



The Fort Valley State University

A State and Land-Grant University

Student Code of Conduct 2008 Edition

University System of Georgia
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Revised and Issued by the Offices of Student Affairs and Judicial Affairs

STUDENT CODE OF CONDUCT

Fort Valley State University functions to provide teaching, learning, and social interchange in a healthy environment. Accordingly, certain rules and regulations must exist and be enforced. Such rules and regulations have been standardized into a **STUDENT CODE OF CONDUCT**. This Code of Conduct applies to all students enrolled at Fort Valley State University. Violations of this code of conduct are processed through the Office of the Vice President for Student Affairs.

Definitions

The following definitions and explanations apply to terms used in this Student Code of Conduct:

"University" or "institution" means Fort Valley State University.

"Student" includes all persons taking courses at the university, both full-time and part-time, whether pursuing undergraduate or graduate studies, and those who attend post-secondary educational institutions other than Fort Valley State University and who reside in university residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the university are considered "students."

"University official" includes any person employed by the university, performing assigned administrative or professional responsibilities.

"University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks).

"Community" includes any person who is a student, faculty member, university official, or other university employee. A person's status in a particular situation shall be determined by the Office of the Vice President for Student Affairs.

"University-sponsored activity" means any activity on or off campus that is initiated, aided, authorized, or supervised by the university.

"Appellate Committee" means any person authorized by the President to consider an appeal from a determination that a student has violated the Student Code or from the sanctions imposed by the Judiciary Committee.

"Shall" is used in the imperative sense.

"May" is used in the permissive sense.

"Policy" means the written regulations of the university as found in, but not limited to, the Student Code of Conduct, the Student Handbook, and Graduate/Undergraduate Catalogs.

“Expulsion” means permanent severance of the student’s relationship with the university.

“Disciplinary Suspension” means temporary severance of the student’s relationship with the university for a specific period of time.

A student expelled or suspended shall leave the campus and not visit the campus during the period of expulsion or suspension, except when on official school business. To violate this stipulation would affect adversely the student’s chance for readmission.

“Disciplinary Probation” means subjection of any individual to a period of testing and trial. Notice is given to the student that any further disciplinary violation may result in suspension. Disciplinary probation may also include any or all of the following: the setting of restrictions or fines; the issuance of a reprimand; or a requirement of public work. A student on disciplinary probation will not be permitted to hold an elected or appointed office or to participate in or attend any contest, performance, or other extracurricular activity, on or off campus, that is sponsored by the university or with which the university is involved.

Violation of the terms of disciplinary probation or the infraction of any university rule during this period constitutes grounds for suspension or expulsion from the university.

Inappropriate Conduct

Inappropriate conduct by students at Fort Valley State University is discouraged and will not be tolerated. If a student engages in conduct that violates one or more provisions of the Student Code of Conduct, he or she will be subject to disciplinary action. Such action normally includes: (1) a hearing before the Judiciary Committee which may impose or recommend corrective measures, such as probation, suspension, or expulsion (2) the right to appeal to the President of the University; and (3) the right to appeal to the Board of Regents.

Should a student be charged with a criminal offense, the nature of which may present a clear and present likelihood of serious physical or mental harm to the student or to any other member of the university community, the Office of the Vice President for Student Affairs may impose such temporary sanction on the student, including suspension, as may be deemed necessary to protect the student, university community, and/or property from such danger. Such temporary sanction may exist and be enforced only until such time as final disposition has been made of the case by the Judiciary Committee.

Further, the Office of the Vice President for Student Affairs shall have the power to impose such temporary sanctions, including suspension, pending a hearing, when the student or group of students engages in conduct that materially and substantially interferes with the requirements of appropriate discipline in the operation of the university.

As citizens and members of an academic community, students enjoy the same basic rights and are bound by the same responsibilities as are all citizens. The campus cannot be considered a sanctuary from the general law. Therefore, the university reserves the right to inform police or other appropriate authorities when student behavior appears to violate local, state, or federal criminal laws.

The university recognizes that all members of an academic community, individually and collectively, have a fundamental right to express their views publicly on any issue; however, the university insists that all such expressions be peaceful and orderly and be conducted in a manner consistent with the Student Code of Conduct and university policies and in such a way that university business shall not be unduly disrupted. Moreover, students must indicate clearly that they are speaking as individuals and not for the university community.

Students are expected to display proper respect for the rights and privileges of other members of the university community and their guests. The atmosphere in classes, laboratories, and campus events must be free from any sort of disruption. Furthermore, students must follow the reasonable directions of university personnel.

The university sets appropriate and clear guidelines for student behavior. The guidelines ensure that student conduct does not adversely affect the educational mission of the university or its relationship with the surrounding community, sister institutions, or members of the university community. The Code of Conduct has been developed with the assistance of the Student Government Association and other students and members of the faculty and staff of the university.

The following list of sanctions by no means is exhaustive. Students should be aware that any conduct adversely affecting the educational mission of the university, or its relationship with the surrounding community or members of the university community, will be dealt with in the appropriate manner.

Sanctions

Experience suggests that most inappropriate behavior will involve violations of more than one section of the Student Code of Conduct and, as such, may yield sanctions beyond those minimums spelled out in this code. The following list of sanctions is illustrative rather than exhaustive. ***The university reserves the right to create other sanctions as it deems appropriate:***

- Expulsion from the university with permanent notation on transcript of disciplinary action.
- Suspension from the university with permanent transcript notation.
- Loss of eligibility for university funded scholarships or funds, including part-time work.
- Cancellation of residence hall contract.
- Probation—repeat violation of same code section or violation of any other code section while on probation could lead to the sanctions listed below.
- Loss of membership on teams, clubs, and officially recognized organizations.

- Community service/uncompensated labor.
- Restitution.
- Loss of guest privileges on campus or residence halls.
- Letter of censure or reprimand.
- Letter of apology.

The university also reserves the right to sanction any student found in violation of the Student Code of Conduct or of a state or federal law. Although not a disciplinary sanction, the university also reserves the right to require students who violate sections of the Code of Conduct to undergo counseling or other forms of education.

Group Offenses

- A. Living organizations, societies, clubs and similar organized groups are responsible for compliance with university regulations. Upon satisfactory proof that a group has encouraged, or did not take reasonable steps as a group to prevent, violations of university regulations, the group may be subjected to permanent or temporary suspension of charter, social probation, and/or denial of use of university facilities or other like sanctions.
- B. Determination that a group is liable to sanction under the foregoing Section A and determination of the sanction to be imposed shall be made by the Judiciary Committee at a hearing held for that purpose. The president or principal officer of the group must be afforded reasonable notice of the time and place of the hearing and of the nature of the charges. This officer or any other member of the group may attend and be heard at the hearing.

I. VIOLATIONS

Article 1: Grievous Violations

Violation of the Code of Conduct sections listed below can lead separation (suspension or expulsion) from the university, cancellation of residence hall contract, if applicable, any other appropriate sanctioning including immediate removal from the University premises (pending a forthcoming hearing), and transcript notation that the student was withdrawn for disciplinary reasons. All cases involving allegations of Article I misconduct will be heard by the university's Judiciary Committee, unless the student admits responsibility. When the student admits responsibility, sanctions may be imposed administratively.

Section 1: Sexual Misconduct

This violation consists of four categories: Rape, Sexual Assault, Sexual Harassment, and Inappropriate Sexual Behavior.

