



Dalton State College
Student Code of Conduct
and Disciplinary Procedures

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I. Student Conduct Authority

The Student Conduct Administrator develops the Student Code of Conduct (Code), its program, and procedural rules under the supervision of the Dean of Students Office at Dalton State College.

A. Jurisdiction

Any individual defined as a Student and anybody defined as a "Group" or "Organization" under this Code falls under the jurisdiction of this Code. The processes outlined in this Code will be followed for incidents occurring on campus, online, and at College-sponsored or sanctioned events, regardless of where the conduct occurs. For incidents occurring off-campus, the Vice President of Student Affairs and Enrollment Management or designee will determine if the interests of the College are affected such that the incident falls under the scope of this Code. A Student may not withdraw from a class where an Academic Misconduct violation has been alleged. The Code continues to apply to while a student conduct matter is pending even if the Student withdraws from the College.

B. Standard of Proof

Standard of Proof means the standard by which it is determined whether a violation of this Code has occurred. For the Student Conduct Process, the Standard of Proof required is a preponderance of the evidence. A preponderance of the evidence means that evidence would lead a reasonable person to conclude that it is more likely than not that the act in question did occur.

Any decision to suspend or expel a student must be supported by substantial evidence.

II. Definition of Terms

- A. The term "Allegation" refers to the possible violations of the Student Code of Conduct. Allegations are to be investigated and may or may not result in a charge.
- B. The term "Charge" refers to a violation of the Student Code of Conduct.
- C. The term "Confidential Employee" refers to 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 the 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.
- D. The term "Community" refers to Students, Faculty, Staff, as well as contractors, vendors, visitors, and guests.
- E. The term "Complainant" refers to an individual who is alleged to have experienced conduct that violates a policy of Dalton State College or the University System of Georgia.
- F. The term "Consent" refers to 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 either party by using clear words or actions.
- G. The term "Day(s)" refers to any day when the College is open for business and classes are in session.
- H. The term "Faculty Member or Faculty" refers to any person employed by Dalton State College to provide instruction or classroom activities.
- I. The term "Formal Resolution" refers to when a student is charged with a violation of the Student Code of Conduct and the case is resolved by the Student Conduct Board, Formal Hearing Officer, or a Title IX Formal Hearing Panel. As part of this resolution, the Student maintains their right to appeal.
- J. The term "Guest" refers to any non-student, non-faculty, or non-staff of Dalton State College; or non-residents in Mashburn Hall.

- K. The term "Hearing Officer" refers to any person designated by the Dean of Students or the designee to investigate, adjudicate or otherwise resolve any cases of alleged student misconduct.
- L. The term "Incapacitation" refers to the physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep, involuntary physical restraint, status as a minor under the age of 16, or from the intentional or unintentional consumption of alcohol and/or other drugs. Whether someone is incapacitated is to be judged from the perspective of an objectively reasonable person.
- M. The term "Informal Resolution" refers to when a student is charged with a violation of the Student Code of Conduct and the case is resolved by accepting the outcome. By accepting the outcome, the student waives their right to a formal hearing and waives their right to an appeal.
- N. The term "Possession" includes, but is not limited to, holding, no matter the duration, any prohibited item in hand or having such items in one's property, room, vehicle, or other area and where the person owning or controlling the property, room, vehicle, or other area knew or should have reasonably known the item was present. Possession may also include drinking, ingesting, or introducing any amount of prohibited substance into one's body.
- O. The term "Privileged Employees" refer to individuals employed by the College 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 an imminent threat of serious harm.
- P. The term "Respondent" refers to any student charged with an alleged violation of the Student Code of Conduct
- Q. The term "Responsible Employee" refers to those employees who must promptly and fully report complaints of or information regarding Sexual Misconduct to the Title IX Coordinator. Responsible Employees include any administrator, supervisor, faculty member, or another 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, resident advisors, student managers, orientation leaders).

- R. The term "Student" means an individual who has been accepted for admission to Dalton State College and maintains a continuing relationship with the College by being enrolled in classes or being eligible to enroll in classes. Students also include but are not limited to individuals attending orientation, dual enrollment, and students taking courses online through Dalton State College.
- S. The term "Student Conduct Record" refers to the history of responsible findings a student has with the Office of Student Conduct. This includes Academic Dishonesty, Behavioral Conduct, and Sexual Misconduct cases.
- T. The term "Student Group" or "Group" refers to any number of persons who associate with each other for a common purpose but are not a Registered Student Organization.
- U. The term "Registered Student Organization" or "Organization" refers to any number of persons who have completed the requirements for being a Registered Student Organization. This definition includes any Greek Lettered student groups registered as a Student Organization at Dalton State College.
- V. The term "Event" refers to any event (on-campus or off-campus) sponsored or facilitated by the College, a Student Group, or a Student Organization.
- W. The term "College Official" refers to and includes any person employed by Dalton State College, performing assigned administrative or professional responsibilities.
- X. The term "Student Conduct Board" refers to a body trained to hear and make recommendations concerning alleged violations of the Student Code of Conduct. This board may include Students, Faculty, and Staff.
- Y. The term "Victim" refers to any person who has been directly impacted by the behavior of a Respondent, which violates or allegedly violates the Student Code of Conduct.

