

Please be advised written copies of all codes supercede those on the web. Copies of the Undergraduate Code of Conduct can be obtained at the Office of Student Conduct in Suite 401 of the Dobbs University Center.

Emory University Undergraduate Code of Conduct

Emory University is an institution dedicated to providing educational opportunities for its students, transmitting and advancing knowledge, and providing a wide range of services to both students and the general community. To accomplish these objectives and responsibilities requires that the University be free from violence, threats, and intimidation; protective of free inquiry and dissent; respectful of the rights of others; open to change; supportive of democratic and lawful procedure; and dedicated to intellectual integrity and the rational approach for the resolution of human problems.

The tradition of the University as a sanctuary of academic freedom and center of informed discussion is an honored one, to be guarded vigilantly. The basic significance of that sanctuary lies in that protection of intellectual freedoms: the rights of professors to teach; of scholars to engage in the advancement of knowledge; of students to learn and express their views.

Because of these objectives, the University community is necessarily pluralistic and its constituent elements varied and diverse. A system is necessary to provide the proper balance between the academic freedoms allowed by a member of the University and his or her responsibility as a citizen of the University community. For this purpose, and in accordance with the bylaws of the University, the President of the University has defined the interests of the University community to be promoted and protected by such a system and has delegated to the Senior Vice President and Dean for Campus Life the responsibility of designing and maintaining a conduct code.

The Undergraduate Code of Conduct (Code) may be reviewed annually and changes require the approval of the Senior Vice President and Dean for Campus Life, the Dean of Emory College, the Dean of Woodruff School of Nursing, and the Dean of the Goizueta Business School. Provisions of this Code may be revised, supplemented, or amended at any time by action of the appropriate University authorities.

COVERAGE

The Emory University Undergraduate Code of Conduct is the University's policy regarding non-academic conduct offenses of undergraduate students enrolled in Emory College, the Woodruff School of Nursing, and the Goizueta Business School. Academic discipline of students is not covered by this Code, but rather falls within the jurisdiction of the individual academic units of the University.

BASIC EXPECTATIONS/INHERENT AUTHORITY

The primary purpose for the imposition of non-academic discipline in the University setting is to protect and preserve the quality of educational environment in the campus community. This purpose entails several basic expectations:

- a. That the University community assumes high standards of courtesy, integrity, and responsibility in all of its members.
- b. That each student is responsible for his/her conduct and that continuation as a student is conditional upon compliance with the requirements of student conduct expressed or implied in this Code.
- c. That matters of alleged misconduct that fall under this Code will be handled under this Code.

The University reserves the right to take necessary and appropriate action to protect the safety and well being of the campus community. The Senior Vice President and Dean of Campus Life is charged with the welfare of all students. Accordingly, in emergency situations, the Senior Vice President and Dean of Campus Life has full authority to deal with student conduct according to the exigencies of the emergency and for its duration.

The University is not designed or equipped to rehabilitate students who do not abide by this Code. It may be necessary to remove those students from the campus and to sever the institution's relationship with them, as provided in this Code.

The Senior Vice President and Dean for Campus Life is delegated responsibility pertaining to all student organizations, student government, and fraternities and sororities. In addition, the Senior Vice President and Dean for Campus Life has the responsibility and authority to discipline such organizations and, for various alleged violations including hazing,

may choose to handle such matters in a direct and expedient manner, including taking interim action, until the completion of the conduct process. Regulations developed by University Housing and Interfraternity or Intersorority Council are subject to review and approval by the Senior Vice President and the Dean for Campus Life.

CONFIDENTIALITY

Students' conduct records are confidential and will not be released outside the University without the student's specific written permission, except as provided by applicable law.

DEFINITIONS

When used in this Code:

1. The term complainant can be used to refer to a person, a group, an entity, or the University. When the complainant is a group, the University, an entity, or a single person may be appointed by that body to represent it.
2. The term consent means freely given agreement by a competent person. A person is incompetent to give consent when that person is under such incapacity that he or she does not appreciate the nature of the consent.
3. The term days means calendar days.
4. The term distribution means giving, selling, or exchanging.
5. The term group means a number of persons who are associated with each other who have not followed University requirements for recognition as an organization.
6. The term hearing body means any person(s) authorized by the Senior Vice President and Dean for Campus Life to hold a disciplinary hearing, to determine whether a student has violated the Code, and to impose sanctions. This term includes the University Conduct Council, Greek Judicial Council, the Alcohol Judicial Council, and Conduct Officers.

7. The term Conduct Officer means any person(s) authorized by the Office of Student Conduct to have preliminary meetings, conduct investigations, hold conduct hearings, and determine whether a student has violated the Code as well as recommend sanctions. This term includes the Director of Student Conduct.

