



**FORT VALLEY STATE UNIVERSITY™**  
A State and Land-Grant Institution • University System of Georgia

# Student Code of Conduct

(Revised February 19, 2016)

University System of Georgia  
1005 State University Drive  
Fort Valley, Georgia 31030-4313  
[www.fvsu.edu](http://www.fvsu.edu)

Updated and Issued by the Offices of Student Success and Student Judicial Affairs

### **Mission Statement**

The mission of the Office of Student Judicial Affairs is to support the university's educational mission and goals by engaging and empowering students, staff and faculty in the process of creating a safe, orderly and positive university environment. Efforts will facilitate and support community values, standards and expectations which enhance just and fair disciplinary processes, student learning and support student intervention efforts.

### **Contact Information**

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**Fort Valley State University is an affirmative action, equal opportunity institution and does not discriminate against applicants, students or employees on the basis of race, gender, ethnicity, national origin, sexual orientation, religion, age, disability or marital or veteran status.**

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## 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 Success and Enrollment Management via the Office of Student Judicial 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"* means any person 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 and property and facilities rented or leased).

*"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 Success and Enrollment Management.

*"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 Student 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.

"*Disciplinary Standing*" refers to the student's behavioral status at the university.

"Good Disciplinary Standing" means a student is granted the rights and privileges afforded to him/her as a student at the university without restriction(s). A student is deemed not to be in good standing at the university when he/she has an active disciplinary case file or incident report with either the Office of the Vice President for Student Success and Enrollment Management, the Office of Student Judicial Affairs, or the Office of Campus Police and Safety. In all cases, the disciplinary file/incident report must be closed and all sanctions fulfilled in order to be restored back to good standing at the university. Until such time, a student is not allowed to participate in student leadership roles (i.e., hold an organizational office) or participate in student organizational membership activities.

A student deemed to be in good disciplinary standing at the University is granted the rights and privileges afforded to him/her as a student at the university without restriction(s).

A student is deemed not to be in good disciplinary standing at the university when he/she has an open disciplinary case. The disciplinary case must be closed and all disciplinary sanctions must be fulfilled before the student may be returned to good disciplinary standing. The university may not allow a student not in good disciplinary standing to participate in university sponsored activity or student organization membership activities.

"*Disciplinary Expulsion*" means permanent severance of the student's relationship with the university.

- Permanent notation of disciplinary action on transcript

"*Disciplinary Suspension*" means temporary severance of the student's relationship with the university for a specific period of time.

- Permanent notation of disciplinary action on transcript

"*Interim Suspension*" means temporary suspension from the university pending the outcome of a student judiciary hearing.

A student expelled or suspended shall leave the campus and not visit the campus or attend classes during the period of expulsion or suspension, except when on official university business. A student must receive written authorization from the Vice President of Academic Affairs in order to resume class attendance. Violation of this stipulation might affect adversely the student's chance for readmission.

"*Disciplinary Probation*" means subjection 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 community service participation.

- The university may not allow a student on disciplinary probation to participate in university sponsored activity or student organization membership activities.
- Violation of the terms of disciplinary probation or the infraction of any university code of conduct during the period of probation constitutes grounds for an additional student judiciary hearing for such violation or infraction and may result in suspension, or expulsion from the university.

"*Disciplinary Appeal*" refers to the review of sanction(s) imposed by an administrative office by a higher level administrative office at the University (see pages 20-21).

"*Appellate Committee*" refers to any individual/s authorized by the President to consider an appeal from a determination that a student has violated the Student Code of Conduct or from the sanctions recommended by the Student Judiciary Committee imposed by Office of the Dean of Students and affirmed by the Vice President for Student Success. The Executive Director for the Center for Retention Services or his or her designee, the Registrar or his or her designee, and any other person or persons deemed appropriate by the Committee. Vice President for Student Success and Enrollment Management may issue guidelines governing the process for review.

"*Administrative Disciplinary Hold*" refers to restricting student access to his/her student account due to a failure to satisfy disciplinary sanctions imposed by the University (see page 20).

"Consent" must be informed, voluntary, and mutual, and can be withdrawn at any time. Consent is not voluntary when given due to force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent.

In a relationship setting, past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption or being asleep or otherwise unconscious.

### **Inappropriate Conduct**

Inappropriate conduct by students at Fort Valley State University is discouraged and will not be tolerated. If a student is alleged to have engaged in conduct that violates one or more provisions of the Student Code of Conduct, he or she will be afforded fair due process. The process includes: (1) the opportunity to resolve the matter via an administrative meeting or a judiciary hearing the procedure for which is presented in Article III of this document; (2) the right to appeal to the Vice President for Student Success and Enrollment Management; (3) the right to appeal to the President of the

University; (4) the right to appeal to the Board of Regents.

If a student is 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 Success and Enrollment Management may impose such temporary sanctions on the student, including interim suspension, as may be deemed necessary to protect the student, university community, and/or university. Such temporary sanctions may exist and be enforced until such time as a final disposition has been made via an administrative meeting or the disciplinary hearing process. During this period, the student must fully comply with the temporary sanctions.

Further, the Office of the Vice President for Student Success and Enrollment Management may also impose temporary sanctions, including interim suspension, pending a hearing, when a student or group of students engage in conduct that materially and substantially interferes with the operation of the university regardless of whether such conduct is treated as a criminal violation.

