

- (6) Examination and questioning by members of the board may follow any witness statement or information presented.
- (7) The board will go into closed session to decide whether the accused is responsible for a violation of the Code of Student Conduct. These deliberations will be closed to all but the members of the board and representation from the Dean of Students' Office.
- (8) The accused will be called back into the room and the decision of whether the accused is responsible for a violation of the Code of Student Conduct is announced to all present at the hearing. If the accused is found to be responsible, the accused may make a statement on his/her behalf regarding the sanction.
- (9) The board will go back into closed session to consider the sanctions. These deliberations will be closed to all but members of the board and representation from the Dean of Students' Office.
- (10) The board will present a written finding and the recommended sanction(s), if any, to the Dean of Students' Office who will in turn so inform the accused in writing as soon as possible. This recommendation will be used by the Dean of Students' Office in the final determination of sanctions, but ultimately the Dean of Students' Office has sole discretion in the application of sanctions for students, student groups, or student organizations found responsible for violating the Code of Student Conduct.

6. Sanctions

Violation of the Code of Student Conduct and university regulations will be enforced. If the behavior of a student is such that his or her continuance at the university would be hazardous to others or detrimental to the university, the Dean of Students may, at his or her discretion, impose temporary emergency measures which may include but are not limited to immediate suspension, removal from housing, academic restrictions and facility restrictions as he or she deems necessary until the disciplinary process is complete. Student conduct sanctions are educational in nature. More than one sanction or any combination of sanctions may be imposed for any single violation. The following list is an example of sanctions, however it is not all inclusive of all possible sanctions.

- **Expulsion** - Separation of the student from the university whereby the student is never eligible for readmission to this university.
- **Suspension** - Separation of the student from the university for a defined period of time.
- **Conduct Probation** – An official warning that the student's conduct is in violation of the Code of Student Conduct, but is not sufficiently serious to warrant expulsion or suspension. A student on conduct probation may face expulsion or suspension if found responsible for another violation. A student may also be ineligible to represent

the university and additional restrictions or conditions may be imposed depending on the nature and seriousness of the misconduct as specified in the sanction.

- **Loss of campus housing** – Removal from university housing for disciplinary reasons.
- **Community service** – A student may have to complete a specified number of community service hours.
- **Restrictions** – The withdrawal of specified privileges for a defined period of time.
- **Restitution** – A payment for financial reimbursement in cases involving loss of or destruction of property or deception.
- **Warning** – Reprimand of a student for actions violating the Code of Student Conduct.
- **Educational Requirements** - A stipulation to complete a specific educational requirement directly related to the violation of the Code of Student Conduct committed. The provision will be clearly defined. Educational requirements may include, but are not limited to, completion of an alcohol or drug education course, an integrity course, essays, reports, etc.

7. Appeals

The student, group, or registered organization being disciplined may petition for an appeal of a decision reached by a conduct board or administrative hearing. A petition for an appeal must be made in writing by the student or student organization to the Dean of Students' Office within a period of five (5) days from the date of notification. A petition for appeal made to the Dean of Students' Office will be reviewed to determine its merit and must be based on one or more of the following reasons:

- a. An error in procedure, which prejudiced the process to the extent that the participant was denied a fundamentally fair hearing as a result of the error. Procedural flaws alone are not grounds for an appeal. Significant procedural errors that may have affected the verdict or sanction will be considered.
- b. The emergence of new evidence that could not have been previously discovered and that, had it been represented at the initial hearing, would have substantially affected the original decision of the hearing body.

The student, group, or organization being disciplined must specify in detail why they believe they are entitled to an appeal. Based on its merit, the request for appeal will be reviewed by the Dean of Students or his or her designee. A request for appeal which does not clearly raise, in writing, one or more of the reasons listed above shall be dismissed without further consideration. The request for appeal shall be limited in its review to the reason or reasons raised in the written appeal. The decision of the Dean of Students or his or her designee, granting or denying the appeal will be in writing. If an appeal is granted, the matter will be moved to the appropriate board which will have full discretion in the determination of responsibility and recommendation of sanctions. Following the notification by the student, group, or organization of the intent to petition for appeal and pending the appeal process, the disciplinary action taken by the university may be stayed unless the Dean of Students' Office has determined in a case involving

removal from the university that the continued presence on campus of the charged student, group, or organization poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process. The decision to grant or deny the appeal and the outcome of any appeal hearing is final.

8. Medical Amnesty

The health, safety, and welfare of students are of the utmost importance. As such, all students are expected to alert appropriate officials in the event of any health or safety emergency, specifically those involving another student's abuse of alcohol or drugs.

In a situation involving imminent threat or danger to the health or safety of any individual(s), students are expected to:

1. Contact emergency officials by calling 911 to report the incident.
2. Remain with the individual(s) needing emergency treatment and cooperate with emergency officials, so long as it is safe to do so
3. Meet with appropriate university officials after the incident and cooperate with any university investigation.

Because the university understands that fear of possible disciplinary action may unnecessarily deter certain requests for emergency assistance, students who report such emergencies will not be found responsible for alcohol or drug-related policy violations provided the above protocol is followed. However, the incident will be documented, and educational, community, and health interventions as well as contact with a student's parents or family may be required. The protocol does not protect repeated, flagrant, or serious violations of the Code of Student Conduct or other university policies (including physical or sexual assault, violence, hazing, harassment, theft, or vandalism or instances where multiple individuals need medical attention), nor does it preclude or prevent action by police or other legal authorities.

Only an individual student (including an individual member of a student organization) may receive amnesty under this policy. The Medical Amnesty Policy does not provide amnesty for student organizations.

Review

The Vice President for Student Affairs is responsible for the review of this operating policy every four years or as needed.

REVIEWED BY:

/s/ Regina Hyatt
Vice President for Student Affairs

02/26/2018
Date

/s/ Joan Lucas
General Counsel

03/08/2018
Date

/s/ Timothy N. Chamblee
Assistant Vice President and Director
Institutional Research & Effectiveness

03/06/2018
Date

APPROVED BY:

/s/ Mark Keenum
President

03/18/2018
Date

This policy has been superseded