

Dalton State College

Student Code of Conduct and Disciplinary Procedures

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Dalton State College Student Code of Conduct

Students of Dalton State College have an obligation to assist in making the college an effective place for the transmission of knowledge, pursuit of truth, development of self, and improvement of society. By applying to Dalton State, students are responsible for conducting themselves in accordance with both the requirements of law and all Dalton State College rules and regulations.

Mission of Student Conduct

The mission of student conduct is to investigate possible violations of the Student Code of Conduct and provide student development through intentional educational activities aimed to encourage responsible citizenship, educate about how choices can harm oneself, others, or the community, and reduce violations of campus policies. The student conduct processes strives to provide fair proceedings and equitable outcomes that ultimately educate students, faculty, and staff involved and to enhance ethical development. Student conduct relies on a collaborative effort between students, faculty, staff, and community members to create the best learning environment for the entire campus community, as well as, to protect the rights, health, and safety of the entire campus community.

I. Definitions

The following definitions apply to this code of conduct and any student conduct proceedings at Dalton State College.

1. **Business Day:** a day that Dalton State College offices are open
2. **Code:** Dalton State College's Student Code of Conduct (this document)
3. **College:** Dalton State College
4. **College Official:** any person employed by the College to preform administrative or professional responsibilities. This includes student workers acting within their job responsibilities
5. **College Premises:** all land, buildings, facilities, and other property owned, used, or controlled by the College, including all locations of the campus- Dalton, Ellijay, and study abroad sites
6. **Complainant:** any person who submits a complaint alleging that a student violated the Code. The College can be the complainant for anonymous complaints or complaints where the original complainant will not proceed formally, but the College feels it necessary to proceed and address the alleged violation
7. **Computing Facility:** any device(s) connected to or through the College network and device(s) owned or contracted by the College, including campus housing networks and resources
8. **Faculty Member:** any person hired by the College to conduct classroom or teaching activities

9. **Hearing Officer:** a college official authorized by the Dean of Students and/or the Student Conduct Administrator to determine if a violation of the Student Code of Conduct has occurred and assign sanctions when necessary
 10. **Investigator:** a trained college official authorized by the Dean of Students and/or the Student Conduct Administrator to investigate the accusations in the suspension and expulsion process and decide if disciplinary charges should be brought against the accused student. This investigator will not be the same person that adjudicates the case.
 11. **Policy:** the written regulation of Dalton State College as found in, but not limited to, the Student Code of Conduct, Residential Life Housing Contract, Course Syllabi, the College webpage, the Computer Use Policy, and the Campus Catalog
 12. **Student:** all persons taking course(s) at the College. This includes courses for credit and not for credit. Student status begins at the time an application is submitted to the College
 13. **Student Conduct Administrator:** the college official overseeing the student conduct process. This person can serve in other roles within the process such as a hearing officer and/or investigator, but will only serve one role per student conduct case
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II. Student Conduct Authority

Under the authority of the Board of Regents, Dalton State College is delegated the responsibility for establishing and enforcing regulations pertaining to student conduct. (Regent Bylaws, Article VI, Section B.)

The Dalton State Student Code of Conduct shall apply to conduct that occurs on all College premises, at College sponsored activities, and off-campus. Off campus conduct that adversely affects the College community and/or the pursuit of its objectives will be addressed through the student conduct process at the sole discretion of the Student Conduct Administrator.

Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree. Students are still responsible for their behavior before classes begin, after classes end, as well as, during periods of time between continuous enrollment (i.e. summer or winter break). The Code applies to a student's conduct even if the student withdraws from school while a disciplinary matter is pending; the disciplinary matter would be resolved if the student chooses to return to the College.

III. Proscribed Conduct

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

1. **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 against the college policy and law
- D. Disruptive or disorderly conduct connected with the influence of alcohol
- E. Misuse of the Off Campus Event Alcohol Policy, which states: Students of legal drinking age, as designated by the state, are permitted to purchase, possess, and consume alcoholic beverages at *off-campus activities* that are not being funded through student activity funds, institutional funds, or the utilization of campus resources (i.e. State Vehicle). If alcohol is present at an event, attendance must never be required. If an event is mandatory, no alcohol may be served. Even the perception of, or encouragement of, required attendance must always be avoided when alcohol is being served. Persons under the legal drinking age are strictly prohibited from purchasing, possessing, or consuming alcoholic beverages in accordance with law. Exceptions from this policy, in regards to the funding of the activity and/or utilizations of campus resources surrounding the activity, if warranted, can be made by the Dean of Students and/or the Vice President for Enrollment and Student Services.

