the immediate termination of the Housing Lease.

19. Student Housing

Violation of any student housing regulation is prohibited. These regulations may be found in the "University Village Resident Handbook." These policies extend to residents, as well as guests and visitors, although students living in campus housing will be held responsible for the actions of their guests.

Violations can result in fines, eviction from housing or other penalties as outlined in the Resident Handbook. If found in violation students or visitors may be criminally trespassed from the property.

III. Academic Honesty and Integrity

- A. An adherence to "Academic Integrity" prohibits all forms of academic dishonesty – including cheating, lying, bribery and plagiarism (using the ideas or writings of another as one's own), knowingly furnishing false information to the institution, forgery, and alteration or use of institutional documents or instruments of identification with intent to defraud. This includes electronic transmissions as well. The *Academic Honesty* policy and procedures can be found in the ASU Catalog.
- B. It is the duty of the student to practice and preserve academic honesty. Whenever a student is uncertain as to whether conduct would violate Academic Integrity, it is the responsibility of the student to seek clarification from the appropriate faculty member prior to engaging in such conduct.

IV. Conduct Related Disciplinary Procedure

- A. Accused Student Rights
 - 1. The right to a fair and impartial hearing.
 - 2. The right to a presumption of not being responsible for a violation until proven responsible as determined by a preponderance of the information presented at the hearing.

3. The right to be notified in writing of the charges against him or her, the specific rule or policy violated; and the time, date and place of the scheduled judicial hearing at least 72 hours prior to the hearing (except when the accused student postpones the hearing) and provided the student has informed the university of his or her current contact information. If the student has not furnished the university with current contact information, ASU has only to make a reasonable attempt to notify him or her using the most recent contact information provided.
4. The right to an adviser of his or her choice provided that person is willing to assist and advise the student during the investigation. The adviser must be a student, faculty or staff member selected from the university community. In order to have an attorney or adviser present, the student must notify the Dean of Students Office within 48 hours of the hearing. An attorney or adviser attending a hearing may not actively represent the accused student but may give advice to the student on how to present his or her case.
5. The right to question all witnesses who testify at the hearing and/or to challenge all materials presented at the hearing.
6. The right to present witnesses to testify or provide witness statements in his or her defense. The Conduct Board shall have the authority to limit the number of witnesses in order to avoid unreasonable delays where the testimony would be repetitious or unnecessary.
7. The right to be present during the entire hearing (except for closed deliberation) and to know all evidence used in the hearing. The student may, however, elect not to appear; failure to appear shall not be construed as an admission of responsibility.
8. The right to remain silent; silence shall not be construed as an admission of responsibility.
9. The right to be notified in writing of the decision of the hearing board within 10 days of the date of the hearing.
10. The right to one appeal to the Dean of Students within three class days of receiving the judicial decision for any of the following causes:
 - a. Violation of due process and student rights
 - b. New evidence
 - c. Harshness of sanction(s)
11. The right to have access to a recording of his or her hearing for the purposes of preparing for an appeal. A student may not bring his/her own recording devices to council hearings.

B. Preliminary Investigation

Upon receiving an official complaint the Dean of Students will designate a staff member to serve as a hearing officer and conduct a preliminary investigation into the incident. During the preliminary investigation the following procedure will occur:

1. Inform all participants of their rights and responsibilities in the process,
 2. Determine if there was there a breach of the Code of Conduct,
 3. Determine if the student will agree to the terms of an administrative hearing, OR
 4. Determine if a hearing by the Conduct Board will be necessary.
- C. Administrative Hearing
- After the Preliminary Investigation the accused student may wish to resolve the matter through an administrative hearing with the Dean of Students.
1. The student will be informed of the charge against him/ her prior to the meeting with his/her hearing officer.
 2. After hearing all relevant facts, the Dean of Students will inform the student orally of his/her decision with regards to responsibility and of the sanction that will be assigned, if found responsible.
 3. The decision of the Dean of Students, once agreed to, may not be appealed.
- D. Conduct Board Hearing
1. If the student is unwilling to accept the terms of the administrative hearing, or believes that a hearing would be preferable, the student may pursue a Conduct Board hearing as outlined below. If any member of the Conduct Board feels that he or she has such previous contact with the case or the students involved that a fair judgment cannot be rendered, the member must request that he or she not serve for that hearing. The accused student may request that any member of the Board be excused whenever the student can show a bias on the part of the member. The chair of the committee will decide on such challenges and, if appropriate, ask the member to excuse him or herself. If the chair is challenged, the committee will decide by a majority vote whether or not he or she should be requested to excuse him or herself.
 2. The hearing shall be conducted in such a manner that is fundamentally fair and shall not be restricted unduly by rules of criminal procedures or evidence. Evidence not directly related to the matter at hand will not be considered for review. It is the responsibility of the Chair of Conduct Board to rule on the admissibility of evidence and on relevant and irrelevant matters. The focus of inquiry in hearings shall be whether or not the accused person was in violation of a community expectation and/or the Code of Conduct. Formal criminal rules of evidence are not applicable; nor shall deviations from prescribed institutional procedures necessarily invalidate a decision or proceeding, unless significant prejudice to a student respondent of the University results from those deviations.
 3. The Final Report of the Hearing is the written summary of a hearing by the Conduct Board; the Final Report is prepared by the Secretary and submitted by the Chair of the Conduct Board to the Dean of Students.