Rape

Rape is the oral, anal, or vaginal penetration by an inanimate object, penis, or other bodily part without consent. The act of penetration will be considered forced and without consent if the victim was unable to give consent due to a condition of which the offending student was or should have been aware (e.g., the victim was

intoxicated due to the excessive use of alcohol or other drugs, coerced, or threatened verbally, including being threatened with future physical harm).

Sanction: EXPULSION.

Sexual Assault

Sexual assault is defined as the unwanted touching of the intimate body parts of another (e.g., breasts, buttocks, groin, genitals, or the clothing covering any such body part). These acts will be considered unwanted and without consent if the victim was unable to give consent due to a condition of which the offending student was or should have been aware (e.g., the victim is intoxicated due to the excessive use of alcohol or other drugs, coerced, or threatened verbally, including being threatened with future physical harm).

Sanction: A violation of this section may result in one or a combination of the following: expulsion, suspension, a fine of not less than \$250 and not more than \$1,000, probation, or community service.

Sexual Harassment

Sexual harassment occurs when a person is the recipient of unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, visual, or physical conduct of a sexual nature where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
- Submission to or rejection of such conduct by and individual is used as the basis for academic or employment decisions affecting the individual's welfare; or
- Such conduct has the purpose or effect of substantially interfering with an individual's welfare, academic or work performance, or creates an intimidating, hostile, offensive or demeaning education or work environment.

Examples of Prohibited Behavior

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- Repeated unwelcome sexual propositions, invitations, solicitations and flirtations.
- Stated or implied threats that a person's employment, wages, academic grade, promotional opportunities, classroom or work assignments or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances.
- Repeated and pervasive unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene gestures.
- Unwanted exposure to sexual graffiti, photographs, electronically transmitted images or suggestive objects that substantially interfere with an individual's welfare, academic or work performance.

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- Unwelcome and inappropriate touching, patting or pinching.

Sanction: A violation of this section may result in one or a combination of the following: expulsion, suspension, a fine of not less than \$250 and not more than \$1,000, probation, or community service.

Inappropriate Sexual Behavior

Inappropriate sexual behavior includes sexual intercourse or any activity involving the sexual organs of the male or female on university property (dormitory rooms, buildings, lobby, grounds, and vehicles).

Sanction: A violation of this section may result in one or a combination of the following: fine of not less than \$250 and not more than \$1,000, probation, or community service.

Section 2: Physical Abuse

Physical abuse of others (staff, students, members of the community) including but not limited to, fights and injury caused by endangering behavior.

Sanction: A violation of this section may result in one or a combination of the following: expulsion, suspension, a fine of not less than \$250 and not more than \$1,000, probation, or community service.

Section 3: Theft by Taking

Breaking and entering of any university building or a part thereof; or theft including, but not limited to, the unauthorized use of ATM, phone, credit cards, checks, Fort Valley State University ID cards, or computer systems, and knowingly possessing stolen property.

Sanction: A violation of this section may result in one or a combination of the following: expulsion, suspension, a fine of not less than \$250 and not more than \$1,000, probation, or community service.

Section 4: Weapons, Firearms and Explosives

The possession or use of weapons, firearms, fireworks, bullets, or other explosive devices on university property are prohibited except under official supervision as part of a recognized student activity. (The term weapon may be defined as any object or substance designed to inflict a wound, cause injury, or incapacitate.)

Sanction: A violation of this section may result in one or a combination of the following: expulsion, suspension, a fine of not less than \$500 and not more than \$1,000, probation, or community service.

Section 5: Illegal Substances

The illegal sale, distribution, or possession of illegal substances (i.e., drugs, alcohol).

Sanction: A violation of this section may result in one or a combination of the following: expulsion, suspension, a fine of not less than \$500 and not more than \$1,000, probation, or community service.

Section 6: Possession or Consumption of Alcohol

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Drinking or having in possession any alcoholic beverage in public areas of university premises not approved for such activity; possession and/or consumption by a minor; and public intoxication.

Sanction: A violation of this section may result in one or a combination of the following: suspension, a fine of not less than \$500 and not more than \$1,000, probation, community service, counseling or letter of reprimand.

Section 7: Breaching Campus Safety or Security

Breaching campus safety or security includes, but is not limited to:

- A. Unauthorized access to university facilities; intentionally damaging door locks; unauthorized possession of university keys or access cards; duplicating university keys or access cards; or propping open of exterior residence hall doors;
- B. Tampering with fire safety equipment, such as fire extinguishers, smoke detectors, alarm pull stations, or emergency exits;
- C. Placement of equipment or vehicles (including bicycles) so as to obstruct the means of access to or from university buildings.

Sanction: A violation of this section may result in one or a combination of the following: suspension, a fine of not less than \$250 and not more than \$750, probation, or community service.

Section 8: Endangering Behavior

Endangering behavior is defined as conduct demonstrating that the student constitutes a danger to others or to the proper functioning of the university, including threats, possession of mace or other chemical sprays, etc.

Sanction: A violation of this section may result in one or a combination of the following: suspension, a fine of not less than \$250 and not more than \$750, probation, or community service.

Section 9: Hazing

Fort Valley State University upholds the position on hazing adopted by the Association of Fraternity Advisors (AFA) and the National Pan-Hellenic Council (NPHC); however, for brevity, the following policy should be utilized by all student organizations as a guideline. Enforcement of this policy falls under the jurisdiction of the Office of Student Affairs.

For purposes of this section, hazing means any activity or situation intentionally or unintentionally created, with or without consent, whether on or off the organizations premises that: (1) endangers the mental or physical health of the participants; which produces physical discomfort; which subjects the individual to embarrassment, harassment, or ridicule; or which creates excessive fatigue; or (2) threatens physical or psychological harm to the individual; which requires participation by the individual in quests, treasure/scavenger hunts, stunts, morally degrading or humiliating games and activities; which requires late or early work sessions; or any activity that is not consistent with the laws, rituals, and policies of the organization or the regulations and policies of the university.

Any individual member or members of the organization participating in hazing activities will forfeit the organization's campus privileges, including its rights to license or its existence on the campus. The following are examples of conduct that constitute hazing activities:

- A. Actions that recklessly or intentionally endanger the physical and mental health or safety of students.
- B. Forced or required consumption of any food, drink, drug, or any other substance.
- C. Forced or required participation in physical activities, such as calisthenics, exercises, or so-called games.
- D. Exposure to the weather.
- E. Excessive fatigue resulting from sleep deprivation, physical activities, or exercises.
- F. Assignment of activities that would be illegal or unlawful, or might be morally offensive to the individual.
- G. Physical brutality, including paddling, striking with fists, open hands, or objects; and branding.
- H. Kidnapping, transportation, or stranding of individuals ("Road trips").
- I. Verbal abuse, including "Line-ups" and berating of individuals.
- J. Forced or required conduct that could embarrass or adversely affect the dignity of the individual, including the wearing of apparel that is conspicuous or extraordinary, and the performance of public stunts and activities.
- K. Forced servitude, including errands and cleanup activities.
- L. The intentional creation of cleanup work or labor for pledges by alumni members.
- M. Denial of sufficient time to study.
- N. Nudity or lewd behavior.
- O. Any other activities not consistent with the policies of the university.

Sanction: A violation of this section may result in one or a combination of the following: expulsion, suspension, a fine of not less than \$500 and not more than \$1,000, probation, or community service of the organization, jointly and severally.

Section 10: Vandalism

The vandalism to or destruction of any property of the university on university premises or at university-sponsored activities.