III. Rights and Responsibilities

A. Student Rights

Any Student, Student Group, Student Organization accused of a violation of the Student Code of Conduct will have the following rights:

1. To receive notice of alleged violations
2. To be provided an opportunity to respond to alleged violations
3. To seek information from the Student Conduct Administrator or a hearing officer about the review of evidence and resolution processes
4. To be accompanied by one advisor of their choice to any meeting(s) and hearing
5. To present relevant information on their behalf
6. To request relevant witnesses on their behalf
7. To remain silent during any investigation and/or hearing and have no interference of responsibility drawn from such silence (If the respondent chooses to remain silent, the investigation may still proceed, and policy violations charges may still result, and any charges may be resolved regarding the respondent)
8. To have unrelated charges and cases resolved separately unless the respondent consents to have them aggregated
9. To be informed of any disciplinary outcomes in writing
10. To appeal decisions on specific grounds
11. To attend classes and required College functions until a hearing is held and a decision is rendered. Exceptions can be made when an interim suspension is imposed.

B. Victim's Rights

As a Student of Dalton State College, if you feel you are a victim of a violation either of the law or the Student Code of Conduct, you have the following rights:

1. Regardless of whether an act violates the law, the Victim may file a report alleging a violation of the Student Code of Conduct.
2. To have an advisor accompany them throughout the student conduct process.
3. To submit a Victim impact statement before a sanction being imposed.
4. To have past unrelated behavior excluded from the hearing.

C. Recusal/Challenge for Bias

Any party may challenge the participation of any College official, employee, or Student Conduct Board member in the process on the grounds of personal bias by submitting a written statement along with evidence of why such a challenge is being made, to the Dean of Students Office setting forth the basis for the challenge. The written challenge should be submitted within a reasonable time after the individual knew or reasonably should have known the existence of the bias. The Dean of Students' Office will determine whether to sustain or deny the challenge and if sustained, the replacement to be appointed.

D. Role of the Advisor

a. Academic Dishonesty & Student Conduct:

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.

b. Sexual Misconduct:

Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing. The advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the Sexual Misconduct process but may not actively participate in the process except to conduct cross-examination at the hearing. If a party chooses not to use an advisor during the investigation, the institution will provide an advisor for the purpose of conducting cross-examination on behalf of the relevant party.

All communication during the Sexual Misconduct process will be between the institution and the party and not the advisor. The institution will copy the party's advisor prior to the finalization of the investigation report when the institution provides the parties the right to inspect and review directly related information gathered during the investigation. With the party's permission, the advisor may be copied on all communications.

IV. Proscribed Conduct

The following actions are prohibited and violate the Student Code of Conduct. Any student or organization found responsible for committing or attempting to commit the following misconduct is subject to disciplinary actions and sanctions.

1. Academic Dishonesty

- a) Engaging in behavior prohibited explicitly by the course instructor in the course syllabus or classroom directions.
- b) Cheating: the use or attempted of any unauthorized materials, information, or study aids in any academic exercise or actions taken to gain an unfair or undue advantage over others. Examples of cheating include, but are not limited to:
 1. Receiving, providing, or using unauthorized assistance or materials on any work submitted for any course, including but not limited to, online services, companies, or social media.
 2. Alteration or insertion of any grade to obtain unearned academic credit.
 3. Fabricating information, research, or results such as taking, or attempting to take, an examination for another student, alteration of legitimate research data, alteration or distortion of laboratory experiments, or deliberate distortion of another's work or results.
 4. Collaborating with others on assignments without the faculty's consent.
 5. Impeding the ability of students to have fair access to materials assigned or suggested by the course instructor.
 6. Demonstrating forms of dishonest behavior in academic settings.
- c) Facilitation: cooperating with or helping another student cheat, such as instigating, encouraging, or abetting plagiarism or cheating or failing to report a known violation to the instructor.
- d) Plagiarism: the offering of words, ideas, data, graphics, or thoughts of another and representing them as one's own without proper acknowledgment. Examples include but are not limited to:
 1. The offering of another's work, whether verbatim or paraphrased, as original material without identifying the source(s) in a paper, discussion post, exam, assignment, or another academic assignment or exercise.
 2. Directly quoting words of others without using quotation marks or indented format to identify them.
 3. Self-plagiarism: re-submitting work previously submitted without appropriate or accurate citation or credit or without explicit approval from the instructor.
 4. Using materials prepared by another person or agency to assist in completing coursework. This may include but is not limited to, work or other academic materials and using online platforms or services to receive information for any academic assignment or exercise.
- e) Classroom Copyright Infringement

1. Any recording or transmission of an instructor's materials, lectures, or discussions by a Student without prior written permission (it is not a violation if a Student has an educational accommodation through Student Support Services).
2. Uploading any recordings or information from a course or presentation to publicly accessible websites.

2. Alcohol

- a) Possession or consumption of any alcoholic beverage on campus, regardless of a person's age.
- b) Providing, distributing, or selling an alcoholic beverage, except as permitted by law.
- c) Facilitating the consumption or possession of an alcoholic beverage in violation of the college policy or law.
- d) Disruptive or disorderly conduct connected with the influence of alcohol.
- e) Operating a motor vehicle while under the influence of alcohol or while impaired by the consumption of alcohol.
- f) Misuse of the Travel and Off-Campus Events policy found in the RSO Manual.

The RSO policy can be found under the Registered Student Organization (RSOs) section at: https://www.daltonstate.edu/campus_life/forms.cms

3. Animals

- a) Any abuse, inappropriate handling, or causing death to wildlife or animals.
- b) Bringing any unauthorized animal into any building owned, leased, or controlled by Dalton State College.
- c) Failure to properly clean up after an animal.
- d) Failure to properly maintain control of an animal (i.e., use of a leash).