Audiotapes of recorded hearings are temporary records and should be destroyed at the conclusion of the University appeal process. Audio recordings are the property of the University and are retained in office of Vice President for Student Services. The audio recordings will be available for review in the office of the Vice President for Student Services by those members of the University community who participated in a hearing.

4. The accused student has the right to be assisted by an Advisor of his/her choice, who must be a full-time administrative official, regular faculty member or student of the University. The University does not have an obligation to provide an advisor to the accused student.
 - a. The advisor may, at the request of the student:
 - i. Advise the student in the preparation and presentation of a defense
 - ii. Accompany the student to all discipline proceedings
5. The Dean of Students must be notified whenever an attorney requests to be present at a hearing. Generally, students are not permitted to have an attorney present at a disciplinary hearing. However, where a student is subject to pending criminal charges stemming from the incident that resulted in the disciplinary proceedings, the University may permit counsel to be present for limited purposes. The function of counsel at the hearing is limited to advising the student whether the student should answer questions and what the student should not say in order to avoid self-incrimination. Attorneys may also observe the proceedings to be better prepared to deal with any attempt to introduce evidence from the hearing at later criminal proceedings. To fulfill these functions, an attorney will be permitted to consult with the student when the student is being questioned. Attorneys may not question any individual, raise objections, or otherwise participate in the hearing. When a student is allowed to have counsel present he/she may also be allowed to have an advisor of his/her choice from within the University community.
6. A Conduct Board hearing will generally proceed in the following manner:
 - a. An introduction of the Conduct Board.
 - b. Participants state any questions they have concerning rights or procedures.
 - c. The statement of the charges is presented.
 - d. Evidence is presented against the accused student by the hearing officer; each witness is called individually. Please note that in a conduct hearing, the technical rules of evidence applicable in civil and criminal cases does not apply.
 - e. Evidence is presented by the accused student and his/her witnesses; each witness is called individually. Please note that in a disciplinary hearing, the technical rules of evidence applicable in civil and criminal cases does not apply.

- f. The Conduct Board members may question the witnesses as they are called and may request witnesses to return for further clarification.
 - g. The hearing officer may present concluding remarks.
 - h. The accused student may present concluding remarks.
 - i. All persons are excused from the hearing room except Conduct Board members and the Board's advisor.
 - j. The Conduct Board considers only information introduced in the hearing and deliberates in executive session until a decision is made as to responsibility. The decision is based on the preponderance of the evidence and is decided by a simple majority vote. In case of a tie vote, the ruling is to find the student not responsible after extensive deliberation. Previous violations are to be considered in the recommending of appropriate sanctions.
 - k. The Secretary will prepare a Final Report of the decision and submit it to the Chair. After the Chair reviews the report he/she will submit the report to the Dean of Students.
 - l. The accused student will be notified of the result by the Dean of Students.
 - m. The student is informed of the right of appeal and the appropriate procedure for initiating an appeal.
7. The Chair of the Conduct Board shall have the right to limit the length of testimony of any witness or participant in the hearing if it appears to be repetitious or does not contribute positively to the fair and efficient adjudication of the case currently being considered.
 8. If an accused student fails to appear at a hearing after being properly notified, the Conduct Board shall hear the case on the basis of the evidence accumulated as a result of the testimony of witnesses and notify the accused student of the decision.
 9. An accused student may request one postponement of a judicial hearing by contacting the Dean of Students at least 48 hours prior to the scheduled hearing.
 10. Witnesses may not also serve as an adviser/support person.
 11. Any participant determined by the chair to be unruly or disruptive to the hearing process will be removed from the hearing.
 12. Providing false information and/or discussing the case before the Conduct Board hearing with any of the witnesses against the accused may lead to an additional charge of Interference with the Conduct Process.

V. Appeals

1. Any student found responsible for a violation by the Conduct Board shall have the right to appeal within three class days of receiving notice of the decision by filing a written petition for appeal with the Dean of Students.
2. An appeal hearing will be concerned only with the issues raised in the written appeal form.
3. The Dean of Students may take any of the following actions:
 - a. Affirm the findings and sanction of the Conduct Board
 - b. Reduce the sanction
 - c. Find the student not responsible of the charge(s)
4. A student found responsible for a violation may not be given a more severe sanction as the result of his or her decision to appeal.
5. If the appeal has included new evidence or contention of error, the Dean of Students will first decide on responsibility and then on the sanction. If only the sanction is in question, the Dean of Students will affirm or decrease the original sanction.

VI. Sanctions

Utilizing the following tables, the Dean of Students or the Conduct Hearing Board may assign one or more of the following sanctions/remedies:

Conduct Related Sanctions	
Minor Violations	
1st Offense	The following may be recommended for the first offense: reprimand, restitution (which may include educational programs, revocation of privileges, or probation.
2nd Offense	Suspension from the university for no less than one and not more than three semesters. As necessary, additional 1st offense sanctions may be added.
3rd Offense	Incident will be processed using Major Violations table below.

A major violation of conduct includes, but is not limited to, incidents that include violence, imminent threat of violence, weapons violations, drug violations, and alcohol violations.

Conduct Related Sanctions	
Major Violations	
1st Offense	Suspension from the university for no less than one and not more than three semesters. As necessary, additional Minor Violation, 1st offense sanctions may be added.
2nd Offense	Restitution (when appropriate) and expulsion from the university.

Chartered Student Organizations	
In addition to charges against a violation by an organization, charges against individual members may also be filed.	
1st Offense	Restitution (when appropriate) and/or suspension of charter for no less than one and no more than eight semesters.
2nd Offense	Restitution (when appropriate) and revocation of charter.