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 is not a sanctuary from the general laws of the State and federal government. Therefore, the university may 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 provisions of the Student Code of Conduct university policies and in such a way that does not disrupt university operations. Moreover, in expressing an opinion, students must indicate clearly that they are speaking as individuals and as a representative of the university.

Students are expected to display proper respect for the rights and privileges of other members of the university community and their guests. Classes, laboratories, and campus events must be free from disruption and students must comply with the orders and directions of university personnel.

The university sets appropriate and clear guidelines for student behavior. The guidelines are intended to 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. This Code of Conduct has been developed with the assistance of the Student Government Association, 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 addressed 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.

- 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.
- Loss of membership on teams, clubs, and officially recognized organizations.
- Community service.
- 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. University recognized organizations, 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 via the disciplinary process through an administrative disciplinary meeting or at a hearing held for that purpose. The president or principal officer of the group will 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 to separation (suspension or expulsion) from the university, termination 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 reviewed via the university's disciplinary process through an administrative meeting or judiciary hearing.

### **Section 1: Sexual Misconduct**

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

" Consent must be informed, voluntary, and mutual, and can be withdrawn at any time. Consent is not voluntary when given due to ~~there is~~ force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent.

In a relationship setting, past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption or being asleep or otherwise unconscious.

***Any violations of this nature could be reported and processed as a violation of Federal Title IX policy and is hereby subject to additional processing and adjudication outside of the FVSU student judiciary process (see page 25).***

#### **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. (Subject to Title IX adjudication)**

#### **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. (Subject to Title IX adjudication)**



## **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.
- 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. (Subject to Title IX adjudication)**

## **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. (Subject to Title IX adjudication)**

## **Section 2: Physical Abuse**

Physical contact of others (staff, students, members of the community)—provoked

or unprovoked--including but not limited to, fights and injury caused by endangering behavior. This violation also includes the following categories: Domestic Violence and Dating Violence. Any violations of this nature could be reported and processed as a violation of Federal Title IX policy and is hereby subject to additional processing and adjudication outside of the FVSU student judiciary process (see page 25).

#### **Domestic Violence**

Domestic violence includes physical abuse committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

**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. (Subject to Title IX adjudication)**

#### **Dating Violence**

Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

**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. (Subject to Title IX adjudication)**

#### **Section 3: Theft by Taking**

Knowingly appropriating the property of another without the consent of its rightful owner and with the intent of permanently depriving the rightful owner of the property. Theft including, but is 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 (to include paintball, pellet, BB guns, etc.), fireworks, bullets, or explosive devices on university property is prohibited. The term weapon includes 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 sale, distribution, or possession and use of illegal substances (i.e., drugs, alcohol, prescription drugs without documented authorization for use, etc.) and paraphernalia used to create and engage in the use of illegal substances is strictly prohibited.

**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**

Drinking or possessing any alcoholic beverage and/or its container on the university property is prohibited.

**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 at any time; 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 on the university premises and inside university residences;
- 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 (verbal or written), 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 Success.

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. Examples of conduct that constitute hazing activities include but are not limited to the following:

- 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 with a maximum fine assessed, probation, or community service of the organization, jointly and severally.**

#### **Section 10: Vandalism**

The vandalism or destruction of any university (i.e., classroom building, residential buildings, athletic venues, events facilities, etc.) 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 with no maximum fine assessed, probation, or community service and restitution.**

#### **Article II: Violations**

Proven violations of Article II misconduct may 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 and cancellation of the residence hall agreement. All cases involving allegations of Article II misconduct will be reviewed via the university's disciplinary process through an administrative meeting or judiciary hearing.

### **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 (i.e., temporary or permanent physical condition, mental health condition, etc.), or veteran status communicated via verbal, nonverbal or written exchange (i.e., via social media, text, email, etc.).

**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 communicated verbally, nonverbally, or written (via social media, text, email, or other communication methods) directed specifically at another person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress. 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. (Subject to Title IX adjudication)**

### **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. A 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.**

**Failure to Obey University Policy**

Failure to follow, conduct activities outside of, and or attempts to circumvent the policies or procedures of the University.

**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 that are audible at 100 feet or outside of a room after a certain time.

**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**

Wearing attire that is deemed to be lewd, indecent, and distracting in an educational environment. Examples of inappropriate clothing include, but are not limited to the following:

- Halter/tank tops;
- Shorts/skirts revealing any portion of the buttocks or genitals;
- Shirts with obscene language, drug usage references, fighting words, or the display of inappropriate gestures and slogans;
- Sagging pants and extreme low riding jeans/pants.

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

***Fort Valley State University students are expected to be appropriately attired during regular business hours, on University grounds and at University events. Failure to do so may result in the refusal of access of services and/or instruction in any or all of the University's facilities. For clarification appropriate classroom attire, please refer to your respective college and/or department for additional information.***

### **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 will result in the following: immediate referral to the Office of the Vice President for Academic Affairs for deliberation.**

### **Special Procedures for Adjudicating Cases of Academic Misconduct**

Academic misconduct strikes at the heart of the educational process and should be handled by the Office of Academic Affairs. Faculty members have the right and responsibility to demand honesty in all academic pursuits and to report all cases of academic misconduct. This process protects the academic integrity of the institution and guarantees that the due process rights of all students are protected. Students accused of academic misconduct have the right to have their cases heard in a fair and impartial manner with all the safeguards available within normal disciplinary processes. The procedures for handling cases of academic dishonesty are designed to protect the interests of all the parties involved, while preserving the highest ethical standards of the university. Accusations of academic misconduct are handled by the Office of Academic Affairs, in cooperation with the deans of the colleges.