Sanction: A violation of this section will result in one or a combination of the following: suspension, a fine of not less than \$500 and not more than \$1,000, probation, or community service and restitution.

Article II: Violations

Proven violations of Article II misconduct will yield the sanctions listed below. Repeated violations of the same section, violations of more than one section, or the severity of the misconduct may heighten the university's response to the point of suspension or expulsion from the University and of cancellation of the residence hall agreement. Article II violations will be heard by the university's Judiciary Committee, unless the student admits responsibility. In such a case, the

sanctioning will be imposed administratively. All others in this category may be heard and disposed of administratively.

Section 1: Disruptive Behavior

Participation in promoting disruptive behavior that would interfere with teaching, disciplinary proceedings or other university activities. Such activity may include, but is not limited to: Classroom behavior that interferes with either (a) the instructor's ability to conduct the class or (b) the ability of other students to profit from the instructional program.

Sanction: A violation of this section may result in one or a combination of the following: expulsion, suspension, a fine of not less than \$250 and not more than \$500, probation, or community service.

Section 2: Intimidation

Intimidation or harassment on the basis of race, religion, national origin, age, gender, sexual orientation, handicap, or veteran status.

Sanction: A violation of this section may result in one or a combination of the following: expulsion, suspension, a fine of not less than \$250 and not more than \$500, probation, or community service.

Section 3: Stalking

Any repeated conduct directed specifically at another person that causes that person to fear his or her safety. Such conduct includes following another person and actions that threaten or intimidate another person through fear of bodily injury.

Sanction: A violation of this section may result in one or a combination of the following: expulsion, suspension, a fine of not less than \$250 and not more than \$500, probation, or community service.

Section 4: Furnishing False Information

Forgery, alteration, or misuse of university documents, records (including all software and computer databases) or identification, or possession of an altered identification or one that belongs to someone else. Deliberate misrepresentation of facts that could adversely affect the mission of the university.

Sanction: A violation of this section will result in one or a combination of the following: suspension, a fine of not less than \$250 and not more than \$500, probation, or community service.

Section 5: Insubordinate Behavior

This violation consists of two categories: Failure to Obey University Authorities and Failure to Vacate.

Failure to Obey University Authorities

Failure to follow reasonable directions of university authorities that are necessary for the proper conduct of the university.

Sanction: A violation of this section may result in one or a combination of the following: expulsion, suspension, a fine of not less than \$250 and not more than \$500, probation, community service or restitution.

Failure to Vacate

Failure to vacate a University building after fire alarm or other emergencies.

Sanction: A violation of this section will result in a fine of not less than \$250 and not more than \$500.

Section 6: Unauthorized Usage

This violation consists of two categories: Unauthorized Use of University's Name and Unauthorized Use of Other's Property.

Unauthorized Use of University's Name

Unauthorized use of the university's name or other identifying mark.

Sanction: A violation of this section may result in one or a combination of the following: expulsion, suspension, a fine of not less than \$150 and not more than \$500, probation, community service or restitution.

Unauthorized Use of Others' Property

Sanction: A violation of this section may result in a fine of not less than \$150 and not more than \$500, probation, or community service.

Article III: Other Violations**Section 1: Noise Disturbances**

Noise disturbances in residence halls, campus, or community.

Sanction: A violation of this section may result in a fine of not less than \$75 and not more than \$500, and cancellation of residence hall agreement, probation, or community service.

Section 2: Gambling

On-campus gambling or sale of lottery tickets without university authority.

Sanction: A violation of this section may result in one or a combination of the following: expulsion, suspension, a fine of not less than \$150 and not more than \$500, probation, community service or restitution.

Section 3: Inappropriate Dress

Inappropriate dress includes, but is not limited to, wearing an undershirt customarily worn as an undergarment (tank top, white gauze shirt, etc.) These may not be worn in public places other than the physical education building.

Sanction: A violation of this section may result in a fine of not less than \$75 and not more than \$150.

Section 4: Misuse of Visitation Privileges

Misuse of visitation rights, proctor policies, and overnight guest policies, including failure to obtain roommate's written authorization for overnight guests.

Sanction: A violation of this section may result in a fine of not less than \$150 and not more than \$500, probation, or community service.

Section 5: Academic Dishonesty

Academic dishonesty, including any attempt of a student to present as his or her own work that which is not his or her own work, aiding or abetting others in such an attempt, or any other forms of cheating.

Sanction: A violation of this section may result in one or a combination of the following: expulsion, suspension, a fine of not less than \$150 and not more than \$500, probation, community service or referral to a separate academic integrity review committee for deliberation.

II. STRUCTURE AND PROCEDURE OF THE JUDICIAL SYSTEM

The Judiciary Committee hears cases involving its respective students. Hearings are also held to hear complaints and to take disciplinary action in accordance with the provisions of this document and of the Code of Conduct.

A. Initiation of Proceedings

1. Any academic or administrative official, any university staff member, any member of the faculty, any aggrieved member of the neighborhood community, or any student may file charges against any student or student organization for misconduct.
2. The charges will be filed with the Office of the Vice President for Student Affairs. That office will direct the case to the Judiciary Committee or the case will be handled administratively, based upon the Code of Conduct violations implicated by the charge or admission of guilt. The administrator's decision as to the appropriate forum shall be final.
3. The Office of the Vice President for Student Affairs shall, in accordance with the section entitled Inappropriate Behavior, determine whether the case will be heard administratively or by the Judiciary Committee.

B. Hearing Procedures

1. The Office of the Vice President for Student Affairs may remove a student from a residence hall and from classes pending a hearing if sufficient facts indicate the student poses a threat to himself or herself or to other students.
2. A student charged with an offense will be assigned the next available hearing date by the Office of the Vice President for Student Affairs. A student's request for a postponement must be supplemented by written documentation. A continuance will be granted only under extreme circumstances and at the discretion of the Office of Student Affairs.
3. The Judiciary Committee or the Office of the Vice President for Student Affairs may request, but not demand, that an accused student submit briefs to the Judiciary Committee before a hearing; either party may file a brief voluntarily.
4. Live character testimony is not permitted, although a charged student may submit written character references to the Judiciary Committee.
5. If either party fails to appear when the case is called for a hearing, the Judiciary Committee or the Office of the Vice President for Student Affairs may dismiss the action with or without prejudice to either party, set a new hearing date, or may grant judgment to the appearing

Complainant by default if the charged student fails to appear, or the Accused if the Complainant does not appear. In the former instance, the Judiciary Committee or administrator may sanction the defendant.

6. Decisions of the hearing body shall be made by majority vote. A quorum for the Student Court shall consist of five (5) members. (See Section VII on Student Court.) A quorum for the Judiciary Committee shall consist of three (3) members, two (2) faculty members, and one student.
7. Any member of the hearing body shall disqualify himself if the personal involvement in the hearing is of such a nature as to prejudice the case.
8. The hearings of the Student Court and the Judiciary Committee shall be opened to the public. However, the hearing body may exclude any person who interferes with or interrupts the hearing process. Hearing body deliberations are closed to all but the hearing body members.
9. The hearing body shall make a tape recording and/or summary transcription of the proceedings.
10. The hearing body shall provide a brief written summary of each case with recommendations for appropriate disciplinary actions to the Office of the Vice President for Student Affairs and to the student(s) involved.
11. The Office of the Vice President for Student Affairs will review the case and recommendations and implement disciplinary action.
12. The decision reached at the hearing shall be communicated in writing to the student.
13. The presentation of evidence shall proceed as follows:
 - a. Complainant's opening statement
 - b. The Accused's opening statement
 - c. Complainant's testimony and other evidence
 - d. The Accused's right to question complainant's testimony and other witnesses
 - e. The Accused's testimony and other evidence
 - f. Complainant's right to question the Accused and witnesses
 - g. The Complainant's rebuttal
 - h. The Accused's rebuttal
 - i. Complainant's closing statement
 - j. The Accused's closing argument, including any statement as to mitigating circumstances.