2. **Cheating, a form of Academic Dishonesty**

- A. Use of any unauthorized assistance or sources in preparation for or while completing quizzes, tests, examinations, and other course assignments
- B. The acquisition, without permission, of tests or other academic material belonging to a faculty member or college official
- C. Engaging in any behavior specifically prohibited by a faculty member in the course syllabus or classroom directions
- D. Unauthorized selling, giving, lending, or otherwise furnishing material which contains the questions or answers to assignments or examinations

3. **Damage to Property**

- A. Malicious or unauthorized damage or destruction of property belonging to the College, a member of the College community, or visitors to the College
- B. Violations of the [Posting and Publicity Policy](#)

4. Dating Violence

- A. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. Dating Violence is subject to and addressed through the Sexual Misconduct Policy

5. Disorderly Conduct

- A. Assembly on campus for the purpose of creating a riot, destruction, or diversion which 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, photograph, or video recording of any person while of College premises without consent from the individual in the recording, when such a record 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. No person shall exhibit behavior that is irresponsible or dangerous to the well-being or safety of self or any member or visitor of the Dalton State College community.

6. Domestic Violence

- A. Violence committed by a current or former spouse or intimate partner of the alleged victim, be a person with or whom the alleged victim shares a child in common, by a person who is cohabitated with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. This does not include roommates in residential housing. Domestic Violence is subject to and addressed through the Sexual Misconduct Policy

7. Drugs

- A. Possession and/or use, without valid medical prescription, of any federal or state controlled substances, even synthetic varieties (including prescription drugs and/or any item misused for the purpose of intoxication)
- B. Manufacture, distribution, and/or sale of any federal or state controlled substances, even synthetic varieties (to include prescription drugs and/or any item misused for the purpose of intoxication)

8. Failure to Comply

- A. Failure to comply with directions of a properly identified College official or law enforcement officer in 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

9. Falsification

- A. Altering, falsifying, counterfeiting, and/or forging any record, form, or document used by the College
- B. Lending, selling, or otherwise transferring student identification material
- C. Use of student identification materials by anyone other than the original holder
- D. Presenting false information within an official college process, including but not limited to, admissions and student conduct proceedings

10. Fire Safety

- A. Tampering with fire safety equipment
- B. Setting or causing any unauthorized fire in or on College premises
- C. Refusing to leave a College building when the fire alarm sounds or when directed to leave by College officials for fire safety reasons
- D. Unauthorized possession, sale, furnishing, and/or use of any incendiary device is prohibited
- E. Possession, sale, furnishing, and/or use of explosives of any kind on College premises or at a College function. Explosives refer to any substance prepared for the purpose of combustion, explosion, or detonation, including fireworks
- F. Possession and/or use in a Residential Life facility of any fire safety hazard included in the on-campus housing contract
- G. Possession, use, or storage of a hover board or similar devices in any campus buildings

11. 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

12. Harm, Threat, or Endangerment

- A. Physical abuse, verbal abuse, threats, harassment, coercion, and/or other conduct which threatens or endangers the health/safety, causes significant distress, or alters daily living of any person (This includes acts over any means of electronic communication)

- B. Intentional actions, inactions, or negligence that leads to actual or potential harm to others (physical and/or emotional)
- C. Harassment or another use of force or threats to intimidate or promote fear

13. Hazing

- A. Any practices, ceremonies, behaviors, rites of introduction which tend to cause, require, or allow mental or physical suffering, even if such activity is said to be voluntary. All rites, ceremonies, or practices of initiation or orientation into the life or membership of any college group or organization should be of an educational, historical, functional, and inspirational nature consistent with the accepted principles of higher education at Dalton State College
- B. Any action taken or situation created intentionally or unintentionally, on or off campus, which could be reasonably expected to produce emotional or physical discomfort, embarrassment, harassment, ridicule, the violation of college policy, and/or the violation of any local, state, and national laws, even if the activity is said to be voluntary. (All policies of Dalton State College as well as local, state, and federal laws shall supersede those policies of national or local organizations.)
- C. All assessments to the appropriateness of an action in regards to 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 Student Life or designee
- D. Hazing in connection with, as a condition of, or precondition of, gaining acceptance, membership, office, or other status in a recognized student organization or other college-sponsored activity
- E. Individual students and organization as a whole can be held responsible for their actions in promoting and/or actually hazing other students.