1. Faculty who suspect academic dishonesty in their classes must report

infractions, with documented supporting evidence, within five working days, to the dean of the college, or his/her designee.

2. The dean shall notify the student, via certified mail of the existence of an accusation and of a date, time, and place at which the student should appear to respond to the allegation.
3. The student must schedule the meeting within seven days of receipt of the notice. Failure to do so will be interpreted as an admission of responsibility. During the meeting, the accusation and evidence will be presented to the student.
4. If the student agrees that the infraction did take place, the student must sign a document admitting responsibility in this case and accepting the penalty as proscribed by the faculty member who lodged the original complaint.
5. If the student does not agree with the accusation, the student may request a hearing by the college's standing Academic Misconduct Committee.

#### **Academic Misconduct Committee**

The committee members shall be elected by the faculty of the college to serve one year terms. The panel will be composed of three faculty members (from three different departments) and three senior students majoring in different disciplines of that college. When the Academic Misconduct Committee meets to consider an accusation, two of the faculty members will be selected for the case who are not in the department in which the accusation arose and one student will be selected to hear the case who is not presently being taught by the faculty member making the accusation. The committee shall meet within seven working days of receiving notice of the need to convene and will submit its recommendation to the dean within 24 hours of its meeting. In all cases, assigning penalties shall be the purview of the faculty member in whose class the infraction occurred.

All records of accusations and outcomes will be housed in the Office of the Dean in a confidential location.

#### **Section 6: Smoking**

- A. The use of all forms of tobacco products on property owned, leased, rented, in the possession of, or in any way used by Fort Valley State University is expressly prohibited. "Tobacco Products" is defined as cigarettes, cigars, pipes, all forms of smokeless tobacco, clove cigarettes and any other smoking devices that use tobacco such as hookahs or simulate the use of tobacco such as electronic cigarettes.
- B. Any advertising, sale, or free sampling of tobacco products on the University premises unless specifically stated for research purposes. This prohibition includes but is not limited to all areas indoors and outdoors, buildings and parking lots owned, leased, rented or otherwise used by Fort Valley State University. The use of tobacco products is prohibited in all vehicles – private or public vehicles - located on Fort Valley State University properties.

**Sanction: A violation of this section will result in the following: a disciplinary warning, probation, a fine of not less than \$150 and not more than \$500, or cessation counseling.**



## **II. VIOLATIONS OF STATE OR FEDERAL LAW**

A student in any USG institution who is charged with, or indicted for, a felony or crime involving moral turpitude may be suspended pending the disposition of the criminal charges against him/her. The student shall be accorded a hearing as provided in Section 4.7.1 of the BOR Policy Manual. At such hearing, the student shall have the burden of establishing that his/her continued presence as a member of the student body will not be detrimental to the health, safety, welfare, or property of other students or members of the campus community or to the orderly operation of the institution.

Upon conviction, the student shall be subject to appropriate disciplinary action (BoR Minutes, 1959-60, p. 306; 1983-84, p. 168). (BOR Policy Manual 4.6.2)

## **III. STRUCTURE AND PROCEDURE OF THE JUDICIAL SYSTEM**

The Student Judiciary Committee hears cases involving students and recognized student organizations. 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. A charge of violation of the Code of Conduct may be filed by any academic or administrative official, any university staff member, any member of the faculty, any student, or any member of the local community.
2. The charge of violation shall be filed with the Office of the Vice President for Student Success and Enrollment Management. That office will direct the charge to the Office of Student Judicial Affairs to be handled administratively, or the charge will be forwarded to the Student Judiciary Committee, based upon the nature of the violations alleged. The administrator's decision as to the appropriate forum shall be final.
3. The Office of Student Judicial Affairs, after a review of the allegations and evidence shall determine whether the charge will be considered for possible sanctioning. If so, the student will be required to attend a scheduled Administrative Disciplinary Meeting to review the charge. During that meeting, the student will be informed of his/her right to a fair due process hearing and the opportunity to waive the hearing and admit responsibility for violation. If the student admits responsibility for the violation, the Office of Student Affairs will forward notice of the admission of responsibility and recommended sanctions to the Dean of Students for imposition of sanctions. If the student denies responsibility, the Office of Student Judicial Affairs shall forward the case to the Student Judiciary Committee for review and deliberation.

### **B. Administrative Meetings (Hearings)**

This is a required meeting that a student must attend to address the charge(s) reported. At this meeting, if a student desires to waive his/her right to further due process and resolve the matter by accepting recommended sanctions without appearing before the Fort Valley State University Student Judiciary Committee, the student would respond to the Office of Student Judicial Affairs within the timeframe

prescribed on the administrative disciplinary meeting notice. The student will receive the notice and all official correspondence (notices, letters, notifications, etc.) from the Office of Student Judicial Affairs via the University's designated (i.e., wildcat.fvsu.edu) email system. In accepting the recommended sanctions, a student will forfeit his/her right to an appeal and further adjudication of the case. Failure to respond by the prescribed time period will result in forwarding the case to the Student Judiciary Committee for possible sanctioning.