*Note: The Accused has the right to remain silent with no inference of guilt drawn therefrom.

14. During the course of a hearing, all points of order and all objections shall be determined by the Chairman of the Judiciary Committee or the presiding member of the Judiciary Committee.
15. Judiciary Committee proceedings are tape-recorded for the purpose of appeals only. Students who legitimately appeal a denial of due process may request to listen to the recording of the hearing in the Office of Student Affairs. Tapes are not to be removed from the Office of the Vice President for Student Affairs.
16. The decision of the Judiciary Committee shall be filed after the completion of a hearing.
17. All records of the case will be confidential.

18. Members of the Fort Valley State University Campus Police may be requested to be present at hearings when the case warrants it.

C. Procedures for Student Appeals

When a student shall be expelled or suspended by action of the Judiciary Committee, such student shall have the right to appeal in accordance with the following procedures:

1. The person aggrieved shall appeal in a **typewritten** letter to the President of the institution, with a copy to the Office of the Vice President for Student Affairs within five business days after the receipt of the decision rendered. The President of the institution, within five business days, appoints a committee. This committee shall review all facts and circumstances connected with the case and shall within five business days make its findings and report thereon to the President. After consideration of the committee's report, the President shall within five business days make a decision which shall be final so far as the institution is concerned.
2. A student may appeal on grounds that the evidence was not sufficient to find him or her **in violation of the** Student Code of Conduct or other specified relevant grounds. In either case, he or she shall clearly state his ground for appeal in his or her typewritten statement.
3. The President shall be given a tape recording and/or a written summary of the proceedings in the original hearing of the Judiciary Committee. If a verbatim transcript has been made, it should be made available to the President for his or her consideration.
4. Should the aggrieved person be dissatisfied with the decision of the President, he shall have the right to apply in writing to the Board of Regents for a review. An application to the Board of Regents shall be submitted in writing to the Executive Secretary of the Board within a period of five days after the President's decision and shall cite all reasons for dissatisfaction with the previous decision.

III. THE JUDICIARY COMMITTEE

- A. The Judiciary Committee, by faculty legislation and by the delegation of the President, has been designated as the agency within the university with primary responsibility for the Student Conduct Program. The Committee shall be responsible to the faculty and the President for recommending policies related to student conduct; formulating or approving rules and enforcement procedures within the framework of existing policies; disposing of such individual cases as may properly come before it; and recommending to the President changes in the administration of any aspect of the Student Conduct Program.
- B. The committee shall consist of five or more members; at least three of whom shall be members of the faculty and/or staff appointed by the President and two shall be regularly enrolled students recommended by the President of the Student Government Association and appointed by the President of the university. Whenever possible, at least one member may be a Political

Science or Criminal Justice major. The President may appoint additional or temporary members to the committee to serve as necessary to carry out its duties.

- C. The chairman of the committee shall be appointed by the President. The chairman shall coordinate the activities of the Judiciary Committee.
- D. All regulations or rules relating to student conduct that are established by any university official, committee, or student group for which sanctions may be imposed in the name of the university must be submitted to the Judiciary Committee for approval.
- E. The committee may delegate jurisdiction to handle infractions of university rules to a student court and such other tribunals as may be established with the advice and consent of the President. The committee also may delegate such jurisdiction to appropriate university officials. In all instances, such jurisdiction shall be defined by the committee, ordinarily in terms of specified offenses, maximum sanctions, or designated living units. The committee, at its discretion, may withdraw delegation of jurisdiction in any case and dispose of such case itself except appellate cases resulting from initial action by the committee.
- F. The committee shall require from university officials and tribunals periodic written reports of the disposition of all student conduct cases handled under their jurisdiction. The gathering of such reports and their submissions to the committee shall be the responsibility of the Office of the Vice President for Student Affairs. The committee shall examine such reports for consistency with existing policies and, where necessary, review the reports with the appropriate officials or tribunals.
- G. The committee shall submit to the faculty, the Vice President for Student Affairs, and the President each spring a written report covering the entire Student Conduct Program, including an evaluation of existing rules, policies, and enforcement procedures. It shall recommend changes in policy to the faculty and President. Changes in the administration of the program shall be recommended by the committee to the President.

IV. STUDENT TRIBUNALS

- A. The Judiciary Committee, with the assistance of the Office of the Vice President for Student Affairs, may establish minor tribunals composed of students (e.g. all campus student court, resident hall tribunals, etc.). When appropriate, university officials, faculty and staff members may serve as advisors. The minor tribunals shall not have the jurisdiction to impose the sanction of expulsion or suspension.
- B. These tribunals shall not have any function except the enforcement of university rules, (excluding expulsion and suspension) or the performance of other duties which may be delegated to it by the Judiciary Committee.

V. RECORDS

- A. The Office of Judicial Affairs shall be responsible to the Judiciary Committee for the maintenance of adequate records pertaining to the Student Conduct Program.
- B. These records shall include a report on the disposition of each disciplinary case. Such reports shall be submitted to the Office of the Vice President for Student Affairs by every official, tribunal, court, or committee authorized or established to impose sanctions under this code.
- C. In order to accomplish these record keeping responsibilities, the Judiciary Committee and the Office of the Vice President for Student Affairs may prescribe reporting procedures to be followed by those bodies authorized or established to impose sanctions under this code.

VI. AMENDMENTS

Amendments to the above Code may be recommended by the Student Government Association, and the Student Court shall be given an opportunity to review all proposed amendments and have its views made known to the Vice President of Student Affairs. The Code may be amended by affirmative action of the general faculty of the university.

VII. THE STUDENT COURT

- A. The Office of the Vice President for Student Affairs may establish a Student Court be composed of nine (9) members, consisting of two (2) members elected from each class and one member at large appointed by the President of the Student Government Association. The members shall serve for a term of two (2) years with two (2) members retiring in alternate years. The court will elect a chairman from its membership.
- B. A quorum shall consist of five (5) members. A decision that a student has committed an offense requires an affirmative vote of a majority of the members of the court deciding the case.
- C. The court shall prepare its own rules of procedures which shall be approved by the Judiciary Committee.
- D. The court shall maintain, with the assistance of the Office of the Vice President for Student Affairs, an adequate record of the proceedings and disposition of each case to come before it. This record shall include a summary of the evidence used by the court in rendering its decisions.
- E. The jurisdiction of the court shall extend to all violations of the code.
- F. The court may impose any authorized sanction which is warranted by circumstances of the case pursuant to the authority III E, III F. The Student

Court is hereby authorized by said committee to impose sanctions involving the rendition of services. Such sanctions should be employed only in cases where principles of restitution or rehabilitation render such sanctions appropriate.