14. Plagiarism, a form of Academic Dishonesty

- A. The use, by paraphrase or direct quotation, of the published or unpublished work of another person without clear acknowledgement
- B. The unacknowledged use of materials by another person or agency engaged in selling papers or other academic material
- C. Use of previously submitted work without acknowledgement on a subsequent academic assignment

15. Sexual Misconduct

- A. An umbrella term referring to a range of nonconsensual sexual acts including but not limited to sexual assault, nonconsensual sexual contact, sexual exploitation, and sexual harassment. For more information please see the Sexual Misconduct Policy

16. Stalking

- A. Engaging in a course of conduct directed towards another person that would cause a reasonable person to fear for his or her safety, the safety of an immediate family

member, or close acquaintance or would cause a reasonable person to suffer substantial emotional distress

- B. Any stalking that is based upon sex is covered under and addressed through the Sexual Misconduct Policy

17. Smoking and Tobacco

- A. The use of all forms of tobacco products on College premises. Tobacco products is defined as 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

18. 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

19. Unauthorized Entry or Use of College Facilities

- A. Unauthorized entry into any college building, office, or other facility
- B. Remaining without authorization in any building after normal closing hours

20. Unauthorized Use of Computers and/or Internet

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

21. 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 strict policies for specific programs, activities, or facilities.)

22. Violation of Outside Law

- A. Violation of local, state, or federal law, on or off campus

23. Weapons

- A. Except as expressly provided in O.C.G.A. 16-11-127, 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
- C. Exceptions may be made for official use authorized by the College. Federal, state, and local law enforcement officers are exempt from this regulation.

IV. Student Conduct Investigation and Disciplinary Procedures

1. Throughout the student conduct disciplinary procedures, accused students shall be afforded the following rights:

- A. To receive notice of alleged violations
- B. To be provided an opportunity to respond to alleged violations
- C. To seek information from the Student Conduct Administrator or a hearing officer about the review and resolution processes
- D. To be accompanied by one advisor of his/her choice to conduct meetings and hearings (For further information on advisors, see section IV.8)
- E. To present relevant information on his/her behalf
- F. To request relevant witnesses in his/her behalf
- G. To remain silent during any investigations 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 violation charges may still result, and any charges may be resolved regarding the respondent)
- H. To have unrelated charges and cases resolved separately, unless the respondent consents to having them aggregated
- I. To be informed of any disciplinary outcomes in writing
- J. To appeal decisions on specific grounds (For further information on appeals, see section X)
- K. 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. (For further information on interim suspension see Section IX)

2. Complaints

- A. Anyone may submit a report detailing possible violations of the Student Code of Conduct. Reports should be directed to the student conduct administrator. Reports can be submitted online at https://www.daltonstate.edu/campus_life/student-conduct-about.cms
- B. Reports should be submitted as soon as possible after the event takes place, preferably within one week. However, there is no deadline for submitting a

compliant, assuming the accused student is or was a student at Dalton State at the time of the violation and there is adequate information to proceed with the conduct process.

- C. Complaints to the appropriate department and/or person(s) should include as much information as possible – such as: (1) the type of misconduct alleged; (2) the name and contact information of the individual(s) accused of misconduct; (3) the date(s), time(s), and place(s) of the misconduct; (4) the name(s) and contact information of any individual(s) with knowledge of the incident; (5) whether any tangible evidence has been preserved; and (6) whether a criminal complaint has been made
- D. Information from complaints may be shared as necessary to investigate and to resolve the alleged misconduct. Complaints shall be investigated and resolved as outlined below. The need to issue a broader warning to the community in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) shall be assessed in compliance with federal law. Where appropriate, complainants may file a law enforcement report along with an institutional report, but are not required to file both.
- E. **Confidentiality:** Where a complainant or alleged victim request that his or her 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 providing a safe and nondiscriminatory environment for the College. The College will inform the requesting party that Dalton State generally cannot guarantee confidentiality. Further, honoring the request may limit Dalton State’s ability to respond fully to the incident and may limit Dalton State’s ability to discipline the respondent.
- F. **Retaliation:** Anyone who, in good faith, reports what she or he believes to be student misconduct, participates in, cooperates in, or is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes he or she has been the target of retaliation for reporting, participating in, or cooperating in, or otherwise being associated with an investigation should immediately contact the student conduct administrator (or public safety if there is an immediate danger). Any person found to have engaged in retaliation in violation of the student conduct policy shall be subject to disciplinary action.
- G. **False Complaints/Statements:** Individuals are prohibited from intentionally giving false statements to a Dalton State College official. Any person found to have intentionally submitted false complaints, accusations, or statements, including during a hearing, in violation of policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated under the student conduct policy.
- H. **Amnesty:** Students should be encouraged to come forward and report violations of the law and/or student code of conduct notwithstanding their own improper use of alcohol or drugs. Any student(s) who voluntarily and in good faith reports information to Dalton State College faculty or staff prior to any investigation concerning use of drugs or alcohol will not be voluntarily reported to law enforcement; nor will information that the individual provides be used against the