4. Damage to Property

- a) Any damage or destruction of property belonging to a member of the College community, College property, or to a visitor of the campus.
- b) Any damage or destruction of property that is caused by a Dalton State College Student (including property not owned or controlled by the College).
- c) Violations of the [Posting and Publicity Policy](#).

5. Disorderly Conduct

- a) Assembly on campus to create a riot, destruction, or diversion that interferes with the normal operation of the College. (This should not be construed to deny any students the right of peaceful, non-disruptive assembly)
- b) Obstruction of the free movement of persons about the campus, interference with the use of College facilities, or material interference with the normal operations of the College.
- c) Abuse or unauthorized use of sound amplification equipment indoors or outdoors during classroom hours.
- d) Obstructing, disrupting, or attempting to obstruct or disrupt any teaching, research, administrative, disciplinary, or otherwise authorized activity.

- e) Unauthorized audio, photographic, or video recording of any person while on College premises without consent from the individual in the recording when such a recording is likely to cause injury, harm, or distress. This includes but is not limited to taking pictures of another person without consent in a gym, locker room, or restroom.
- f) Physical abuse, threats, intimidation, harassment, coercion, or other actions that threaten or endanger the health or safety of another person.
- g) Discrimination: differential treatment of a person based on that person's membership in a protected class that unreasonably interferes with or limits the person's work, education performance, or ability to participate in or benefit from an institutional program or activity.
- h) Harassment: unwanted behavior, communication, or interaction directed at a person that causes reasonable fear for safety, or is sufficiently severe, pervasive, and persistent that it interferes with the person's institutional employment or ability to participate in or benefit from any institutional programs.

6. Drugs

- a) Possession or use, without valid medical prescription, of any federal or state-controlled substances, including synthetic varieties. (including prescription drugs or any item misused for the purpose of intoxication)
- b) Possession of drug-related paraphernalia.
- c) Manufacture, distribution, or sale of any federal or state-controlled substances, including synthetic varieties. (to include prescription drugs or any item misused for the purpose of intoxication)

7. Failure to Comply

- a) Failure to comply with directions of an identified College official or law enforcement officer in the performance of their duties.
- b) Failure to truthfully identify oneself to College official(s) when requested.
- c) Failure to comply with notices or sanctions pertaining to the student conduct process, including initial meeting requests, notices of student conduct hearings, and sanction requirements.
- d) Failure to follow established College policies or guidelines.

8. Falsification

- a) Actual or attempted altering, falsifying, counterfeiting, or forging of any record, form, or document used by the College.
- b) Presenting false information within an official college process, including but not limited to admissions, financial aid, student conduct proceedings, or to Public Safety and other law enforcement officials.

9. Fire and Emergency Safety

- a) Tampering with fire safety equipment.
- b) Setting or causing any unauthorized fire in or on College premises.
- c) Refusing to participate in any emergency-related drill or alarm.
- d) Unauthorized possession, sale, furnishing, or use of any incendiary device.

- e) Possession or use in a Residential Life facility of any fire safety hazard included in the Residential Living Guide.

10. Gambling

- a) The playing of cards or any other game of skill or chance for money or other items of value, unless part of a college-approved event

11. Hazing

- a) Any action or situation that recklessly or intentionally endangers the health, safety, or welfare or, or causes risk of bodily injury to, an individual for the purpose of initiation, participation, admission into, or affiliation with any organization or group regardless of consent or a person's willingness to participate.
- b) Any other activity that meets the definition of hazing under applicable law, including but not limited to the "Max Gruver" Legislation Senate Bill 85 (see the following link for full policy: [Max Gruver Legislation](#)).

All assessments of the appropriateness of any action regarding hazing will be considered within the context of the College community as a whole, not just within the organization, and shall be determined by the Dean of Students or designee. Individual students and organizations as a whole can be held responsible for their actions in attempted or actual hazing.

12. Retaliation

- a) Engaging in any adverse action or threat of adverse action against any individual for reporting alleged violations in good faith, participating in an investigation, or being a close associate of someone who makes or may make a good faith report of violations.

13. Sexual Misconduct

Includes, but it is not limited to, such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, nonconsensual sexual exploitation, sexual harassment, and stalking.

The Student Sexual Misconduct Policy (along with a full set of definitions) is outlined in its entirety in the Board of Regents Policy Manual 6.7.

- 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
 - 3) The frequency of interaction between the person involved in the relationship

Dating violence includes, but is not limited to, sexual or physical abuse or 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 Penetration: Any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part; 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:

1. Invasion of sexual privacy;
 2. Prostituting another individual;
 3. Non-consensual photos, video, or audio of sexual activity;
 4. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity was consensual;
 5. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
 6. Knowingly transmitting an STD or HIV to another individual through sexual activity;
 7. Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or
 8. 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 in violation of Title IX.
 - g) Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method,

- device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

14. Smoking and Tobacco

- a) The use of tobacco products is prohibited on College premises. Tobacco products include but are not limited to cigarettes, cigars, pipes, all forms of smokeless tobacco, clove cigarettes, and any other smoking device that use tobacco such as hookah, or simulate the use of tobacco such as vaporizers, or electronic cigarettes.
- b) Advertising, sale, or free sampling of tobacco products on College premises, unless specifically stated and approved for research purposes.