- G. Any student whose case is referred by the Office of the Vice President for Student Affairs to the court shall be notified of such referral in writing by the Office of the Vice President for Student Affairs at least 72 hours in advance of the hearing and shall be apprised in the notice of the charges.
- H. The President of the Student Government Association shall appoint, subject to the approval of the Judiciary Committee, a special assistant to the Student Conduct Program who will serve as prosecutor for the Student Court and who shall be responsible to the Judiciary Committee. The special assistant will be in charge of all cases which are to be heard by the Student Court. The Office of the Vice President for Student Affairs shall, following a preliminary investigation of his or her own, turn over to the assistant all information on cases which are to be heard by the Student Court. The assistant shall then prepare the cases for hearing and may either present it to the Student Court or recommend to the Judiciary Committee that it be dropped without a hearing.
- I. The chairman shall execute the decision of the court.
- J. Sanctions:
 - 1. The Student Court may make a recommendation for expulsion or suspension to the Judiciary Committee.
 - 2. Sanctions that may be imposed by the Student Court shall include the following:
 - a. Disciplinary probation
 - b. Loss of privileges:
 - 1) Restriction to campus living quarters (and required activities).
 - 2) Denial and use of an automobile for a designated period of time.
 - 3) Removal from residence hall.
 - 4) Loss of such other privileges as may be consistent with the offense committed and the rehabilitation of the student.
 - c. Reprimands
 - d. Admonition and warning
 - e. Such other sanctions as may be approved by the Judiciary Committee prior to their execution.

K. Appeal

A student may appeal from a decision of a lower tribunal by delivering to the Office of the Vice President for Student Affairs within five (5) days of receiving written notice of his right to appeal, a signed statement containing:

(1) a statement that he or she appeals a designated decision; and (2) a brief statement of the respects in which he or she considers the decision wrong.

- L. Amendment: The court may, by a vote of five (5) or more members, amend the rules by adding or deleting them. The vote to amend shall be subject to approval by the Judiciary Committee.

VIII. DISCIPLINARY ADMINISTRATION

- A. Disciplinary Procedures. All acts of misconduct on the part of students shall be reported in writing to the Office of the Vice President for Student Affairs, who is designated the principal administrator to enforce university disciplinary measure as they pertain to student misconduct. Each complaint shall contain a statement or facts outlining each alleged act of misconduct, and shall state each regulation which the student is alleged to have violated.
- B. The Office of the Vice President for Student Affairs shall cause to be investigated alleged acts of student misconduct reported to him or her. He or she may appoint a staff member(s) to conduct an inquiry into alleged misconduct act(s), and the appointed member(s) shall recommend to the Office of the Vice President for Student Affairs what further action is indicated. The Office of the Vice President for Student Affairs shall notify the accused student(s) in writing.
- C. When written notification is made by the Office of the Vice President for Student Affairs to the student(s) for alleged violation of misconduct, it shall contain a statement of the nature of the alleged or suspected misconduct, and state the section(s) of the conduct code the student(s) is/are alleged to have violated.
- D. The Vice President of Student Affairs will normally confer with the accused student(s), and at this conference, the student(s) may admit or deny the alleged violations. The student(s) may waive further hearing(s) and appeals in writing and request that the Office of the Vice President for Student Affairs take appropriate action, or he may request a hearing as specified in Section VIIIE and VIIF below.
- E. Cases of misconduct which may result in suspension or expulsion will normally be referred to the Judiciary Committee, which shall hear and try these cases. (This does not preclude possible legal actions by appropriate civil or criminal law enforcement agencies in those cases in violation of federal, state, or local laws.)
- F. Cases of misconduct of a less serious nature that do not result in suspension or expulsion will normally be referred to the Student Court, which shall hear and try cases on the part of any students.
- G. Any student(s) accused of an act of misconduct is encouraged to notify his/her parents or guardian of the charges. Parents or guardian will be

granted, if requested, a conference with the Office of the Vice President for Student Affairs prior to the hearing.

IX. REGENT'S POLICY ON DISRUPTIVE BEHAVIOR

The following is the policy of the Board of Regents regarding disruptive behavior in any institution of the University System:

Any student, faculty member, administrator, or employee, acting individually or in concert with others, who clearly obstructs or disrupts, or attempts to obstruct or disrupt any teaching, research, administrative, disciplinary, or public service activity, or any other activity authorized to be discharged or held on any campus of the University System is considered by the Board to have committed an act of gross irresponsibility and shall be subject to disciplinary procedures, possibly resulting in dismissal or termination of employment. (BR Minutes, 1968-69, pp. 166-168; 970-71, p.)

X. REGENT'S POLICY ON ALCOHOL AND DRUGS ON CAMPUS

The Board of Regents recognizes and supports present Georgia laws with respect to the sale, use, distribution and possession of alcoholic beverages and illegal drugs, as well as the Drug-free Postsecondary Education Act of 1990 with respect to the manufacture, distribution, sale, possession or use of marijuana, controlled substances or dangerous drugs on college campuses and elsewhere. To this end, the Board has encouraged its institutions to adopt programs designed to increase awareness of the dangers involved in the use of alcoholic beverages, marijuana or other illegal or dangerous drugs by students and employees of the University System. Such programs shall stress individual responsibility related to the use of alcohol and drugs on and off the campus.

To assist in the implementation of such awareness programs, and to enhance the enforcement of state laws on the campuses of the University System, each institution shall adopt and disseminate comprehensive rules and regulations, consistent with local, state, and federal laws, concerning the manufacture, distribution, sale, possession, or use of alcoholic beverages, marijuana, controlled substances, or dangerous drugs on the campus and at institutionally approved events off campus. Disciplinary sanctions for the violation of such rules and regulations shall be included as a part of each institution's disciplinary code of student conduct.

Disciplinary sanctions for students convicted of a felony offense involving the manufacture, distribution, sale, possession or use of marijuana, controlled substances, or other illegal or dangerous drugs shall include the forfeiture of academic credit and the temporary or permanent suspension or expulsion from the institution. All sanctions imposed by the institution shall be subject to review procedures authorized by the Board of Regents (Article IX of the Bylaws).

The rules and regulations adopted by each institution shall also provide for relief from disciplinary sanctions previously imposed against one whose conviction is subsequently overturned on appeal or otherwise.

An appeal to the Board of Regents shall not defer the effective date of the adverse action against the student pending the Board's review unless the Board so directs. Any such stay or suspension by the Board shall expire as of the date of the Board's final decision on the matter.

A copy of the rules and regulations adopted by each institution shall be filed with and approved by the office of the Vice Chancellor for Student Services of the Board of Regents prior to the beginning of the Fall Quarter 1990, and shall be reviewed and approved by said office annually thereafter. (BR Minutes, 1989-90, p. 383)

This Policy amendment is intended to implement The Drug-Free Postsecondary Education Act of 1990 (Ga. Laws, 1990, p. 2037)

XI. UNIVERSITY POLICY ON DRUGS AND ALCOHOL

The university prohibits the unlawful possession, use, distribution, manufacture, or dispensing of illicit drugs by students and employees on university property or as part of university activities. The use or possession of alcoholic beverages is prohibited on university premises, except as expressly permitted in writing by the President or designee. Without exception, alcohol consumption is governed by *Georgia* statutory age restrictions.

It is unlawful to possess, manufacture, distribute, dispense, or use illicit drugs on the campus of Fort Valley State University. The university reserves the right to initiate judicial action if drug violations occur on or off campus. Violations of this policy by either employees or students will result in appropriate disciplinary action by the university. Appropriate disciplinary action will be consistent with institutional policy, Board of Regents policy, and local, state, and federal laws concerning the illegal use of drugs. Disciplinary penalties for a violation of the university's drug policy may include termination of employment, suspension and/or expulsion, and referral for prosecution.