### **C. Hearing Procedures**

1. The Office of the Vice President for Student Success and Enrollment Management 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/herself or to other students, or based on the severity of the alleged violation.
2. A student charged with an offense will be assigned the next available hearing date in writing by the Office of Student Judicial Affairs. The Office of Student Judicial Affairs will send all official correspondence (notices, letters, notifications, etc.) to the student's official university email address. The student is responsible for ensuring that his/her email account is working properly. A student's request to continue the hearing to a later date must be submitted in writing to the Office Student Judicial Affairs. A continuance will be granted at the discretion of the Office of Student Judicial Affairs.
3. The Student Judiciary Committee will allow either party to voluntarily submit a written statement. Either party may file a brief voluntarily. A copy of the incident report is available for review in the Office of Student Judicial Affairs and/or Campus Police. Either party may choose to remain silent and not incriminate him/herself. In this instance, a decision will still be made based upon the record and other information as received by the Student Judiciary Committee.
4. Witness testimony is permitted and a written list must be submitted to the Office of Student Judicial Affairs no less than twenty-four hours prior to the hearing. Attorneys or legal representation for a student is permissible. However, because student judiciary hearings are not legal proceedings, the legal representative is permitted to speak and consult only with his/her client during the hearings.
5. If either party fails to appear when the case is called for a hearing, the Student Judiciary Committee or the Office of the Vice President for Student Success and Enrollment Management may dismiss the action with or without prejudice to either party, set a new hearing date, or proceed with the hearing in the absence of the party. The committee may also, in its discretion and in the interest of safety, separate the parties and conduct either separate hearings or a hearing where both parties can participate - albeit from separate rooms.
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 Student Judiciary Committee shall consist of three (3) members, two (2) faculty/staff members, and one

- student.
7. No member shall sit on a case in which the member has an interest that prevents the member from being fair and unbiased.
  8. Hearings of the Student Court and the Student 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 recording and/or summary transcription of the proceedings.
  10. The hearing body will render its decision based upon a preponderance of evidence (more likely than not) standard of proof. However, if a student faces a sanction that potentially involves a suspension or expulsion from the institution, a heightened clear and convincing evidentiary standard of proof will be utilized. The hearing body shall provide a brief written summary of each case with recommendations for appropriate disciplinary actions to Office for the Dean of Students. Students directly involved in the case may review or receive a copy of the written brief upon submitting a written request to Office of the Dean of Students or Student Judicial Affairs.
  11. The Office of the Dean of Students will review the case and recommendations and impose disciplinary action.
  12. The decision reached at the hearing shall be communicated in writing to all parties.
  13. A student may appeal the imposed sanctions in accordance with the student appeals process (see Section E).
  14. The presentation of evidence shall proceed as follows:
    - a. A summary of charges are read to the accused
    - b. Complainant's opening statement
    - c. The Accused's opening statement
    - d. Complainant's testimony and other evidence (i.e., a synopsis of the case is provided by FVSU Campus Police, etc.)
    - e. The Accused's right to question complainant's testimony and other witnesses
    - f. The Accused's testimony and other evidence
    - g. Complainant's right to question the Accused and witnesses
    - h. The Complainant's rebuttal
    - i. The Accused's rebuttal
    - j. Complainant's closing statement
    - k. The Accused's closing argument, including any statement as to mitigating circumstances.
  15. During the course of a hearing, all points of order and all objections shall be determined by the Chairman of the Student Judiciary Committee or the presiding member of the Student Judiciary Committee.
  16. Student Judiciary Committee proceedings are recorded for the purpose of appeals only. Students who appeal a denial of due process may request the recording of the hearing in the Office of Student Success. Tapes are not to be removed from the Office of the Vice President for Student Success and Enrollment Management.

17. The decision of the Student Judiciary Committee shall be filed after the completion of a hearing.
18. Members of the Fort Valley State University Campus Police may be requested to be present at hearings when the case warrants it.

#### **D. Administrative Holds**

During the student judiciary process, administrative holds may be placed on a student's account, thus denying the student access to his/her records and accounts (i.e., financial aid, academic transcript, academic registration access, etc.).

Administrative disciplinary holds may be applied in the following situations:

1. A student has been temporarily suspended from the University and is awaiting an administrative meeting or hearing date before the FVSU Student Judiciary Committee;
2. A student has been requested to attend an administrative hearing with the Office of Student Judicial Affairs and has failed to keep the appointment.
3. A student has appeared before the Student Judiciary Committee and has been subsequently sanctioned. In this instance, the hold(s) are removed and reapplied as needed to allow a student to continue matriculation while he/she completes the prescribed sanction(s).
4. A student has appeared before the Student Judiciary Committee and has been subsequently suspended from the University. The hold will remain on the student's account until the suspension sanction has been completed or overturned on appeal.
5. A student has appeared before the Student Judiciary Committee and has been subsequently expelled from the University. The hold will remain permanently unless removed pursuant to appeal.
6. The Office of the Vice President for Student Success and Enrollment Management retains the authority to make an exception to these situations in its discretion.

#### **E. Procedures for Student Appeals**

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

1. 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, a denial of due process, or other specified relevant grounds (expulsion, suspension, or probation). A student may not appeal sanction in an effort not to pay a fine or perform community service. In either case, he or she shall clearly state his ground for appeal in his or her typewritten statement.
2. The person aggrieved shall appeal in a **typewritten** letter to the Vice President for Student Success and Enrollment Management, with a copy to the Office of the Dean of Students within five business days after the receipt of the decision rendered. The Vice President shall review all facts and circumstances connected with the case and shall within five business days make a decision.

