

# OGLETHORPE UNIVERSITY

## BULLETIN 2012-2014

### 11.1. Code of Student Conduct

#### A. Preamble

Oglethorpe University expects students to conduct themselves in a manner supportive of the educational mission of the institution. Integrity, respect for the person and property of others and a commitment to intellectual and personal growth in a diverse population are values deemed fundamental to membership in this University community.

#### B. Violations of the Code of Conduct

Oglethorpe University considers the following behavior or attempts thereof by any student or student organization, whether acting alone or with any other persons or organizations, to be violations of the code of student conduct:

1. Physical harm or threat of physical harm to any person(s) or oneself including but not limited to assault, sexual abuse or other forms of physical abuse.
2. Harassment, whether physical or verbal, oral or written, which is beyond the bounds of protected free speech, directed at a specific individual(s), easily construed as "fighting words" and likely to cause an immediate breach of the peace.
3. Conduct which threatens the mental health, physical health or safety of any person or persons including hazing, drug or alcohol abuse and other forms of destructive behavior.
4. Intentional disruption or obstruction of lawful activities of the University or its members including their exercise of the right to assemble and to peacefully protest.
5. Theft of or damage to personal or University property or services or illegal possession or use of the same.
6. Forgery, alteration, fabrication or misuse of identification cards, keys, records, grades, diplomas, University documents or misrepresentation of any kind to a University office or official.
7. Unauthorized entry, use or occupation of University facilities that are locked, closed or otherwise restricted as to use.
8. Disorderly conduct including, but not limited to, public intoxication, excessive noise, lewd, indecent or obscene behavior, libel, slander or illegal gambling.
9. Illegal manufacture, purchase, sale, use, possession or distribution of alcohol, drugs or controlled substances, or any other violation of the Oglethorpe alcohol and drug policy (Sec. 11.2.12.).

10. Failure to comply with the lawful directives of University officials, including but not limited to, faculty, staff, resident assistants and campus safety, who are performing the duties of their office, especially as they are related to the maintenance of safety or security or during an investigation of the breach thereof.
11. Unauthorized possession or use of any weapon, including, but not limited to: knives, firearms, BB-guns, paint ball guns, air rifles, explosive devices, fireworks or any other dangerous, illegal or hazardous object or material, and improper use as a weapon of any otherwise-permitted object or material.
12. Interference with or misuse of fire alarms, smoke detectors, elevators or other safety and security equipment or programs.
13. Violation of any federal, state or local law, on- or off-campus, which has a negative impact on the well-being of Oglethorpe University or its individual members.
14. Violation of University policies, rules or regulations that are published herein or in other official University publications or agreements and on the University website.

Cases involving alleged honor code violations are handled according to procedures outlined in Sec. 10. of this *Bulletin*. Students are cautioned that a given incident may be a violation of the honor code, the code of student conduct, and even of federal, local or state laws. Such incidents may be adjudicated and result in sanctions from each of those bodies separately.

### **C. Culpability**

Culpability is not diminished for acts in violation of this code that are committed in ignorance of the code or under the influence of alcohol, illegal drugs or improper use of controlled substances.

### **D. Jurisdiction**

1. The University conduct system has jurisdiction over alleged violations of the code of student conduct by any student or student organization at Oglethorpe University. The conduct system has jurisdiction over any alleged misconduct that occurs on property owned or controlled by or adjacent to the University and at events sponsored by the University and its members and at off-campus locations where the alleged misconduct is significant enough to impact the well-being of the University and/or its students.
2. University judicial proceedings are administrative in nature and operate independently of criminal and/or civil proceedings. While some alleged violations of the code of student conduct are also violations of federal, state and local law and/or the honor code, the University reserves the right to address these issues through its own conduct system. It will be up to the University to decide whether or not these alleged violations will be reported to external authorities. In cases

where a criminal case is likely, the University may delay the conduct process pending the outcome of the criminal proceedings.

3. The term “student” includes all persons taking courses at Oglethorpe University, either full- or part-time, pursuing undergraduate, graduate or professional studies. The term also includes persons taking courses in either the TU or EDP programs. Persons who withdraw from the University after allegedly violating the code of student conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered “students” as are persons who are living in campus residence halls, although not enrolled at this institution.
4. Students are expected to follow the code of student conduct and the procedures used to enforce the code of student conduct as a condition of their enrollment at Oglethorpe University.
5. Students or student organizations may be placed on interim suspension by the dean of students prior to the commencement of and during official conduct proceedings. This decision will be made by the dean on determination that the safety and well-being of the University community is at risk. Students on interim suspension are prohibited from being on-campus.
6. A student may be placed on interim suspension from the residence halls by the director of residence life prior to the commencement of and during official conduct proceedings. The decision will be made on determination that the safety and well-being of the student and/or University community is at risk.