A student, who is determined to have violated the University's Drug and Alcohol Policy, is subject to sanctions outlined in the *Student Code of Conduct* including, but not limited to, suspension or expulsion from the university.

XII. ZERO TOLERANCE POLICY

The Fort Valley State University has adopted and utilizes a "Zero Tolerance" policy as it pertains to the Student Code of Conduct violations of Illegal Substances (Article I, Section 5); Possession or Consumption of Alcohol (Article II, Section 8); Weapons, Firearms, and Explosives (Article I, Section 4); and Physical Abuse (Article I, Section 2). Therefore, when a student has been identified as committing any of the aforementioned violations, the student will be immediately suspended and not be allowed to be on the University campus until notified by the Office of Judicial Affairs with a judiciary hearing date or subjected to such other disciplinary action as specified within his or her reasonable discretion by the Vice President for Student Affairs or designee.

Adopted July 14, 2008

Revised July 2008

XIII. FEDERAL AND STATE LAWS

Federal law declares that it is unlawful to possess a controlled dangerous substance, including marijuana, cocaine, LSD, PCP, heroin, designer drugs, etc. If the substance is cocaine, or contains a cocaine base, the penalty for simple possession is a fine and/or imprisonment for 5 to 20 years. For other illegal drugs, the penalty for simple possession is a fine or at least \$1000.00 and/or imprisonment up to 3 years. The penalties increase if the possession includes intent to manufacture, distribute, or dispense a controlled substance, especially if done near a public or private elementary, vocational, or secondary school or a public or private college or university. Additionally, any person who violates this law shall be liable for an amount up to \$10,000.00 in civil penalties.

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to 5 years for a first conviction, 10 years for a second conviction, and a permanent denial of federal benefits for a third conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions.

In addition to federal laws, the State of Georgia has its own laws dealing with distribution, manufacturing, and possession of controlled substances. For instance, any person who unlawfully manufactures or distributes any narcotic drug may be fined up to \$25,000.00 and may be imprisoned for up to 20 years for a first offense.

Employees and students at the university are subject to state and local laws for drinking and obtaining alcohol. It is illegal in the State of Georgia for any person under 21 years of age to drink alcohol. It is also illegal for a person under 21 years of age to falsify or misrepresent his or her age to obtain alcohol, or to possess alcoholic beverages with the intent to consume them. It is also illegal in most situations to furnish alcohol to a person under the age of 21. The penalty is a fine of up to \$300.00 for a first offense, and up to \$1,000.00 for repeat offenses.

In addition, state law dictates that it is illegal to sell or offer to sell any distilled spirits in or within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus.

Driving under the influence of alcohol or other drugs also is illegal. It is against Georgia law, under certain circumstances, to walk or be upon a roadway while under the influence of alcohol or other drugs. The punishment for these offenses may include imprisonment, payment of a fine, mandatory treatment and educational programs, community service, and mandatory loss of one's driver's license.

XIV. Policy Statement on Sexual Harassment

The following statement is in compliance with Federal Law and Regents Policy.

A. Policy on Sexual Harassment

Sexual harassment of employees or students at Fort Valley State University is prohibited, and shall subject the offender to dismissal or other sanction after compliance with procedural due process requirements. Unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic standing; or
2. Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting an individual; or
3. Such conduct unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile, or offensive working or academic environment.

B. Steps Toward Resolution

1. To use this procedure, the student seeking resolution of an allegation of sexual harassment will initiate a confidential conference with the Office of the Vice President for Student Affairs, as soon as possible, but not later than 190 calendar days following the occurrence. Following the conference, the Vice President for Student Affairs or designee will write a summary of the conference with the student, and the student may be asked to prepare a written statement describing the incident.
2. The Office of the Vice President for Student Affairs will assist the student in implementing the steps in the process to resolve student beginning with the student directing a grievance to the immediate supervisor of the person against whom the sexual harassment allegation is made.

FORT VALLEY STATE UNIVERSITY DISPUTE RESOLUTION POLICY

Introduction

Fort Valley State University ("FVSU") is committed to maintaining a campus environment where its diverse population can live and work in an atmosphere of tolerance, civility, and mutual respect for the rights, duties, and sensibilities of each individual. In order to fulfill that goal, FVSU makes decisions concerning recruitment, admissions, employment, provision of services, and accessibility to facilities and programs without unlawful consideration of race, color, religion, national origin, gender, age, disability, or veteran status.

Members of the FVSU community inevitably will have disagreements. The FVSU Dispute Resolution Program ("the Program") was created to help members of the FVSU community resolve disagreements. The Program serves as a resource for FVSU employees and students seeking to settle disputes. Among other things, the program will provide members of the FVSU community with the resources necessary to resolve disputes informally, pursue mediation of disputes, and file grievances.

First, the Dispute Resolution Coordinator will serve as the initial point of contact for parties seeking to use the Program's resources and will provide guidance about what dispute resolution alternative may work best to settle a particular dispute. Parties will be advised about the different dispute resolution techniques available through mediation (for example, one-on-one meetings between two parties to discuss personal differences affecting a work relationship, or group discussions to evaluate issues affecting an entire work unit).

The Dispute Resolution Policy ("the Policy") sets forth the procedures through which the Program can address the problems and complaints of FVSU employees or students. These procedures allow both sides to a dispute to be fairly considered, and permit disputes to be resolved in a timely and constructive manner. The mechanics of this Policy will be administered flexibly. The objective is to resolve FVSU-related disputes at the lowest possible administrative level with the cooperation of all concerned. Disputes may be addressed through this Policy's informal procedures and, if desired, through mediation. However, the Policy's formal procedures may be used only to handle claims that a person has been harassed or discriminated against in violation of the law, retaliated against for an improper reason, or harmed by any action that violates the policies of either FVSU or the Board of Regents of the University System of Georgia ("the Board of Regents").

This Policy supersedes and replaces FVSU Grievance Procedures.

Revised June, 2005

Responsible Office: Human Resources

Prohibition of Retaliation

Any attempt to intimidate or retaliate against a party for raising an issue or participating in dispute resolution under this Policy is strictly forbidden. Any party who makes such an attempt will be subject to disciplinary action which FVSU concludes is appropriate, up to and including termination.

ADMINISTRATION OF DISPUTES

Sexual Harassment and Discrimination

Disputes involving allegations of sexual harassment will be referred for investigation and resolution under the procedures outlined in FVSU's Sexual Harassment Policy. Disputes involving other allegations of harassment or discrimination will be addressed under the procedures provided in this Policy.

Final Resolutions

If parties to a dispute reach a resolution through mediation, that resolution will be memorialized at the discretion of the parties. If parties to a dispute reach a resolution by making use of an informal procedure other than mediation, that resolution should be memorialized in writing by the Dispute Resolution Coordinator, when appropriate, and signed by the parties. The Dispute Resolution Coordinator may be consulted in implementing such dispute resolutions; however, a person who

has sought to resolve a dispute under this Policy may not present the same dispute again in an attempt to gain a more favorable resolution.

DISPUTE RESOLUTION RESOURCES

Dispute Resolution Coordinator

The Dispute Resolution Coordinator is located in the Office of Human Resources, and is responsible for helping to coordinate the expeditious and fair resolution of problems raised by FVSU employees. The role of the Dispute Resolution Coordinator is to assist the parties in seeking a satisfactory resolution of the issues and not to determine who is "right" or "wrong." The Dispute Resolution Coordinator will remain neutral throughout the proceedings and will serve primarily as a facilitator. In order to facilitate satisfactory resolution of a particular dispute, and with notice to the parties, the Dispute Resolution Coordinator may modify the steps or procedures set forth in this Policy.