3. The Vice President for Student Success and Enrollment Management shall be given a recording and/or a written summary of the proceedings in the original hearing of the Student Judiciary Committee. If a verbatim transcript has been made, it should be made available to the Vice President for his or her consideration.
4. Should the aggrieved person be dissatisfied with the decision of the Vice President, he or she shall have the right to apply in writing to the President of Fort Valley State University for a review which shall be final so far as the institution is concerned.
5. Any University System student aggrieved by a final decision of the president of an institution, other than those stated above, may apply to the Board's Office of Legal Affairs for a review of the decision, in accordance with Policy 8.6 Applications for Discretionary Review; provided, however, that an application may be reviewed if (1) the record suggests that a miscarriage of justice might reasonably occur if the application is not reviewed, or (2) whether the record suggests that the institutional decision, if not reviewed, might reasonably have detrimental and system-wide significance.

This policy shall not be construed to extend to any party any expectation of employment, admission, or additional due process rights. This policy is not part of the due process rights afforded to students or employees of the University System; those rights have been fully afforded upon the decision of the president. Each application for review shall be submitted in writing to Legal Affairs within a period of twenty calendar days following the decision of the president. Legal Affairs shall determine whether the application for review shall be granted (BoR Policy Manual 8.6; BoR Minutes, April 2010, February 2015)

#### **IV. THE STUDENT JUDICIARY COMMITTEE**

- A. **Purpose.** The Student Judiciary Committee, 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 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 Code of Conduct.
- B. **Composition.** The committee shall consist of five or more members; at least three of whom shall be members of the faculty 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 student 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. Training will be provided to the appointed committee members on an annual basis, covering topics that include but is not necessarily limited to investigating, collection of evidence, burdens of proof, ethics, etc.

The committee shall consist of eight members as follows:

- One Faculty or staff representative: College of Agriculture
- One Faculty or staff representative: College of Education
- Two Faculty or staff representatives: College of Arts & Sciences
- One Faculty or staff representative: Graduate Studies
- One Faculty or staff representative: Office of Academic Affairs
- Two Student representatives: Student Government Association

These individuals shall be recommended by the respective college or area dean and appointed by the President.

Two regularly enrolled students—the Student Government Association (SGA) Chief Justice and a student (unrestricted major) shall be recommended by the President of the Student Government Association and appointed by the President of the university. The President may appoint additional or temporary members to the committee to serve as necessary to carry out its duties as needed.

The faculty/staff representatives shall be identified and recommended by the deans of their respective colleges. The recommendation shall be forwarded to the Vice Presidents of Academic Affairs and Student Success and Enrollment Management for approval and subsequently forwarded to the President for appointment.

A representative's term shall be one calendar year beginning the first day of fall semester of an academic year. Representatives shall be afforded the opportunity to serve an additional year—provided submission of a nomination from his/her respective college dean for annual approval by the President. A student representative's term shall be determined by the Student Government Association's Constitution.

- C. **Duties.** The chairperson of the committee shall be appointed by the Dean of Students and approved by the Vice President for Student Success and Enrollment Management. The chairperson shall preside over the hearings reviewed by the Student 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 Vice President for Student Success and Enrollment Management 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 Vice 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 Success and Enrollment Management. 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 Success and Enrollment Management, 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 Vice President.

## **V. STUDENT TRIBUNALS**

- A. The Student Judiciary Committee, with the assistance of the Office of the Vice President for Student Success and Enrollment Management, 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 Vice President or Office of Student Judicial Affairs.

## **VI. RECORDS**

- A. The Office of Student Judicial Affairs shall be responsible to the Student 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 Success and Enrollment Management 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 Office of Student Judicial Affairs and the Office of the Vice President for Student Success and Enrollment Management may prescribe reporting procedures to be followed by those bodies authorized or established to impose sanctions under this code.
- D. In accordance with the Board of Regents of policy, student conduct records and/disciplinary action records, and any elements thereof, shall be retained for

five years after a student graduates or the date of student's last attendance (O.C.G.A. 9-3-26). (BOR Records Retention Manual)

## **VII. 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 Success. The Code may be amended by affirmative action of the general faculty of the university.

## **VIII. THE STUDENT COURT**

- A. The Office of the Vice President for Student Success and Enrollment Management 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 Student Judiciary Committee.
- D. The court shall maintain, with the assistance of the Office of the Vice President for Student Success and Enrollment Management, 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 Success and Enrollment Management to the court shall be notified of such referral in writing by the Office of the Vice President for Student Success and Enrollment Management 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 Student 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 Student 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 Success and Enrollment Management 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 Student 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 Student 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 Student 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 Success and Enrollment Management 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 Student Judiciary Committee.

#### **IX. ALTERNATIVE 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 Success and Enrollment Management, 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 Success and Enrollment Management 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 Success and Enrollment Management what further action is indicated. The Office of the Vice President for Student Success and Enrollment Management shall notify the accused student(s) in writing.
- C. When written notification is made by the Office of the Vice President for Student Success and Enrollment Management 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 for Student Success 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 Success and Enrollment Management take appropriate action, or he may request a hearing as specified in Section VIIIE and VIIF.
- E. Cases of misconduct which may result in suspension or expulsion will normally be referred to the Student 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 may normally be referred to the Student Court, which shall hear and try cases on the part of any students.