individual for purposes of conduct violations. Nevertheless, these students may be required to meet with staff members in regard to the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this amnesty procedure will not be considered a sanction.

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

3. **Initial Evaluation of Student Conduct Reports**

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

Where a report of student misconduct alleges sexual misconduct or other forms of harassment and/or discrimination, the report will be referred to and the investigation will be conducted through or as directed by the Title IX office which is trained and equipped to investigate such matters.

Any report that involves allegation(s) of conduct that could lead to the suspension or expulsion of the respondent(s) in an initial violation must be promptly reported to the University System of Georgia System Director by Dalton State College. The University System of Georgia System Director will work with the institution to determine whether any interim measure(s) are necessary, to assign an investigator and will collaboratively supervise the investigation with the appropriate institution professional (e.g., the Title IX Coordinator, Dean of Students). If an allegation is not initially identified as one that could lead to suspension or expulsion of the respondent(s), but facts arise during the course of the investigation that would require oversight from the University System of Georgia System Director, then the institution shall report that case to the University System of Georgia System Director or her designee prior to proceeding.

4. **Investigation**

Throughout any investigation and resolution proceedings, a party shall receive written notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting. If a party chooses to remain silent or otherwise not participate in an investigation, the investigation may still proceed

and policy charges may still result and be resolved. Additionally, in any investigation involving allegations of sexual misconduct, timely notice of meetings shall be provided to each party of any meeting at which the complainant, respondent or alleged victim may be present. Timely and equal access to information that will be used during the investigation will be provided to the complainant, respondent and alleged victim (where applicable).

Where the potential sanctions for the alleged misconduct may involve a suspension or expulsion (even if such sanctions were to be held “in abeyance,” such as probationary suspension or expulsion) Dalton State College’s investigation and resolution procedures provides the additional minimal safeguards outlined below.

- A. The alleged victim and respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice will also include the identity of any investigator(s) involved. Notice will be provided via College email to the address on file.
- B. Upon receipt of the written notice, the respondent shall have three business days to respond in writing. In that response, the respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A non-response will be considered a general denial of the alleged misconduct. Any alleged victim shall also be provided three business days to respond to or to supplement the notice.
- C. If the respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
- D. If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of discipline, then the complaint shall be dismissed.
- E. An investigator shall conduct a thorough investigation and shall retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any party’s proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.
- F. The initial investigation report shall be provided to the respondent and the alleged victim (where applicable). This report shall 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. For purposes of this Policy, a charge is not a finding of responsibility, but indicates that there is sufficient evidence to warrant further consideration and adjudication.
- G. The final investigation report will be provided to the misconduct panel or hearing officer for consideration in adjudicating the charges brought against the respondent. A copy shall also be provided to the respondent and alleged victim (where applicable) before any hearing. The investigator may testify as a witness regarding the investigation and findings, but shall otherwise have no part in the hearing process

and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing.

5. **Types of Resolution Processes**

When a student is accused of a violation of the Code, there are three different types of disciplinary procedures that could take place depending on type of alleged violation, severity of alleged violation, and possible sanctions. Where a report of student misconduct alleges sexual misconduct or other forms of harassment and/or discrimination, the report will be referred to and the investigation will be conducted through or as directed by the appropriate office trained and equipped to investigate such matters.

- A. **General Conduct Process:** These procedures are used for student misconduct cases where suspension or expulsion are not possible sanctions. Academic dishonesty cases are not included. For further information on the General Conduct Process see Section V.
- B. **Suspension and Expulsion Process:** These procedures are used for student misconduct cases where suspension or expulsion are possible sanctions. Use of this process does not mean a student will be suspended or expelled, but means that is a possible sanction should the student be found responsible for a violation. Academic dishonesty cases are not subject to this process. For further information on the Suspension and Expulsion Process see Section VI.
- C. **Academic Dishonesty Process:** These procedures are utilized for any academic dishonesty case, where any sanction is possible, including suspension and expulsion. For further information see Section VII.