15. Student Identification Card Violations

- a) Altering, lending, or selling a Student identification card.
- b) Using a Student identification card by anyone other than its original holder.
- c) Using a Student identification card in any unauthorized manner.

16. Theft

- a) Taking, attempting to take, keeping in his or her possession, or reselling items of the College, or items belonging to students, faculty, staff, student groups, or visitors to the campus without proper authorization.

17. Unauthorized Entry or Use of College Facilities

- a) Unauthorized entry into any college building, office, or another facility.
- b) Remaining without authorization in any building after normal closing hours.

18. Unauthorized Use of Computers and/or Internet

- a) Unauthorized entry or attempted entry into a file for any purpose, including but not limited to, use, read, transfer or alter the contents.
- b) Use or attempted use of another individual's identification and/or password to access a campus computer or network.
- c) Use or attempted use of computing facilities and resources to interfere with the work of another student, faculty, or college official.
- d) Use or attempted use of computing facilities to view or send obscene or abusive messages.
- e) Use or attempted use of computing facilities and resources to violate copyright laws.

19. Violation of Confidentiality

- a) Disclosing confidential Student Conduct information as a member of the Student Conduct Board.
- b) Disclosing confidential work-related information as a student employee.

20. Violation of the College Motor Vehicle/Campus Parking Regulations

- a) Violating the Vehicle Registration standards or the Campus Parking Rules posted by Dalton State College Public Safety.

21. Violation of the Residential Living Guide

- a) Violating policies found in the Residential Living Guide posted by Residential Life or possessing items prohibited inside Mashburn Hall.

22. Violation of Law

- a) Violation of local, state, or federal law, on or off campus, that constitutes a danger or material interference with the normal, orderly operation and processes of the College, or with the requirements of appropriate discipline.

23. Violation of Other Campus Policies

- a) Violating any campus, program, or housing regulations published in hard copy or available electronically. (The Code is a minimal set of standards. Other offices and departments may set forth more rigid policies for specific programs, activities, or facilities.)

24. Weapons

- a) Except as expressly provided by state law, no person may carry or possess any weapon (including a firearm, handgun, or long gun) on the campus of Dalton State College.
- b) Possession of any item that could reasonably cause harm or damage is considered a weapon when it is brandished in a threatening manner.

V. Student Conduct Procedures

A. Reporting

1. All suspected violations should be immediately reported to the Student Conduct in the Dean of Students Office at Dalton State College. To report any violation of the Student Code of Conduct please go to https://www.daltonstate.edu/campus_life/studentconduct-about.cms. Anyone may submit a report. Reports are reviewed to determine if the alleged behavior violates this Student Code of Conduct. A report of an alleged violation of this policy should include:
 - a. The type of misconduct.
 - b. Name(s) of the individual(s) involved.
 - c. Date, time, and place of misconduct.
 - d. Name and contact information for any witnesses.
 - e. Any evidence available.
 - f. Whether or not a criminal complaint was filed (if applicable).

B. Confidentiality

1. Where a Complainant (where applicable) requests that their identity be withheld or the allegation(s) not be investigated, Dalton State will consider whether or not such request(s) can be honored while still promoting a safe and nondiscriminatory environment for the institution and conducting an effective review of the allegations. Dalton State will inform the requesting party that the College 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.

C. Retaliation

1. 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) at Dalton State (for further information see section VIII). Any person found to have engaged in retaliation shall be subject to disciplinary action, pursuant to the institution's policy.

D. False Complaints and/or Statements

1. Individuals are prohibited from knowingly giving false statements to Dalton State. Any person found to have knowingly submitted false complaints, accusations, or statements, including during a hearing, in violation of applicable Board of Regents or Dalton State policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated pursuant to the institution's policy.

E. Amnesty

1. 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 educational program under this amnesty procedure will not be considered a sanction.

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

F. Sexual Misconduct

1. All allegations of Sexual Misconduct will be reviewed by the Title IX Coordinator. The Title IX Coordinator will facilitate any investigation needed based on the needs of the case. Any Formal Hearing(s) will be heard and adjudicated by a trained sexual misconduct board. During an Informal or Formal Hearing, the Respondent and Victim will be given the opportunity to present a personal impact statement to the board or hearing officer. Both the Respondent(s) and Victim(s) will receive dual notification of the outcome of any adjudication.

G. Hearing Types

1. Informal Administrative Hearing: a meeting with the Student Conduct Administrator or designee to review the students' rights, the incident report, and allow the student, student organization, or student group the opportunity to admit or deny the alleged violations. The Student Conduct Administrator or designee can make a recommendation for findings and sanctions if necessary. If the Respondent accepts they will agree to an Informal Resolution, thus waiving their right to a formal hearing before a Student Conduct Board or Formal Hearing Officer and their right to an appeal. If the student, student organization, or student group do not attend the administrative hearing, a formal hearing before a Formal Hearing Officer will be scheduled in their absence.
2. Single Hearing Officer: a hearing in which a trained Faculty/Staff member of Dalton State College serves as the Hearing Officer and single decision maker. The hearing officer determines responsibility based upon all material available, which can include, but is not limited to, incident reports, police reports, investigative reports, witness statements and/or testimony, statements and/or testimony from the complaining and accused parties. The hearing officer will also assign any sanctions that are deemed necessary for the alleged violation(s) if necessary. Notice of the time, date, and location of the panel hearing shall be provided to the respondent (and alleged victim, where applicable) at least five (5) business days in advance of the hearing.
3. Student Conduct Board: a hearing in which a group of trained panelists determines whether a student has violated the Student Code of Conduct and assign sanctions when an outcome of responsible is reached. The Student Conduct Board determines responsibility based upon all material available, which can include, but is not limited to, incident

reports, police reports, investigative reports, witness statements and/or testimony, statements and/or testimony from the complaining and accused parties. The Student Conduct Board will also assign any sanctions that are deemed necessary for the alleged violation(s) if necessary. Notice of the time, date, and location of the panel hearing shall be provided to the respondent (and alleged victim, where applicable) at least five (5) business days in advance of the hearing.