#### **X. 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 at any USG institution 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 (BOR Minutes, 1968-69, pp. 166-168; 1970-71, p. 98) (BOR Policy Manual 4.6.3).

## **XI. 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 mediators. 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.

### **XII. REGENT'S POLICY ON ALCOHOL AND DRUGS ON CAMPUS**

The Board of Regents recognizes and supports 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 USG students and employees. 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 at USG institutions, 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 campus and at institutionally-approved events off campus.

A copy of the rules and regulations adopted by each institution shall be filed with the office of the Associate Vice Chancellor for Student Services (BOR Minutes, 1989-90, p. 383) (BOR Policy Manual 4.6.4).

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 Board of Regents Policy 8.6 Application for Discretionary Review. (BOR Minutes, February 2015)

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

This policy amendment is intended to implement The Drug-Free Postsecondary Education Act of 1990.

### **XIII. 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.

#### **XIV. 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.

#### **XV. Policy Statement on Harassment**

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

##### **What is harassment?**

Harassment includes, but is not limited to, threatening, intimidating, verbally abusing, impeding, telephoning, communicating electronically, following or persistently bothering or annoying. Harassment may represent but is not limited to acts based on sex, race, religion, national origin, handicap or sexual orientation.

Sexual harassment is unwelcome conduct of a sexual nature. Conduct is unwelcome if the person did not request or invite it and "regarded the conduct as undesirable and offensive." The Office of Civil Rights, which enforces Title IX, makes a "strong presumption that sexual conduct between a school employee and a student is not consensual.

Sexual harassment includes sexual advances, physical or implied, or direct propositions of a sexual nature inappropriate/unnecessary touching or rubbing against another, sexually suggestive or degrading jokes or comments, remarks of a sexual nature about one's clothing and/or body, preferential treatment in exchange for sexual activity, and the inappropriate display of sexually explicit pictures, text, printed materials, or objects that do not serve an academic purpose.

Sexual harassment can also include unwelcome sexual advances, requests for sexual favors, and other behaviors of a sexual nature when:

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

##### **Retaliation is Prohibited**

It is unlawful to retaliate against an individual for filing a complaint of harassment or for cooperating in an investigation of a complaint of harassment. FVSU has instituted a non-retaliation non-retribution policy and will comply with it fully.

#### **Title IX – Student Code of Conduct**

##### **Mission Statement**

The mission of the Title IX office is to protect all Fort Valley State University stakeholders from discrimination or harassment based upon their gender as outlined

in Title IX of the Educational Amendments of 1972 to the 1964 Civil Rights Act that states:

"No person in the United States shall, on the basis of sex:

- Be excluded from participation in,
- Be denied the benefits of, or
- Be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Fort Valley State University prohibits any type of gender equity discrimination. If any FVSU student feels that they have been subjected to discrimination on or off campus based on gender under the definition above; or have been subjected to harassment in any form, contact the representative listed below:

**Contact Title IX Officers**

- Dean of Students: 478-825-6292
- Student Athletes: Associate Director of Athletics: 478-825-6179
- Chief Compliance Officer (Title IX Coordinator): 478-825-6333
- Director of Human Resources: 478-825-6301

If a FVSU student has been subjected to harassment in any form, this complaint should be filed with the FVSU Campus Police and Safety at 478-825-6211.

**What can you do...? If you are harassed**

**1. Know your rights.**

Sexual harassment is illegal, and Fort Valley State University policy prohibits any faculty member, administrator, staff member, student, contractor, or visitor from engaging in sexual harassment.

**2. Object strongly.**

Lack of response is often interpreted as approval. Say "no" clearly and directly. State that the behavior is unacceptable and offensive and must stop immediately. Don't smile. Move away.

**3. Keep a record.**

Make detailed notes (location, Date, time, etc.) at the time of each incident. Report the first incident as soon as possible. Describe the behaviors that you find objectionable. Record your reactions honestly. Include the names of witnesses, if any.

**4. You are not at fault; do not blame yourself.**

You may experience a wide range of emotions from self-doubt and self-blame to depression and anger. Sexual harassment is unwanted and unsolicited. It is not your fault.

**5. Report the Behavior.**

The Title IX Coordinator is the contact for all Title IX resources within FVSU. Any of the Title IX deputies may also be contacted. Complaints are handled promptly, with discretion and confidentiality. Informal and formal procedures are available to help you deal with the harasser.

**All complaints will be investigated.**

*Revised: September 2014*

**XVI. U.S. DEPARTMENT OF AGRICULTURE NON-DISCRIMINATION REQUIREMENTS**

**Non-Discrimination Statement**

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

**How to file a USDA Program Discrimination Complaint**

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).



**"AND  
JUSTICE  
FOR ALL"**

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. (Not all prohibited bases apply to all programs.)

De acuerdo a lo establecido por las leyes Federales y el Departamento de Agricultura de los EE.UU. (USDA, siglas en inglés), se prohíbe a este organismo la discriminación por raza, color, origen nacional, sexo, edad, religión, creencias políticas, o impedimentos de las personas. (No todas las bases de prohibición se aplican a todos los programas.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

Para presentar una queja sobre discriminación, escriba a USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410, o llame al (202) 720-5964 (voz y TDD). USDA es un proveedor y empleador que ofrece oportunidad igual a todos.