6. **Hearing Types**

- A. **Administrative Hearing:** a meeting with one hearing officer to determine if a student is responsible or not responsible for an alleged violation. If a student accepts responsibility or is found responsible by a preponderance of evidence, sanctions are also determined by the hearing officer in this hearing. This meeting can occur if a student accepts responsibility for the alleged violation or if a student chooses an administrative hearing opposed to a student conduct panel.
- B. **Student Conduct Panel:** a hearing in which a group of trained hearing officers determine whether a student has violated the Code and assign sanctions when an outcome of responsible is reached. The student conduct panel 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. 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 Panel is made up of at least three (3) individuals. These individuals are selected from a pool of trained panelist, 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 Panel shall conduct a closed deliberation, in which they will determine, by majority vote, whether the accused student has committed a violation of the Code by a preponderance of evidence.
- iv. If a case involved more than one respondent, the students' Conduct Panel may be conducted together.

7. Standard of Evidence

Every hearing officer's decision of responsibility shall be based on a preponderance of evidence. Preponderance of evidence can be defined as just enough information to determine "more likely than not" that a violation did occur or did not occur. Formal rules of evidence do not apply to any part of the student conduct process including investigatory or resolution process.

8. Advisors

The respondent and alleged victim (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be an attorney) of his or her choosing, and at his or her 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 his or her 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. Dalton State College shall not prohibit family members of a party from attending the hearing if the party requests such attendance, but may limit each participant to having two family members present.

9. Witnesses

The complainant, respondent, and hearing officer may arrange for witnesses to present pertinent information to the hearing officer or Student Conduct Panel. Witnesses can include, but are not limited to persons who have pertinent information regarding the matter and/or are a direct witnesses to the matter. Character witnesses are not allowed. The College will try to arrange the attendance of witnesses who are members of the

College community and who are identified by the complainant and/or accused student at least two (2) business days in advance of the hearing. Witnesses will provide information and answer questions during the hearing. Witnesses can submit statements to the hearing officer or panel if they cannot be in attendance at the hearing.

10. No Shows to Hearings

All hearings shall proceed in the event that an accused student or complaining party chooses not to appear. The charges shall be presented and considered in absence of the students, with whatever materials and information are available at that time. Five minutes after the scheduled hearing time, the hearing will begin.

11. Distance Students

Distance Education Students will have a comparable, yet accessible hearing that follows these guidelines as closely as possible.

12. Record of the Hearing

There shall be a single verbatim record, such as an audio recording, of all Student Conduct Panel Hearings, not including deliberations. The record shall be the property of Dalton State College. The tape recording and/or summary transcription of the proceedings shall be kept and made available at the accused student's request (and victim's request, when applicable) for the sole purpose of an appeal of an outcome or sanction. The student may also have a verbatim script of the Student Conduct Panel hearing made at his/her own expense.

V. General Conduct Process

If an alleged violation does not rise to the level of a possible sanction of suspension or expulsion, the general student conduct process will apply. A hearing officer will contact the respondent, gather all information available, including but not limited to incident reports, police reports, complainant, respondent, and witness statements or testimony. The hearing officer will decide based on this information if there is enough information to charge a student with a violation based on a preponderance of evidence.

1. If a student accepts responsibly for the specified violation(s) the hearing officer can determine and assign sanctions. The process in which responsibility is accepted & sanction(s) are assigned is considered an administrative hearing. Any administrative hearing shall be final. After an administrative hearing, only the sanction assigned can be appealed by a student.
2. If responsibility is not assumed for the charges, the student can choose for the hearing officer to resolve the case in an administrative hearing or for multiple hearing officers in

a student conduct panel to resolve the case. Resolving a case means determining if the accused student is responsible or not responsible for the charge(s) and assigning sanction(s) if a decision of responsible is reached. Allegations which could result in the sanction of suspension or expulsion cannot proceed through the general conduct process.

3. 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 the decision and sanction.