#### **E. Hearings**

1. A student who is accused of allegedly violating the code of student conduct may have his or her case heard administratively. This hearing will be conducted by the chief conduct officer or a designee, depending on the nature of the alleged violation.
2. While most alleged violations will be handled informally, the chief conduct officer may choose to forward the alleged violation directly to a conduct board for formal resolution.
3. The purpose of the hearing will be to determine and/or verify the facts surrounding the act(s) or incident(s) that led to the alleged violation, to determine whether or not the respondent is responsible and to decide on an appropriate resolution. The respondent (accused student or organization) will have the right to hear the evidence presented and to present evidence on their own behalf.
4. During the administrative hearing the respondent will hear the charges and a reasonable sanction if the allegations were proven to be true. If the respondent accepts responsibility and all parties agree to the sanction, the resolution will be confirmed in an official letter.

5. If the respondent denies the allegations or does not accept the proposed sanction the matter will then be forwarded to the conduct board for a formal resolution.
6. If the respondent fails to attend a scheduled hearing, the proceedings will take place and a decision will be rendered without his or her input.
7. All hearings will take place in private and the proceedings will be limited to those persons permitted in these procedures.
8. During a hearing, the respondent may have a member of the University community present as an advisor. The respondent is responsible for presenting his or her own information and therefore advisors are not permitted to speak or participate directly in the proceedings.
9. During a hearing, witnesses for both parties may be called to present testimony in person or they may submit testimony in writing. Witnesses may only present information in response to questions posed by the conduct board or chief conduct officer during a hearing. Names of witnesses must be presented to the chief conduct officer at least two business days prior to the hearing.
10. Complainants (and other witnesses) should be present during a formal conduct board hearing to present information and answer questions from the conduct board. The chief conduct officer may make accommodations for the complainant to present testimony to the conduct board apart from the respondent, if concerns exist for the safety, well-being and/or fears for confrontation of the complainant. The decision to provide such accommodations will be made at the sole discretion of the chief conduct officer.
11. The proceedings of hearings may not be recorded electronically or by other means by the respondent.

#### **F. Student Judicial System**

This system addresses student discipline matters not addressed by any policy, procedure or regulation of the University (except the honor code; students are cautioned that a given act may be a violation of both the code of student conduct and the honor code) which may have its own specific policy or procedure for investigating, adjudicating and/or appealing its alleged violations. Under the current system, the director of residence life has the primary role in overseeing student discipline and student conduct procedures, although time and circumstance may necessitate the direct involvement of the dean of students.

Most routine matters of student conduct are handled by the director of residence life in his/her role as chief conduct officer. Cases may be referred to the student judicial board or (in complex cases or those involving sexual misconduct) to the faculty-staff judicial board. These boards, following written notification of at least forty-eight (48) hours to the student involved, meet with the students and witnesses involved in the conduct case. The board recommends to the dean of students a range of penalties including,

but not limited to, fines, assigned restitution hours, oral or written reprimands, social or disciplinary probation, suspension, or expulsion. The dean of students may seek the counsel and advice of the faculty-staff judicial board in any case. At the dean's discretion, original jurisdiction may be exercised by the chief conduct officer.

All aspects of students' educational records can be used in board proceedings, including but not limited to: violations of code of conduct, residential incident reports, honor code violations, academic warnings, parking and traffic violations and other educational records.

### Penalties

Whether acting alone or with the recommendations of the conduct officer or judicial boards, the dean of students has discretion in handing down and administering sanctions for violations of University policies and expectations.

In addition to the specified, impermissible behavior, conduct which includes, but is not limited to, the following categories may also be dealt with by the chief conduct officer, judicial board or dean of students: disturbing the peace; creating a danger to the safety of self or others; disrespect; assault; damaging (or attempting to damage) the personal property of others; falsifying reports of an emergency; falsifying or misusing University records; misuse and/or abuse of communications systems, such as e-mail, internet, and voice-mail; indecent and obscene conduct; unauthorized entry into University or other's property; and sexual harassment and misconduct, lying, cheating or stealing. While away from our campus, students should observe the regulations of communities in which they are visiting. Students involved in misconduct (on- or off-campus) that leads to an arrest or citation may also be subject to penalties by the University. Particularly, see Sec. 2.6.3.4.