Dispute Resolution Committee

A Dispute Resolution Committee may be appointed to assist the Dispute Resolution Coordinator. In appropriate circumstances, the Dispute Resolution Committee also may coordinate efforts within various FVSU offices to resolve disputes in a prompt, flexible, and responsive manner.

Mediation

Mediation may be initiated at any point during the dispute resolution process. Mediation can be pursued independently of these procedures, and offers a number of ways for parties to seek to resolve a dispute. The Dispute Resolution Coordinator will apprise the parties of the available methods, and will be available to provide guidance and assistance to any party with a question or concern about these procedures or any other dispute resolution mechanism. Mediation is voluntary, and no party will be required to participate in that process.

Supervisors and Managers

Supervisors at all levels have a fundamental responsibility to resolve workplace disputes by taking whatever appropriate, prompt, and fair action is commensurate with their authority. To enable supervisors to discharge this responsibility, FVSU will offer training in the areas of personnel management and dispute resolution.

Supervisors attempting to resolve disputes should seek appropriate assistance from their department head, dean, director, the Dispute Resolution Coordinator in the Office of Human Resources, the Equal Opportunity Officer, and/or any other suitable FVSU resource or University System of Georgia resource.

Advisors or Legal Counsel

Any party participating in the dispute resolution process is free to seek the assistance of a personal advisor or legal counsel. If participation in the process involves a meeting or hearing, the legal counsel/personal advisor may be present for the limited purpose of providing confidential advice to the client. The counsel/advisor, however, may not participate in any other fashion in meetings or

hearings and is specifically prohibited from questioning or addressing any party, to include witnesses, during proceedings.

Federal and State Laws

There are federal and state laws that cover school and workplace complaints and provide remedies for some school and workplace disputes. Participating in dispute resolution efforts under this Policy does not extend the deadlines to seek redress from outside agencies or initiate appropriate legal proceedings.

Time Limits for Raising an Issue

A party with a dispute or complaint ("complainant") must raise such within ten working days from the occurrence of the particular incident. The Dispute Resolution Coordinator may extend time limits for good reason. Unless a complainant has requested an extension of the time limit, failure to act within the time limit established in this Policy must terminate the dispute resolution process. In those situations, parties will remain free to seek to resolve disputes through mediation.

DISPUTE RESOLUTION PROCEDURES

Step One: Initial Informal Procedures

As a first step, complainants should try to resolve problems and complaints by contacting their immediate supervisor or the academic department head or unit director. This initial contact should be made within ten working days from the occurrence of the problem. The supervisor or department head must arrange a meeting with the complainant, and all parties should make a good faith effort to resolve the problem.

In instances where the complainant feels uncomfortable speaking to an immediate supervisor, department head, or has any reservations about initiating the initial contact within the complainant's department, school, or work unit, the complainant should contact the Dispute Resolution Coordinator. The Dispute Resolution Coordinator will discuss the matter with the complainant, become familiar with the complaint, and then advise the complainant about options available for resolving the problem. The Dispute Resolution Coordinator may ask the complainant to meet with the complainant's immediate or second level supervisor, the director of the complainant's organization, or the dean of the complainant's school or college in order to give those parties an opportunity to resolve the matter. The Dispute Resolution Coordinator may meet with the parties together or separately to discuss the problem and may involve others in these discussions, including the Dispute Resolution Committee, or the Equal Opportunity Officer, as appropriate.

Step Two: Referral to Mediation Coordinator

If the dispute cannot be resolved through Step One, the parties will discuss whether mediation is an appropriate means for resolving the dispute. Mediation is a process that helps parties resolve disputes for themselves in a mutually acceptable way in which those involved can meet with one or more trained mediator. In a private setting, the mediator provides an orderly, simple process for the parties to discuss their dispute along with their feelings, perceptions and needs. The goal is to begin

communication and move toward resolving the dispute in a manner agreeable to all.

Step Three: Referral to Grievance Coordinator

If a dispute involves allegations of discrimination, and the parties are unwilling or unable to resolve their dispute through mediation, the matter should be referred to the Grievance Coordinator. The Grievance Coordinator must interview each party to identify relevant witnesses and documents related to the dispute. The Grievance Coordinator must interview each witness so identified, as well as any party identified by a witness as having additional information. The Grievance Coordinator must prepare a report summarizing the witness interviews. The Grievance Coordinator also should obtain copies of the documents identified by the parties as relevant to the dispute. The Grievance Coordinator may meet with any party to facilitate a prompt resolution of the dispute. If such meetings fail to resolve the dispute, the complainant will be directed to prepare a Written Request for a Grievance Hearing as outlined.

If the dispute does not involve discrimination and the parties do not wish to pursue mediation or if mediation is unsuccessful in resolving the dispute, the matter will be referred to the Grievance Coordinator. No investigation will be conducted, and the complainant will be directed to prepare a Written Request for a Grievance Hearing as outlined below.

Every effort should be made to complete the foregoing steps promptly and not later than four weeks after the complainant's initial contact with their supervisor, department head, or the Dispute Resolution Coordinator. However, it is recognized that resolution of complex disputes may take longer, particularly if a formal investigation is necessary.

Step Four: Written Request for Grievance Hearing

A Written Request for Grievance Hearing must be completed within two weeks after the conclusion of Step Three or any mediation proceedings initiated as a part of Step Three. In order to accommodate FVSU holidays, or if informal attempts at resolution are ongoing, the Grievance Coordinator may extend the time for submission of the Written Request. The Grievance Coordinator will be available to assist complainants in preparing the Written Request.

Complainants are required to prepare Written Requests to ensure that the subsequent Grievance Hearing will address the specific issues that most concern the complainant. The guidelines set forth below for preparing Written Requests are designed to ensure that the Written Request identifies clearly those issues.

The Written Request, when made, must include the following:

- The complainant's name and, when applicable, job title;
- The department/unit/course in which the complainant is employed or enrolled;
- The nature of the problem or complaint;

- Any communication that has taken place between the complainant and his or her academic department head, supervisor and/or second level supervisor concerning the matter;
- The supervisor's and/or other superior's response;
- The reason the complainant disagrees with that response; and
- The complainant's suggestion for proper resolution of the matter.

Any witnesses the complainant intends to call during the Grievance Hearing should be identified to the Grievance Coordinator at the time a Written Request for Grievance Hearing is made. Any documents the complainant wish to offer as evidence during the Grievance Hearing must be submitted to the Grievance Coordinator at the time a Written Request for Grievance Hearing is made. A copy of the documents will be provided to the other party or parties to the dispute ("respondent"). The respondent will have an opportunity to identify witnesses and provide documents to the Grievance Coordinator. A copy of the documents will be provided to the complainant. Should an objection be raised to the relevancy of any documents, the Grievance Coordinator will review such documents and delete those documents which are not relevant to the matters to be addressed in the hearing. The Grievance Coordinator then will arrange for the hearing as soon as possible. The hearing will be held before a Grievance Hearing Panel and will be conducted in accordance with the procedures set forth.

Step Five: Grievance Hearing

Availability of Grievance Hearing: A grievance hearing will not be available to dispute promotion and tenure decisions, performance evaluations, hiring decisions, classification appeals, challenges to grades or assessments, challenges to salary decisions, challenges to transfers or reassignments (unless it is alleged that the act was based on impermissible bias or violated FVSU or Board of Regents policy), termination or layoff because of lack of work or elimination of a position, investigations or decisions reached under the FVSU's Sexual Harassment Policy, and normal supervisory counseling.