VI. Suspension and Expulsion Process

In student conduct cases which may result in the sanction of suspension or expulsion (for non-academic dishonesty incidents) the following investigations and resolution procedures apply:

1. Any report that involves allegation(s) of conduct that could lead to the suspension or expulsion of the respondent(s) in an initial violation will be promptly reported to the University System of Georgia System Director by Dalton State College. The University System of Georgia System Director will work with Dalton State to determine whether any interim measure(s) are necessary, to assign an investigator and will collaboratively supervise the investigation with the appropriate institution professional (e.g., the Title IX Coordinator, Dean of Students). If an allegation is not initially identified as one that could lead to suspension or expulsion of the respondent(s), but facts arise during the course of the investigation that would require oversight from the University System of Georgia System Director, then the College will report that case to the University System of Georgia System Director or her designee prior to proceeding.
2. The respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, available support services, and the identity of the investigator. Notice shall be provided via Dalton State email. Where applicable, a copy shall also be provided to the alleged victim via the same means.
3. Upon receipt of the written notice, the respondent shall have 3 business days to respond in writing. In that response, the respondent shall have the right to admit or to deny the allegations and to provide facts, witnesses, and documents –written or –electronic- in support of his or her defense. A non-response will be considered a general denial of the alleged misconduct. Any alleged victim shall also be provided three business days to respond to or to supplement the notice.
4. After this response, the investigation shall consist of the review of documents, review of other physical or electronic information, and interviews of the respondent, the alleged victim (where applicable) and witnesses. The investigator shall retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any witnesses not interviewed, along with a brief, written explanation as

to why the interview did not take place.

5. The investigation shall be summarized in a written initial investigation report which will be provided to the respondent and alleged victim (where applicable) in person or via email. This summary shall indicate the determination of resulting charges or no charges, the facts, witness statements, and evidence supporting the determination, 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. If the respondent is charged with a violation, he or she shall have the opportunity to respond in writing to the initial investigation report, due 3 business days following the date the initial investigation report was sent or provided to the respondent. The respondent's written reply should include his or her response to the charges (responsible or not responsible), and where applicable his or her defense(s), and the facts, witnesses, and documents in support of this defense. A nonresponse to the charge(s) by the respondent will be interpreted as a denial of the charge(s).
7. The investigator will provide further investigation and update the investigative report as necessary per the respondent's reply.
8. If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of discipline, then the complaint shall be dismissed.
9. The final investigative report shall be provided to the student conduct panel or hearing officer for consideration in resolving the charges brought against the respondent. A copy of the final investigative report will also be provided to the respondent and alleged victim (if applicable) before any hearing. The investigator may testify as a witness regarding the investigation and findings, but shall otherwise have no part in the hearing process and shall not otherwise influence the proceedings outside of providing testimony during the hearing.
10. In no case shall a hearing to resolve charge(s) of student misconduct take place before the investigative report has been finalized.
11. The respondent shall have the option of having the charges resolved either by
 - (1) a single hearing officer in an administrative hearing, or
 - (2) by multiple hearing officers a student conduct panel, or
 - (3) the alleged victim (where applicable) and respondent may have the option of selecting informal resolution as a possible resolution in certain student misconduct cases where they mutually agree, except where deemed inappropriate by the Vice President for Student Affairs and Enrollment Management (or his/her designee) or the System Director.

12. Notice of date, time, and location of the hearing shall be provided to the respondent (and alleged victim, if applicable) at least five (5) business days prior to the hearing. Notice shall be provided via Dalton State College email.
13. The respondent shall have the right to present witnesses and evidence to the hearing officer or panel. Witness testimony, if provided, shall pertain to knowledge and facts directly associated with the case being heard. Both parties shall have the right to confront any witnesses during the hearing, including the other party, by submitting written questions to the hearing officer for consideration. Advisors may actively assist in drafting questions. The Panel 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 respondent(s). In any event, the Panel shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.
 - A. Where the hearing officer or panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the hearing officer or panel may establish special procedures for providing testimony from a separate location. In doing so, the hearing officer or panel must determine whether there is a valid basis for the unavailability, ensure proper sequestration in a manner that ensures testimony has not been tainted, and make a determination that such an arrangement 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 hearing officer or panel will disregard or discount the testimony.
 - i. In sexual misconduct cases, the hearing officer reserves the right to allow a party to testify in a separate room, so long as no party is unfairly disadvantaged by this procedure. A party must still give testimony in the presence of the Panel, and the opposing party must have the opportunity to view the testimony remotely and to submit follow-up questions.
 - B. Formal civil rules of evidence do not apply to the investigatory or resolution process.
 - C. The standard of review shall be a preponderance of the evidence; however, any decision to suspend or to expel a student must also be supported by substantial evidence at the hearing.
 - D. Dalton State College will maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings, and/or video recordings.
 - E. Following a hearing, both the respondent and alleged victim (where applicable) shall be simultaneously provided a written decision via Dalton State College email of the outcome and any resulting sanctions. The decision will include details on how to appeal, as outlined below. Additionally, the written decision will summarize the evidence in support of the sanction. The same form will be

completed, regardless of whether the student opts for a hearing panel or an administrative proceeding.