USDA UNITED STATES DEPARTMENT OF AGRICULTURE

Form AD-475B (revised 12-99)



## **XVII. FORT VALLEY STATE UNIVERSITY TOBACCO/SMOKE-FREE POLICY**

Effective August 18, 2014, Fort Valley State University adopted a resolution that converted the University premises over to a tobacco and smoke-free campus.

### **Fort Valley State University Tobacco and Smoke-Free Campus Policy**

Adopted August 18, 2014

In accordance with Board of Regents Policy 9.1.7, the use of all forms of tobacco products on Fort Valley State University property is prohibited.

- A. The use of all forms of tobacco products on property owned, leased, rented, in the possession of, or in any way used by Fort Valley State University is expressly prohibited. "Tobacco Products" is defined as cigarettes, cigars, pipes, all forms of smokeless tobacco, clove cigarettes and any other smoking devices that use tobacco such as hookahs or simulate the use of tobacco such as electronic cigarettes.
- B. Further, this policy prohibits any advertising, sale, or free sampling of tobacco products on USG properties unless specifically stated for research purposes. This prohibition includes but is not limited to all areas indoors and outdoors, buildings and parking lots owned, leased, rented or otherwise used by Fort Valley State University. The use of tobacco products is prohibited in all vehicles – private or public vehicles - located on Fort Valley State University properties.
- C. This policy applies to all persons who enter the areas described above, including but not limited to students, faculty, staff, contractors and subcontractors, spectators, and visitors. All events hosted by Fort Valley State University shall be tobacco-free. All events hosted by outside groups on behalf of Fort Valley State University shall also be tobacco-free.
- D. Violation of this policy shall be addressed in accordance with disciplinary rules, procedures and actions contained in the Student Code of Conduct for students, in the Classified Staff Handbook for all employees, or for persons who are not students or employees, by removal from campus.

### **Fort Valley State University Resolution Adopting a Tobacco and Smoke Free Campus Policy**

Whereas, in March 2014 the Board of Regents of the University System of Georgia adopted a tobacco and smoke free campus policy to make all USG institutions 100 percent tobacco free effective October 1, 2014; and,

Whereas, the purpose of the Tobacco and Smoke Free Campus policy is to improve the health and environment of students, employees and visitors to USG campuses; and

Whereas, the Board of Regents Tobacco and Smoke Free Campus policy provides that "[t]he overall enforcement and authority of this policy lies with the President of the institution" and further that "violation of the policy may result in corrective action under the Student Code of Conduct or campus human resources policies":

Therefore, I, Ivelaw Lloyd Griffith, ninth President of Fort Valley State University, hereby resolve that Fort Valley State University shall be a tobacco and smoke free campus effective August 18, 2014; and,

Further, that the Fort Valley State University Tobacco and Smoke Free Policy attached hereto shall be the official policy of the university; and,

Finally, that the Fort Valley State University Student Handbook and Student Code of Conduct shall be amended to reflect the provisions of the Fort Valley State University Tobacco and Smoke Free Campus Policy attached hereto.

So Resolved this 18th day of August, 2014.

Ivelaw Lloyd Griffith, Ph.D., President

Jessica Bailey, Ph.D.  
Vice-President of Academic Affairs and Provost

## **XVII. ANIMALS ON CAMPUS**

Because of safety and sanitary considerations, animals may **not** be brought onto campus except in the following circumstances:

- Service animals providing assistance to disabled persons
- Academic research
- Specific approval under certain conditions approved by Administration

Fort Valley State University recognizes that owners of Domestic Animals and Therapy Animals may desire to bring those animals to the campus, users of Service Animals or Service Animals in Training may find it necessary to bring those animals on campus and feral or wild animals may select the campus landscape as their habitat. However, in consideration of the personal safety and well-being of the FVSU campus community this policy establishes requirements for accessibility, behavior and treatment of animals on campus. This does not apply to animals on campus solely for the purpose of instructional use.

### **A. Service Animals**

Animals that are individually trained to do work or perform tasks for people with disabilities, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to sounds, providing animal protection or rescue work, pulling a wheelchair, alerting and protecting a person who is having a seizure, and fetching dropped items for mobility impaired persons. If they meet this definition, animals are considered Service Animals under the ADA regardless of whether they have been licensed or certified by a state or local government. Service animals include dogs or other common Domestic Animals but do not include wild animals such as reptiles, rabbits, farm animals (including any breed of horse, miniature horse, pony, pig or goat) ferrets, amphibians or rodents.

## **B. Service Animal in Training**

1. Animals in training to become Service Animals are accompanied by a person who is training the Service Animal and the animal wears a collar and leash, or cape that identifies the animal as a Service Animal in Training.
2. Students and employees bringing Service Animals or Service Animals in Training onto campus are required to report the presence of such animals on campus to the Office of Differently Abled Services and Campus Police.
3. Use of a Service Animal must comply with ADA regulations. Questions about the impact of the Service Animal on an educational program or activity should be addressed with the Office of Differently Abled Services in consultation with the sponsoring department.
4. Use of a Service Animal or Service Animal in Training in University facilities and on the University campus (i.e. attendance at special events) may be prohibited if the use of the animal poses a direct threat to the health or safety of other persons. Use of a Service Animal in Training may be prohibited if the presence of such an animal will result in a fundamental alteration of the educational program or activity involved.