Where penalties for particular misbehaviors are specified, the conduct officer, judicial boards and dean of students are guided by the specified sanctions, though discretion remains available to the dean of students to impose penalties he/she deems appropriate.

1. The student judicial board (SJB) is comprised of seven members selected from applications from a pool of qualified student applicants. The composition of the board includes one student from the sophomore, junior, and senior classes, two students representing the first-year class (one may be a transfer), two students representing the IFC and PanHellenic Council, and a student with responsibilities on the RHA (residence hall association). The chief conduct officer and dean of students are responsible for the selection the board. A quorum of at least three students will serve at each hearing.
2. The SJB will hear cases for the following conditions:

- a. The respondent has not accepted responsibility for the alleged violation.
  - b. The chief conduct officer decides that he or she cannot determine an outcome during an administrative hearing or that the violations are of a serious degree, multiple in number or unusual in nature.
3. The SJB may hear any case of alleged violation of the code of student conduct filed against a student or student organization. The SJB may suggest sanctions up to and including suspension or expulsion from the University. The dean of students must review and decide on any suspension or expulsion recommendations. The SJB also has the ability to design sanctions that are educational in nature and related to the facts of the case.
4. The Faculty-Staff Judicial Board (FSJB) is comprised of at least three members of the faculty and staff organized by the chief conduct officer.

#### **G. Conduct Procedures**

1. Any member of the University community may file charges against a student or organization for violations of the code of student conduct. The charge shall be made in writing and directed to the chief conduct officer.
2. The chief conduct officer will determine whether or not enough information exists to pursue the matter through the University conduct process.
3. If the matter is to be pursued, written notification will be sent to the accused student or president of the organization notifying him or her of the complaint, the charges alleged and a brief outline of the alleged facts which support the complaint.
4. The notification will also include the date, time and location of the administrative hearing which will be held to discuss the complaint and to determine an outcome.
5. During the administrative hearing the student or organization president will have the following options:
  - a. Accepting responsibility and agreeing to a sanction via an informal resolution;
  - b. Not accepting responsibility or agreeing to an informal resolution and a conduct hearing is scheduled;
  - c. Disciplinary withdrawal, wherein a student withdraws from Oglethorpe University rather than face further disciplinary action. In order to be re-admitted, the student must face the charges as well as apply for readmission.
6. If an informal resolution is agreed to by the respondent and the conduct officer, the student is notified in writing of the outcome which will include the details of any sanctions that have been assigned.
7. If a hearing is warranted, written notification will be sent to the involved parties with date, time and location of the hearing as well as the charges and a brief statement of the facts upon which the charges are based.

8. Written confirmation of the judicial board's recommendation and dean of student's confirmation is available for the appropriate persons with five business days of the hearing.
9. Either party may appeal the decision of the judicial board to the dean of students, in writing, within 24 hours of the decision. There are no appeals for informal resolutions.
10. University conduct procedures are administrative rather than criminal in nature. Rule of evidence and the criminal standard of proof do not apply. Hearsay is permissible. The burden of proof will rest with the complainant and determination of responsibility will be based on the preponderance of the evidence.

#### **H. Sanctions**

Sanctions imposed in response to a conduct hearing are considered official actions of Oglethorpe University. Failure to comply with the sanctions that are imposed as part of the conduct process may result in suspension, expulsion or non-academic withdrawal from the University without benefit of further consultation. The following sanctions or any combination thereof may be applied to any individual student, group of students or student organization for violations of the code of student conduct and related University policies:

1. Verbal warning: The student shall be warned verbally by the chief conduct officer or a designee that he or she has violated the code of student conduct and that subsequent misconduct may result in more serious disciplinary action. No further action is taken at this point and no entry is made in the student's disciplinary file.
2. Formal reprimand/written warning: The student receives a formal reprimand in writing that he or she has violated the code of student conduct and that subsequent misconduct may lead to a more serious disciplinary action. A formal reprimand will remain active in a student's or student organization's disciplinary file for one calendar year.
3. Fine: A monetary sanction (students may choose to work off the amount of a fine by making arrangements to do with the chief conduct officer or a designee). Monetary compensation for damage to persons or property will generally comprise of 150% of the cost of the damage.
4. Restitution: Campus restitution hours are intended to benefit the individual and the campus (such as working in a campus office or completing an assigned project). Hours must be completed with an Oglethorpe University office or organization unless pre-approved by the chief conduct officer or a designee. If a student does not complete the assigned restitution hours by the required date, hours may be increased, a fine may be assessed, and/or student may be additionally charged with failure to comply.
5. Education and/or counseling: A student may be required to attend an intake session with the counseling center to address issues related to the violation of

campus policies. Other educational assessment and projects may be assigned as well.