VII. Academic Misconduct Process

Allegations of academic misconduct, including those which could result in the sanction of suspension or expulsion will proceed through this process.

In cases of Academic Misconduct, the faculty member teaching the course is responsible for assigning any course related outcomes related to violation of academic dishonesty. Course related outcomes can include, but are not limited to, mandatory recompletion of an assignment, reduction in grade, grade of zero (0) for the assignment, or failure of the course. Course related outcomes are determined based upon the situation context and course syllabi.

The Academic Misconduct Process outlined below allows the student to have another party, not affiliated with the course, hear the alleged violations. The process will also result, when necessary, in non-course related sanctions, such as, but not limited to disciplinary probation, educational workshops and assignments, disciplinary suspension, or disciplinary expulsion. The hearing officer assigning sanctions can support the course related outcome(s) assigned by the faculty member or recommend other course related outcome(s) to the faculty member.

When an alleged violation of academic misconduct is submitted, a hearing officer will contact the respondent, gather all information available, including but not limited to incident reports, class work, syllabi, complainant, respondent, and witness statements or testimony. The hearing officer will decide based on this information if there is enough information to charge a student with a violation based on a preponderance of evidence.

1. If a student accepts responsibly for the specified violation(s) the hearing officer can determine and assign sanctions. The process in which responsibility is accepted and sanction(s) are assigned is considered an administrative hearing. Any administrative hearing shall be final. Only the sanction assigned can be appealed by a student after an administrative hearing.
2. If responsibility is not assumed for the charges, 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 accused student is responsible or not responsible for the charge(s) and assigning sanction(s) if a decision of responsible is reached.
3. 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 the sanction.

VIII. Sanctions

Sanctions are possible disciplinary actions which may be imposed upon a student who is determined to be responsible for a violation of the Code through an administrative hearing or student conduct panel.

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, strength of the evidence, and the wellbeing of the Dalton State College community. The student conduct panel or hearing officer will determine sanctions and issue notice of the sanctions in an outcome letter.

Failure to complete or abide by any assigned sanction can lead to further violations of the Code and additional disciplinary action.

More than one sanction may be imposed for a single violation.

The following list of sanctions is not exhaustive and may be enlarged or modified to meet particular circumstances for a given case:

1. **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 diploma.
2. **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.
3. **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.
4. **Disciplinary Suspension:** this is temporary separation from Dalton State College for an designated period of time or until 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 privileges of current students, such as 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.
5. **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.

6. **Loss of Privileges:** denial of specific privileges for a designated period of time (i.e. housing, attending events, use of recreation facilities, etc.)
7. **Fines:** previously established and published fines may be imposed.
 - A. A violation of the smoking and tobacco policy results in a \$50 fine. The Residential Life contract dictates a higher fine for smoking in Residential Life facilities, which supersedes the \$50 general campus smoking and tobacco fine. Any Residential Life fines are specifically violations of that contract and are overseen by the Office of Residential Life.
8. **Restitution:** compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
9. **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.
10. **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, and as such, mentors are not licensed counselors.)
11. **Referral to Counseling:** an initial referral to Dalton State Counseling services.
12. **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.
13. **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.

IX. Interim Measures

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:

1. Change of housing assignment;
2. Issuance of a “no contact” directive;
3. Restrictions or bars to entering certain institution property;
4. Changes to academic or employment arrangements, schedules, or supervision;
5. 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 whether less restrictive means can be used to significantly mitigate the risk.
 - C. Before an interim suspension is issued, the College will make all reasonable efforts to give the respondent to an opportunity to be heard on whether his or her presence on campus poses a danger. If an interim suspension is issued, the terms of the suspension take effect immediately. Upon request, the respondent will have an opportunity to be heard by the respective conduct officer, Title IX Coordinator, or University System of Georgia System Director, as appropriate, within three business days in order to determine whether the interim suspension should continue.
 - 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 Panel 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.

6. Other measures designed to promote the safety and well-being of the parties and the Dalton State College community.

X. Appeals

The decision and/or sanction(s) of a case can be appealed by students through the following process:

1. Appeals can only be submitted based on the following grounds:
 - A. **Procedural Error:** to allege procedural error(s) within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by bias.
 - B. **Finding inconsistent with weight of information:** a decision or sanction was issued that is inconsistent with the weight of the information presented in the hearing.
 - C. **New Information:** to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing.