- i. The Student Conduct Board is made up of at least three (3) individuals. These individuals are selected from a pool of trained panelists, which include students, faculty, and staff. All cases involving charges of sexual misconduct that go to a hearing shall be heard by a panel comprised of only staff and/or faculty
- ii. The Student Conduct Panel is not trained by the individuals tasked with investigations allegations of student misconduct.
- iii. After all material is presented by the complainant and respondent, including their testimony, and the testimony of witnesses, the Student Conduct Board shall conduct a closed deliberation, in which they will determine, by majority vote, whether the accused student has violated the Student Code of Conduct by a preponderance of the evidence.

All hearings shall proceed if a Respondent or complaining party chooses not to appear. The charges shall be presented and considered in the absence of the students, with whatever materials and information are available at that time. Hearings will begin five minutes after the scheduled hearing time if the respondent does not appear at the scheduled time.

H. Resolution of the Conduct Process

Resolutions of the College's conduct process neither establish nor are based upon precedent. Further, matters of local, state, or federal law are independent of the conduct process. During the meeting with the student or organization following the initiation of the conduct process, the administrative officer will review the alleged violations with the student or organization, ensure that the student or organization has been advised as outlined in the section above, and determine, which, if any, of the alleged violations are to be resolved through the conduct process. Once the administrative officer has determined the alleged violations to be resolved through the conduct process, there are two available options from which the student or organization can choose: (1) informal resolution, or (2) formal resolution (investigation and hearing).

I. Informal Resolution

If the student or organization agrees that the violation(s) of the conduct regulations cited occurred, they may decide to have the case resolved through the informal process. A student or organization always has the right to refuse the informal process and proceed with a formal hearing. The final resolution of the informal process must meet the following criteria: (1) the administrative officer handling the case and student or organization agree that an informal resolution is a reasonable option given the circumstances; (2) the student or organization must accept responsibility for the violation(s) of the specified conduct regulation(s); (3) the

student or organization must agree with the sanctions resulting from the violation(s); (4) if applicable, the alleged victim should agree with the sanctions issued for the violation(s) and may propose sanctions that are reasonable and in accordance with the Student Code of Conduct. Cases that do not meet all four criteria for the informal resolution will be referred to as formal resolution (investigation and hearing).

1. Decision for Informal Resolution

If the student or organization decides to resolve the conduct charges informally, and all conditions for such resolution are met, the student or organization will receive a written copy of the decision. The decision will be completed by the administrative officer handling the case, and upon review, the student will sign the decision indicating agreement with the method of resolution.

J. Formal Resolution

If the student or organization disputes that a violation of conduct regulations has taken place, rejects the informal resolution, or does not agree with the sanctions resulting from the informal resolution, the case shall be resolved through the formal resolution procedures as follows:

1. A written "Notice of Investigation" shall be delivered to the student or organization. The notice shall include (1) the specific conduct regulation(s) which the student or organization is alleged to have violated; (2) notice that the case has been scheduled for an investigation to determine whether charges will result from the allegations; (3) the identity of any investigator(s) assigned to the case; and (4) the range of sanctions that may result based on the allegations.
2. Upon receipt of the written notice, the student or organization shall be given three (3) business days to respond in writing. In that response, the student or organization has the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and documents – whether written or electronic – in support. A non-response will be considered a general denial of the allegations.
3. Based on the response, the investigation shall consist of interviews of the student or organization, the alleged victim (where applicable) and witnesses, and the collection and review of documents or other physical or electronic information, as well as other steps as appropriate. The investigator(s) should retain written notes and/or obtain written or recorded statements from each interview. The investigator(s) shall also keep a record of any proffered witnesses not interviewed, along with a brief, written explanation of why the proffered witness was not interviewed.
4. If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of sanctions, then the complaint should be dismissed. Additionally, if the student or organization admits responsibility, the investigation may conclude and the process may proceed to a hearing for a determination of sanctions or may be resolved through an informal resolution, if appropriate.

If any charge, or the entire complaint, is dismissed by the investigator due to insufficient evidence, the victim, if applicable, may appeal the decision to dismiss to the Vice President for Student Affairs and Enrollment Management, or his/her designee. The appeal must be in writing and submitted within (2) business days of the victim's notification of the decision to dismiss. The Vice President for Student Affairs and Enrollment Management, or his/her designee, shall either uphold the dismissal or determine that the charge or complaint must be resolved through the conduct process, and the decision of the Vice President, or his/her designee, is considered final.