## **C. Domestic Animals and Therapy Animals**

1. Animals that normally and customarily share habitat in the county and are normally dependent on humans for food and shelter including dogs, cats, and other common domestic animals but not including feral or wild animals.
2. Therapy Animal is an animal certified for Animal Assisted Therapy (AAT) by a recognized and reputable AAT certification organization, such as Delta Society or Pet Therapy International and used by a student or employee to provide comfort or companionship or for other "therapeutic" purposes. An animal meeting this definition is not a Service Animal and will not qualify as a reasonable accommodation under ADA.
3. Domestic and Therapy Animals must be under control while on campus and restrained by a leash or other appropriate device that does not exceed 6 feet in length and that is under control by a responsible person. At no time will an animal be allowed to wander off leash.
4. Domestic and Therapy Animals brought to campus must be licensed and fully inoculated in accordance with city and county regulations with the burden of proof on the owner.
5. Fecal matter deposited by any Domestic or Therapy Animal brought to campus must be removed immediately and disposed of properly by the owner. The burden is on the animal handler to arrange for removal of fecal matter if he or she is personally unable to perform the task.
6. Domestic or Therapy Animals may not enter any campus building, including all residence and non-residence buildings enclosed or delineated outdoor athletic or recreational facility or official reserved or scheduled outdoor event on campus. This paragraph does not apply to Service Animals or Service Animals in Training accompanying a person with a disability or an authorized service animal trainer.
7. Domestic or Therapy Animals found tethered, unattended, or abandoned may be humanely impounded in accordance with all applicable laws and

regulations.

8. Domestic or Therapy Animals may be confined in vehicles parked on campus for a reasonable period of time as long as the animal is not endangered and does not endanger others or create a public nuisance. In the event of endangerment to the animal or others, or public nuisance, the animal's handler or owner is subject to citation and the animal may be humanely impounded.
9. Domestic or Therapy Animals must have appropriate behavior while on campus. If there is anything about the condition, health, or behavior of any animal on campus that is deemed by the University to be a threat to the health or safety of any member of the campus community or to any other animal, then that animal may be removed from campus in any manner deemed necessary by University officials.

### **Feral or Wild Animals**

Non-domesticated animals. Usually found in the wild or in the wild state. Feral or Wild Animals that are not a risk and do not represent a hazard, cause property damage or create a public nuisance and do not require human intervention, may inhabit the campus grounds. Human intervention includes, but not limited to, attracting animals, feeding, watering, building of shelters for animals, and injection of medication. Feral or Wild Animals that are a potential risk, represent a hazard, cause property damage or create a public nuisance or otherwise pose a potential threat to the health or safety of humans will be regulated, controlled and humanely relocated in accordance with all applicable laws and regulations. No person may do anything to attract animals to campus nor may any person feed or set out food or water for animals on campus or engage in any other human intervention.

### **Violations of this Policy**

All members of the campus community share the responsibility of implementing all aspects of this policy. To report the presence of an animal in violation of this policy, call Campus Safety at 478/825-6211 or 911. Any member of the campus community who fails to comply or who interferes with the implementation of this policy, including relocation of animals, will be subject to the following:

- Any person who brings an animal onto campus in violation of this policy will be required to remove the animal from campus immediately
- Any person who feeds or attracts animals on campus in violation of this policy may be subject to disciplinary action in accordance with the disciplinary policy applicable to individual's status as a student or employee. Those who are not students or employees may be charged for trespassing and escorted away from campus by Police and /or Campus Safety.
- Stray or unattended animals may be impounded by Police and Campus Safety and turned over to the local Animal Control Shelter

### **XVIII. Children/Minors on Campus**

Board of Regents' policy prohibits class attendance by anyone not registered for classes. Fort Valley State University enforces the BOR's policy in order to create and maintain an environment most conducive to teaching and learning for the university community.

- A. Children taking part in organized scheduled activities or who are enrolled in specific classes are on campus officially and are welcome to enjoy the full benefit of their visit.
- B. Children not taking part in organized scheduled activities or who are not enrolled in classes are on campus unofficially.
- C. Children on campus unofficially shall not be brought into classrooms, laboratories, dining facilities or other facilities of the University unless authorized by administration and supervised by a parent or guardian.
- D. In the case of emergency where the student/parent has no alternative but to bring the child to campus, the student/parent must receive approval from the classroom faculty or unit administrative supervisory staff. Classroom faculty and unit administrative staff has full discretion to approve or deny such request giving consideration to whether the child's presence might be disruptive to the learning environment.
- E. For reasons of safety, security and child welfare the University does not permit children to be left unattended without a parent or guardian anywhere on University property.
- F. Students are not allowed to perform babysitting or provide childcare services on campus. The University assumes no responsibility nor makes provisions for minor children in housing facilities.
- G. Children cannot be admitted to the Residence Halls as "overnight guests". Any student who babysits in the Residence Halls will be subject to disciplinary action (which may include removal from the Residence Hall). A student desiring to bring a child into the Residence Hall as a visitor for a short period of time must notify and receive permission from the Residence Hall Director, Resident Assistant or the Director of Residential Life.

#### **XIX. The Family Educational Rights and Privacy Act (FERPA)**

Fort Valley State University complies with the Family Educational Rights and Privacy Act (FERPA) of 1974. FERPA is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. To access the policy in its entirety, go to: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.