Appropriately grievous disputes will be processed under the procedures set forth below.

The Grievance Hearing Pool

Grievous matters will be considered by members of the Grievance Hearing Pool, which will be generated by the Director of Human Resources by random selection from FVSU records. To the extent possible, the demographical makeup of the Pool should be generally representative of females, minorities, and the seven EEO job categories (Executive/Administrative/Managerial, Faculty, Professional/Non-faculty, Clerical/Secretarial, Technical Paraprofessional, Skilled Crafts, and Service/Maintenance). The Pool will be comprised only of fulltime employees and shall be reconstituted at least once every two years.

The Grievance Hearing Panel

For consideration of a particular grievance, the Grievance Coordinator will randomly select eleven names from the Pool and provide these names to the parties. Each

party will strike three persons each from the eleven named, and the five persons remaining will constitute the Grievance Hearing Panel. The five members of the Grievance Hearing Panel will, by majority vote, select one member to act as Chair.

Students may serve on the Panel only when a student is the complainant and/or the other party is a graduate assistant, faculty member, or administrator in his/her capacity as an employee. If the complainant is an undergraduate, one undergraduate student Panel member will be selected by the Grievance Coordinator in consultation with the Office of Student Affairs. When the complainant is a graduate student, one graduate student Panel member will be selected by the Grievance Coordinator from a pool of graduate students generated annually by the Director of Human Resources by random selection from FVSU records.

Once the Panel has been finalized, the Grievance Coordinator will provide each member with a copy of those documents submitted by the parties which are relevant to the hearing, a copy of the report summarizing any witness interviews conducted by the Grievance Coordinator, and a copy of any documents gathered by the Grievance Coordinator as identified by the parties as relating to the dispute. When the dispute involves the Grievance Coordinator, or the Grievance Coordinator cannot remain impartial, the Grievance Coordinator will request that another person who was not involved in the dispute, act as Grievance Hearing Officer and preside over the Grievance Hearing. In all other matters the Grievance Coordinator will act as Grievance Hearing Officer.

The Grievance Hearing Procedures

The Grievance Hearing Officer will begin the hearing by introducing the parties to the dispute, the members of the Grievance Hearing Panel, and any other attendees. All attendees will be advised that the proceedings, except for the deliberations of the Panel, will be recorded by audiotape. The Grievance Hearing Officer will then outline the matters to be addressed as set forth in the Written Request for Grievance Hearing and provide the Panel with a Statement of Issues for Determination. The issues set forth in the Statement will track those identified in the Written Request and will contain areas for the Panel to indicate its finding as to each issue for determination. Additionally, the Statement may incorporate parts of the written report summarizing the witness interviews. The scope of the hearing will be confined to the issues outlined in the Written Request. The Grievance Hearing Officer will swear in each party by requiring them to repeat this statement: "I do solemnly swear or affirm that the testimony that I am about to give before this panel will be the truth, the whole truth and nothing but the truth." The Grievance Hearing Officer also will swear in each witness before the witness testifies. Potential witnesses, other than the parties, must remain outside the hearing room until they have been called to testify.

After the complainant gives an opening statement not to exceed fifteen minutes, the Panel will have thirty minutes to ask questions of the complainant. The respondent will then have an opportunity to make an opening statement not to exceed fifteen minutes. If the complainant seeks relief against more than one respondent, each respondent will have an opportunity to make an opening

statement. After hearing each respondent, the Panel will have thirty minutes to ask questions.

After the opening statements and questions have been completed, the complainant will call each of the complainant's witnesses. The complainant will have twenty minutes to ask questions of each witness. If the Grievance Hearing Officer determines that the testimony of a witness may require additional time because the testimony is particularly involved, the complainant may be allowed additional time for questioning. Following the complainant's questioning, each respondent will have fifteen minutes to ask questions of the witness. Following the questioning by each respondent, the Panel will have thirty minutes to ask questions of the witness.

After the complainant has called all of his or her witnesses, each respondent will then have the chance to call witnesses. Each respondent will have twenty minutes to ask questions of each of its witnesses. If the Grievance Hearing Officer determines that the testimony of a witness may require additional time because the testimony is particularly involved, the respondent may be allowed additional time for questioning. Following the questioning by each respondent of each of their witnesses, the complainant will have fifteen minutes to ask questions of the witness. Following the questioning by the complainant, the Panel will have thirty minutes to ask questions of the witness.

At least ten working days in advance of the hearing The Panel may consider the sworn statement of a witness who cannot or will not appear when the party seeking to use the statement has provided it to the Grievance Hearing Officer.

After each side has called all of their witnesses, the complainant and each respondent will have fifteen minutes to make a closing statement. After the closing statements are completed, the Grievance Hearing Officer will review briefly the Statement of Issues for Determination. The Panel will then begin deliberations. The complainant has the burden of proving by a preponderance of the evidence that he or she has been wronged. If at the conclusion of the hearing the Panel is unable to reach a decision, the complainant fails to carry this burden and the finding should be in the respondent's favor. If the Panel concludes that it could reach a decision if it could hear the testimony of other witnesses or obtain additional information, the Grievance Hearing Officer may assist the Panel in obtaining any additional information and, when necessary, schedule a second hearing. Any additional information gained will be provided to the parties. All interviews with additional witnesses will take place in the presence of the full Panel and will be recorded by audiotape. The Grievance Hearing Officer will schedule any other hearings that are deemed appropriate to consider additional information or to hear witness testimony as soon as the information or witness can be made available to the Panel.

When any FVSU employee or official is asked to submit additional information in connection with a pending hearing, that official or employee must submit the requested information within five business days of the request. If it is impossible to comply with such a request within the five day period, the official or employee must notify the Grievance Hearing Officer of the reason for the delay, and the estimated

time for submission of the requested information. Any additional information will be made available to all parties.

Once all evidence has been submitted, the members of the Panel will meet in closed session to review the evidence and reach a decision by majority vote.

Report of the Grievance Hearing Panel

The Chair of the Grievance Hearing Panel shall prepare a written report summarizing the Panel's findings. The report should contain the Panel's conclusion as to each Issue for Determination as well as the Panel's recommendations for corrective action, if any (as approved by a majority). Members of the Panel who disagree with the majority's findings, conclusions or recommendations may prepare as an addendum to the report any contrary opinions and recommendations. The report and any addenda must be transmitted to the Grievance Hearing Officer within ten working days of the conclusion of the hearing. The Grievance Hearing Officer will then transmit the report and any other relevant information to the FVSU President.

Decision of the President

The President is the chief executive officer of FVSU and is authorized by the Board of Regents to exercise such supervision and direction as will promote the effective and efficient operation of FVSU. The President will use the report of the Grievance Hearing Panel to reach a decision that best promotes these goals.

The President will furnish a decision to the parties within thirty days after receiving the report of the Panel. If the President's review of a case requires longer than thirty days, the President will notify the parties of the delay. The President's decision shall be final at the institutional level.

Discretionary Review by the Board of Regents

The Board of Regents reserves discretionary authority to review all decisions made by the member institutions. The Board of Regents normally will review only in extraordinary cases, such as those where proper procedures may have been violated, where the decision is unsupported by the facts, or where the decision violates FVSU or Board of Regents policy. Any appeal to the Board of Regents must be made within twenty days following the decision of the President.