5. The investigation shall be summarized in writing in an initial investigation report and provided to the student or organization, as well as the alleged victim (where applicable), in person, or via email. This summary should clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions. A charge is not a finding of responsibility but indicates that there is sufficient evidence to warrant further consideration and adjudication.
6. To the extent the student or organization is ultimately charged with any violation(s), they shall also have the opportunity to respond in writing. The student's or organization's written response to the charge(s) shall be due three (3) business days following the date of the initial investigation report and should outline any additional information the student or organization feels should be included in the report. Nonresponse to the charge(s) by the student or organization will be interpreted as a denial of the charge(s).
7. The investigator(s) shall conduct further investigation consistent with the procedures outlined above and update the investigative report as warranted by the student's or organization's response.
8. Once the investigation is complete, the final investigative report should be provided to the judicial body for consideration in adjudicating the charges brought against the student or organization. A copy shall also be provided to the student or organization, as well as the alleged victim (where applicable).
9. Following the submission of the final investigative report to the applicable parties as outlined above, a written "Notice of Hearing" shall be delivered to the student or organization, as well as the alleged victim (where applicable). The notice shall include (1) the specific conduct regulation(s) the student or organization has been charged with violating following the investigation; (2) the alleged factual circumstances supporting the charge(s); (3) the date, time, and place of the hearing; (4) a list of potential witnesses and any information that may be presented against the student or organization at the hearing;
10. The Notice of Hearing must be received by the student or organization at least five (5) business days prior to the hearing date. The student or organization, with the consent of the Director for Student Conduct or a designee, may waive the minimum notice requirements as long as the waiver is in writing.
11. The student is deemed to have received notice when he/she receives a copy of the notice via email to their Dalton State email address.

12. The student or organization shall be presumed not to have violated a conduct regulation until such a violation is proven. The standard of proof shall be a preponderance of the evidence.
13. Formal civil rules of evidence do not apply to the formal resolution process, including during the investigatory and hearing phase.
14. The student or organization, or alleged victim (where applicable), may request a delay in the hearing. Such a request must be in writing and submitted to the Student Conduct Administrator no later than one (1) business day prior to the hearing. Reasons for a delay and the proposed length of the delay must be included in the request and a delay is not guaranteed. The Student Conduct Administrator or a designee will consider the request and determine whether a delay will be granted. If the reason given for the request includes the need for more time to prepare for the hearing and it is determined that adequate notice of hearing was given in accordance with the Student Code of Conduct, a delay will not be granted. If it is determined that the reasons for requesting the delay show it to be necessary and a delay is granted, the student or organization, alleged victim (where applicable), and the Student Conduct Board will be notified no less than one (1) business day prior to the hearing. The student or organization, as well as the alleged victim (where applicable), will receive written notification of the new hearing date, time, and location at least five (5) business days prior to the new hearing.
15. If the Student Conduct Administrator needs to delay the hearing, the student or organization, the alleged victim (where applicable), and Student Conduct Board will be notified no less than one (1) business day prior to the hearing. The student or organization will receive written notification of the new hearing date, time, and location at least five (5) business days prior to the new hearing.
16. If a student or organization fails to attend a scheduled hearing, the Student Conduct Board may hear the case at its discretion. Decisions will be made based on the evidence presented and statements made at the time of the hearing.
17. The Student Conduct Board, the student or organization going through the formal hearing process, the victim (where applicable), one Advisor per party, and approved College officials are allowed to be in the hearing room during formal hearing proceedings. Additionally, and upon request, the student, and victim (where applicable), is allowed to have up to two (2) family members attend the hearing as observers. The student or victim must notify the Student Conduct Administrator of any such request in writing prior to the hearing. If a family member will also be a witness, that individual must wait outside the hearing room until called for their presentation. Witnesses will be invited at the designated times as specified in the order of the hearing.
18. All formal hearings are closed to the public.
19. It is expected that all persons making statements or answering questions at the hearing do so truthfully.
20. Witnesses may not be present in the hearing room until called for their presentation. Each witness will be advised, by the Formal Hearing Officer, to refrain from discussing with any other witness what transpired in the hearing room during his/her presentation. Failure to respect this request may result in witnesses being charged with a conduct regulation

violation. Witnesses will be expected to remain available in the event they are recalled or until they are excused by the Student Conduct Board, but they will not be restricted to a particular room and will not be supervised.

21. If the student participating in the hearing or a witness is unavailable and unable to attend the hearing due to extenuating circumstances, the Student Conduct Board (or in hearings involving allegations of sexual misconduct, the Hearing Officer) has the discretion to allow that individual the opportunity to provide testimony from a separate location. The Student Conduct Board (or in hearings involving allegations of sexual misconduct, the Hearing Officer) shall assess whether there is a valid basis for the unavailability and make a determination that the manner in which the testimony is provided will not unfairly disadvantage any party. Should it be reasonably believed that a party or witness who is not physically present has presented tainted testimony, the Student Conduct Board will disregard or discount the testimony. Additionally, upon request or if deemed appropriate by the Hearing Officer in a case involving sexual misconduct, a party may be allowed to participate from a separate location. In such an instance, measures must be put in place to ensure no party is unfairly disadvantaged by the separation.
22. Regardless of whether the student or organization, or victim (where applicable) attends the hearing, the Student Conduct Board has the discretion to allow the student or organization, or victim (where applicable), to ask questions of witnesses through the submission of written questions to the Hearing Officer for consideration. The Student Conduct Board or Hearing Officer shall ask the questions as written and will limit questions only if they are unrelated to determining the veracity of the charge leveled against the student or organization. In any event, the Student Conduct Board or Hearing Officer shall err on the side of asking all submitted questions, and must document the reason for not asking any particular questions.
23. The Student Conduct Board (or in hearings involving allegations of sexual misconduct, the Hearing Officer) may, at the beginning of the hearing, announce times when they shall recess for meals and announce the time the hearing shall conclude or be continued. No hearing shall last beyond 10:00 p.m. or a reasonable time thereafter. The Student Conduct Board (or in hearings involving allegations of sexual misconduct, the Hearing Officer) shall set the date and time for the hearing to resume while all parties are present.
24. Any individual participating in the hearing may request a recess. Recesses should be kept short and to a minimum. If they become excessive in number or length, the person asking for a recess may be asked to provide a reason for their request. The Hearing Officer may approve or deny a request for a recess.
25. All hearings will be recorded. The original will be considered the official record of the hearing. Recesses and deliberations are not recorded.