Appeals may be made for the above reasons in any case where sanctions are issued, even when such sanctions are held “in abeyance,” such as probationary suspension or expulsion.

2. The possible outcome regarding appeals at any stage of appeals are:
 - A. Affirm the original finding and sanction
 - B. Affirm the original finding, but issue a new sanction of lesser severity
 - C. Remand the case back to the decision-maker to correct a procedural or factual defect
 - D. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand
3. Students are to submit an [Appeal Form](#) to the appropriate office within five (5) business days of the date of the case decision was sent to the student via College email.

- A. Appeals of cases resulting in suspension, expulsion, or eviction should be directed to the person below or their designee:
Dr. Jodi Johnson
Vice President for Student Affairs and Enrollment Management
Enrollment and Student Services, Wescott 108
706-272-4475
jjohnson@daltonstate.edu
- B. Appeals of any other decision or sanction should be directed to the person below or their designee:
Dr. Jami Hall
Dean of Students
Dean of Students Office, Pope Student Center
706-272-2505
jhall@daltonstate.edu
4. Upon receiving the appeal, the appropriate person shall review the appeal and issue a decision in writing to the respondent and if necessary, the victim, within a reasonable time period. The appeal shall be a review of the record only, and no new meeting with the respondent or any alleged victim is required. The Vice President for Student Affairs and Enrollment Management, or his or her designee, may affirm the original finding and sanction, affirm the original finding but issue a new sanction of lesser severity, remand the case back to the 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 Vice President for Student Affairs and Enrollment Management or his or her designee shall then issue a decision in writing to the respondent within a reasonable time period.
- A. Appeals of cases involving suspension, expulsion, or eviction:
- i. Appeals of suspension, expulsion, or eviction will be reviewed by the Vice President for Student Affairs and Enrollment Management or her designee.
 - ii. The appellate decision will be delivered in writing via Dalton State email within ten (10) business days.
 - iii. The decision of the Vice President or her designee may be appealed in writing within five (5) business days from the appeal decision letter being issued. This subsequent appeal will be directed to the President of the institution solely on the three (3) grounds set forth above.
 - iv. The President 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 the 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's

decision shall be simultaneously issued in writing to the complainant, the respondent and the alleged victim (where applicable) within a reasonable time period. The President's decision shall be the final decision of the institution.

- v. Should the respondent or alleged victim (where applicable) wish to appeal the President's decision, he or she may appeal to the Board of Regents in accordance with the Board of Regents' Policy on Discretionary Review.

B. Appeals of any other case:

- i. Appeals of any case that does not involve suspension, expulsion, or eviction will be reviewed by the Dean of Students or her designee.
- ii. The Appellate decision will be delivered in writing via Dalton State email within ten (10) business days.
- iii. This decision is considered the final decision of the College as cases in this review process do not involve suspension, expulsion, or eviction.

XI. Recusal/Challenge for Bias

1. Any respondent, complainant, or alleged victim (where applicable) in a disciplinary process may challenge the participation of any College official or student conduct panel member in the disciplinary process, at any point, on the grounds of personal bias by submitting a written statement to the institution's designee setting forth the basis for the challenge.
2. Any challenges regarded to bias must be typed and submitted via email within a reasonable time after the individual reasonably should have known of the existence of bias. Challenges should detail which College official or panel member is being challenged for bias and an explanation of why that person has a personal bias against the respondent, complainant, and/or alleged victim. All challenges for bias should be sent via email to klogan@daltonstate.edu with the subject "Student Conduct Challenge for Bias".
3. The College's bias designee will then determine whether to sustain or deny the challenge of institution official or student conduct panel member within 7 business days and send a written response to the challenging person's Dalton State email. If the challenge is sustained, a replacement to be appointed will be detailed in the written response.
4. Any institution official or student conduct panel member who believes they have a personal bias toward any respondent, complainant, or alleged victim (where applicable) should recuse him or herself from their duties in regards to the student conduct process.

5. Dalton State College Bias Designee Contact Information:

Katherine Logan
Director of Admissions
Enrollment and Student Services
706-272-4524
klogan@daltonstate.edu

XII. 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 August 2017, supersede all previous editions. Dalton State College reserves the right to revise or correct the Student Code of Conduct as needed. All revision and corrections must be approved by the Student Government Association. Revisions and corrections will be posted on the internet at https://www.daltonstate.edu/campus_life/student-conduct-about.cms