6. Restrictions: These include sanctions imposed that are appropriate for the offense. The imposition of a restriction(s) carries a time frame for and may take the form of revocation of the privilege to:
  - a. Hold an office in a campus organization.
  - b. Participate in extracurricular activities.
  - c. Have visitation rights.
  - d. Have a motor vehicle on-campus.
  - e. Represent the University in intercollegiate athletics or other public events.
  - f. Initiate contact with specific members of the campus community.
7. Parental notification: Verbal or in-person notification of conduct concerns and sanctions to a parent or legal guardian. This may be over the phone or in a meeting. Notification may also be a letter written by the student and sent to parents or legal guardians informing them of disciplinary action. This letter is reviewed and forwarded by the chief conduct officer or a designee and kept on file.
8. Probation: A student or student organization placed on probation is no longer considered in “good standing” with the University. Probationary status signifies that the student’s or organization’s behavior has been deemed unacceptable by the University community. The primary purpose of probation is to restrict privileges and to determine whether or not the student or organization is suitable to remain a member of the campus community. Students or organizations on probation may be subjected to certain conditions which may include but are not limited to fines, restitution, community service, revocation of privileges and other educational sanctions. Students placed on probation shall remain on probation for a time period set by the conduct board or chief conduct officer. The types of probation being referenced here are quite different from academic probation (see Sec. 5.23.2.2.), and include:
  - a. Social probation: This status is applied as a result of a breach of specific social regulations. Its primary effect is to suspend a privilege related to the nature of the offense and/or restrict access to specific campus facilities or programs.
  - b. Residential probation: This status indicates that a student is no longer in good standing within the University residential living program and is at risk of being suspended from the residence halls on campus.
  - c. Disciplinary probation: This action signifies a serious violation of the community standards of Oglethorpe University and that the student or student organization is at serious risk for suspension or expulsion from the University. The student or organization is permitted to remain enrolled or to remain recognized at the University but under certain conditions.



9. Residential suspension: This status indicates that a student is not eligible to live in or visit the residential facilities on campus. It may be permanent or for a specific amount of time and may be applied generally or to specific facilities.
10. Interim suspension: This action, initiated by the dean of students, is a temporary suspension of certain rights and privileges while a conduct case is pending. Interim suspension may be broad and all inclusive or may be restricted to a specific location and/or function and is based on the determination that the safety and well-being of the campus community or specific persons are at risk. A student who is facing criminal charges in an external judicial system may also be placed on interim suspension pending the outcome.
11. Suspension: A suspended student or student organization is prohibited from any presence or activity on University owned or controlled property.
12. Expulsion: Please see Sec. 5.25.4. for details concerning expulsion. This is the most severe form of disciplinary action the University conduct system can impose.
13. Non-Academic Withdrawal: Please see Sec. 5.25.2. for details concerning non-academic withdrawal.

#### **I. Appeals**

1. Decisions of the conduct board may be appealed in writing, to the dean of students, within 24 hours of the written decision being sent to the appropriate party/parties.
2. There are no appeals granted for decisions made during an administrative hearing.
3. Appeals must be based on one or more of the following:
  - a. Procedural error that can be shown to have had a detrimental impact on the outcome of the hearing.
  - b. Excessive or inappropriate sanctions that have no reasonable relationship to the charges.
  - c. New evidence not reasonably available at the time of the original hearing, the absence of which can be shown to have a detrimental impact of the outcome of the hearing.

#### **11.2. Conduct Good Standing**

To be in conduct good standing with Oglethorpe University means all of the following:

- The student has no un-adjudicated honor code or code of student conduct charges.
- If the student has ever been found liable of an honor code or code of student conduct charge then the student has complied with all assigned sanctions—completely, courteously and in a timely manner.
- The student is not in the process of serving (nor has the student been notified that, in the future, he/she will be required to serve) any of the following sanctions: restriction(s),

social probation, residential probation, disciplinary probation, residential suspension, interim suspension, suspension, expulsion or non-academic withdrawal.

A student cannot possibly ever again achieve conduct good standing if:

- The student is forced to leave Oglethorpe University (through interim suspension, suspension, expulsion or non-academic withdrawal) and then the student never subsequently returns to Oglethorpe; or
- The student voluntarily leaves Oglethorpe University after having been notified of pending honor code or code of student conduct charges (and prior to complete adjudication of such charges) and then the student never subsequently returns to Oglethorpe.