K. Academic Misconduct Process

1. Allegations of academic misconduct, including those which could result in the sanction of suspension or expulsion will proceed through the disciplinary process outlined below.
2. In cases of a student being found responsible for a violation of academic misconduct, the faculty member teaching the course is responsible for assigning any course-related sanctions, which can include but are not limited to mandatory completion of an

assignment, reduction in grade, a grade of zero (0) for the assignment, or failure of the course. The faculty member determines course-related sanctions based upon the situation and course syllabus.

3. Academic misconduct cases should be reported as a violation of the Student Code of Conduct. Once reported, the Academic Misconduct Process allows the student to have another party, not affiliated with the course, hear the alleged violation(s). The process will also result, when necessary, in non-course-related sanctions, such as educational workshops and assignments, and/or disciplinary warning, probation, suspension, or expulsion. Based on information gathered during the investigation, as well as the outcome of the hearing, the hearing officer may support the course-related outcome(s) assigned by the faculty member and/or recommend other course-related outcomes to the faculty member.
4. When an alleged violation of academic conduct is submitted, a hearing officer will contact both the faculty and the respondent to gather all information available, including but not limited to incident reports, course work, the course syllabus, and complainant, respondent, and/or witness statements. Based on the information gathered, the hearing officer will decide if there is enough information to charge a student with a violation. Charges are only warranted when a preponderance of the evidence is found.
 - a. If a student accepts responsibility for the specified violation(s) the hearing officer can determine and assign non-course-related sanctions. The process in which responsibility is accepted and sanctions are assigned is considered an administrative hearing. The outcome of the administrative hearing cannot be appealed. Only the non-course-related sanctions assigned can be appealed by a student after an administrative hearing.
 - b. If the student does not accept responsibility, the student can choose for the hearing officer to resolve the case or for multiple hearing officers in a student conduct panel to resolve the case. Resolving a case means determining if the respondent is responsible or not responsible for the charge and assigning non-course-related sanction(s) if a decision of "responsible" is reached.
 - c. Following a hearing, the respondent shall be provided a written decision via College email of the outcome and any resulting sanctions, details on how to appeal, and a summary of the information in support of any sanction.

VI. Student Conduct Sanctions

1. Sanctions are possible disciplinary actions that may be imposed upon a student, student organization, or student group who is determined to be responsible for a violation of the Student Code of Conduct through an Administrative Hearing or Student Conduct Board.
2. In determining the severity of sanctions or corrective actions, the following should be considered: the frequency, severity, and/or nature of the offense(s), history of past conduct, an offender's willingness to accept responsibility, previous institutional response to similar conduct, the strength of the evidence, and the well-being of the Dalton State College community. The Student Conduct Board or Hearing Officer will determine sanctions and issue a notice of the sanctions in an outcome letter.
3. Failure to complete or abide by any assigned sanction can lead to further violations of the Student Code of Conduct and additional disciplinary action.
4. More than one sanction may be imposed for a single violation.
5. The following list of sanctions is not exhaustive and may be enlarged or modified to meet particular circumstances for a given case:
 - a. **Delays in Obtaining Administrative Services and Benefits from the Institution:** this can include but is not limited to holding transcripts or delaying registration, graduation, or receipt of a diploma.
 - b. **Disciplinary Warning:** a written notice intended to draw attention to the fact that the behavior under review was not in accordance with Dalton State Policy.
 - c. **Disciplinary Probation:** a written reprimand for violation of specific policy. Probation is for a designated period of time, and if the student is found to violate any College policy during the probationary period more severe disciplinary sanction(s), such as suspension or expulsion, will be imposed.
 - d. **Disciplinary Suspension:** this is a temporary separation from Dalton State College for a designated period of time or until the satisfaction of certain conditions or both. Suspended students cannot be present on campus or enrolled in any classes (including online) during their suspension. If a suspension is imposed in the middle of a term, all grades for that time period will result in zeros, and no classes can be dropped or withdrawn from. Suspended students cannot benefit from the privileges of current students, such as the use of the gym, library, or campus housing. Suspended students who need to be on campus for the purpose of re-enrolling should contact the Dean of Students Office and Public Safety for permission prior to coming on campus.
 - e. **Disciplinary Expulsion:** this is permanent separation from Dalton State College. Students who are expelled are no longer a part of the Dalton State community in any way and cannot regain such status at any point in the future. Expelled Students are not allowed on Dalton State premises without prior approval from the Dean of Students Office and Public Safety.

Possible Ramifications of Suspension and/or Expulsion

Students who are suspended and/or expelled from the College for any length of time should be aware that this action may have an impact on the following: This is not an exhaustive list

- tuition, Residence Hall costs and fees (suspension does not forgive financial obligations);
 - student financial aid including HOPE Scholarship;
 - athletic participation and eligibility;
 - College housing;
 - meal plan;
 - use of College resources and access to College facilities;
 - immigration status for international students;
 - status and benefits of veterans and dependents of veterans;
 - internships, assistantships, and study abroad; and
 - class withdrawal.
- f. Loss of Privileges: denial of specific privileges for a designated period of time (i.e. housing, attending events, use of recreation facilities, etc.).
 - g. Fines: previously established and published fines may be imposed.
 - i. A violation of the smoking and tobacco policy may result in a \$50 fine. The Residential Life contract dictates a higher fine for smoking in Residential Life facilities. Any Residential Life fines are imposed for specific violations of that contract and are overseen by the Office of Residential Life.
 - h. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement. Restitution can only occur between the College and a student.
 - i. Educational Sanctions: essays, reflection assignments, community service, alcohol, and other drug awareness and abuse prevention programs, sensitivity training/awareness programs, and other related educational assignments that encourage learning related to the reviewed incident.
 - j. Mentoring: a set number of meetings with an assigned mentor on campus whose goal is to provide advice to the student in hopes of success at the institution. A mentor can require additional educational assignments or activities as a part of their sessions. (Mentoring is not considered counseling.)
 - k. Residential Living Evictions: separation of the student from the residence halls for a defined period of time or permanently. Conditions for readmission to the residence halls may be specified.
 - l. Separation of Parties: actions taken to temporarily or permanently separate two or more individuals on campus. This may include but is not limited to: change in class, reassignment of residence, no-contact order, limitations of where parties can go on campus.
 - m. Organizational Sanctions: loss of privileges, including College recognition for a specific period of time or permanently. Loss of privileges may include but is not limited to, a prohibition on social events, fund-raising projects, or intramural events. Organizations are also subject to certain sanctions typically placed on individuals including, but not limited to, educational sanctions, mentoring, fines, and restitution.

VII. Interim Measures

1. In certain circumstances, the Vice President for Student Affairs and Enrollment Management, or a designee, may impose interim measures to protect an alleged victim and the community. To the extent interim measures are imposed, they should minimize the burden on both the alleged victim and the respondent, where feasible. Interim measures may include, but are not limited to:
 - i. Change of housing assignment;
 - ii. Issuance of a "no contact" directive;
 - iii. Restrictions or bars to entering certain institution property;
 - iv. Changes to academic or employment arrangements, schedules, or supervision;
 - v. Interim suspension
 - a. Interim suspension will only occur when necessary to maintain safety and are limited to situations where the respondent poses a serious and immediate danger or threat to persons or property.
 - b. In making such an assessment, the College will consider the existence of a significant risk to health or safety of the alleged victim or the campus community, the nature, duration, and severity of the risk, the probability of potential injury, and if less restrictive means can be used to mitigate the risk.
 - c. Before an interim suspension is issued, the College will make all reasonable efforts to give the respondent an opportunity to be heard on whether their presence on campus poses a danger. If an interim suspension is issued, the terms of the suspension take effect immediately. Upon request, the respondent will have an opportunity to be heard by the respective hearing panel, Title IX Coordinator, or USG System Director, as appropriate, within three business days in order to determine if the interim suspension continues
 - d. During the interim suspension, a student shall be denied access to campus property and functions, including residence halls, classes, and all other College activities or privileges for which the student might otherwise be eligible. During the interim suspension, the student will be permitted on campus only for scheduled meetings with the Vice President for Student Affairs and Enrollment Management or other meetings approved by the Vice President for Student Affairs and Enrollment Management.
 - e. The interim suspension and any hearings or meetings related to the interim suspension do not replace the regular disciplinary process, which shall proceed through the normal process, up to a Student Conduct Board or Title IX hearing, if necessary. The student conduct process will subsequently occur to resolve alleged violation(s) of the Code and the imposition of sanctions, if necessary.
 - f. The Vice President for Student Affairs and Enrollment Management can grant an immediate interim suspension in a situation where the student poses a clear and present danger to the College community or one of its members, for example, but not limited to direct threats involving weapons
 - vi. Other measures designed to promote the safety and well-being of the parties and the Dalton State College community.

VIII. Appeals

Appeals may be made in any cases 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: (1) to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing (or appeal), because such information was not known or knowable to the person appealing during the time of the hearing (or appeal); (2) to allege a procedural error within the hearing process that may have substantially impacted 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, the investigator(s), decision-makers(s); or (3) to allege that the finding was inconsistent with the weight of the information.

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 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 and sanction, 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, or 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 Complainant (where applicable) wish to appeal the final institutional decision, they may request a review by the Board of Regents in accordance with the Board of Regents' Policy on Discretionary Review.

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 an appeal is not received by the deadline the last decision on the matter will become final

IX. Sexual Misconduct

Dalton State College adheres to the [Board of Regents Policy 6.7](#) for reporting, handling, hearings, possible sanctions, and appeals of violations of the Sexual Misconduct policy.

X. Interpretation and Revision

Any question regarding interpretation or application of the Student Code of Conduct or disciplinary procedures shall be referred to the Student Conduct Administrator.

The contents of this edition of the Student Code of Conduct, revised October 2023, supersede all previous editions. Dalton State College reserves the right to revise or correct the Student Code of Conduct as needed. Revisions and corrections will be posted on the Dalton State website at: https://www.daltonstate.edu/campus_life/student-conduct-about.cms