8. The term organization means a number of persons who have followed the University requirements for recognition.

9. The terms notify in writing or transmit in writing mean to mail (U.S. or campus) written notice to the student's most recent address of record, to hand deliver written notice to the student in person, or to send via electronic mail.

10. The term sexual conduct means vaginal intercourse, anal intercourse, fellatio, cunnilingus, touching of the genitals, breast, buttocks, or inner thighs, or the clothing covering such, or any other physical conduct or touching of a sexual nature.

11. The term student means any person pursuing undergraduate studies at the University. At the discretion of the Senior Vice President and Dean for Campus Life, the term may be extended to mean: (1) a person not currently enrolled who was enrolled in the fall, spring, or summer term preceding the alleged violation, or (2) a person who, while not currently enrolled, has been enrolled in Emory University and may reasonably seek enrollment at a future date, or (3) a person who has applied or been accepted for admission to Emory University and may reasonably be expected to enroll.

12. The terms University and institution mean Emory University.

13. The term University premises means buildings or grounds owned, leased, operated, controlled, affiliated with, or supervised by the University.

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

15. The term weapon means any object or substance designed to inflict a wound, cause injury or incapacitate, including, but not limited to, all firearms, pellet guns, BB guns, switchblade or gravity knives, clubs, blackjacks or brass knuckles, or ice picks.

16. References to Senior Vice President and Dean for Campus Life, Dean of Emory College, Dean of Goizueta Business School, or Dean of Woodruff School of Nursing, or Director of Student Conduct include his or her designee.

VIOLATIONS OF THE LAW AND THIS CODE

Students may be accountable to both civil authorities and to the University for acts that constitute violations of the law and this Code. Those accused of violations of this Code are subject to the University disciplinary proceedings outlined in this Code while criminal, civil, or other University proceedings regarding the same conduct are pending. Accused students may not challenge the University disciplinary proceedings outlined in this Code on the grounds that criminal charges, civil actions, or other University proceedings regarding the same incident are pending may be initiated, or have been terminated, dismissed, reduced, or not yet adjudicated. The University will refer matters to federal, state, and local authorities when appropriate.

PROHIBITED CONDUCT

Each student may be subject to this Code whether misconduct occurs on University premises, at University-sponsored activities, or at any location off-campus when such conduct is brought to the attention of the University. It is neither possible nor necessary to specify every instance of misconduct that could result in disciplinary action against a student. The following list includes, but is not limited to, conduct which may subject a student to disciplinary action.

- a. Attempting, assisting, or encouraging any conduct prohibited by this Code.
- b. Causing physical harm to any person, or causing reasonable apprehension of such harm.
- c. Disorderly or indecent behavior, including destroying or damaging University property or the property of others.
- d. Engaging in conduct directed at a specific person or persons that seriously alarms or intimidates such person or persons and that serves no

legitimate purpose. Such conduct may include: explicit or implicit threats, including gestures that place a person in reasonable fear of unwelcome physical contact, harm or death; following a person about in a public place or to or from his or her residence; making remarks in a public place to a specific person that are by common usage lewd, obscene, expose a person to public hatred, or that can be reasonably expected to have a tendency to cause acts of violence by the person to whom the remark is addressed; or communicating anonymously by voice mail or graphic means or making a telephone call anonymously whether or not a conversation ensues.

e. Engaging in sexual conduct with another person without the consent of that person.

f. Violations of the University's Policy Statement on Discriminatory Harassment, which includes sexual harassment.

g. Initiating or causing any false report, warning, or threat of fire, explosion or other emergency.

h. Misrepresenting information or furnishing false information to the University or its representatives.

i. Forgery, alteration, misrepresentation, counterfeiting, or misuse of any University or other document, instrument of identification, or access device.

j. Unauthorized distribution of alcoholic beverages or possession of alcoholic beverages for the purposes of distribution.

k. Possession or use of alcoholic beverages by an individual under 21 years of age; or providing alcoholic beverages to an individual under 21 years of age or to one who is noticeably intoxicated. Possession or consumption of alcohol in the public areas of the residence halls is also prohibited.

l. Unauthorized possession of an open container of an alcoholic beverage.

m. Taking any action or creating any situation that endangers another's mental or physical health or involves the forced consumption of liquor or

drugs for the purpose of initiating into or affiliation with any organization or group.

n. Appearing in a public place manifestly under the influence of alcohol or a controlled or other intoxicating substance, particularly when there is danger to self, others, or property or there is unreasonable annoyance to person(s) in the vicinity.

o. Unauthorized distribution, possession, or use of any controlled substance or distribution, possession, or use of any illegal drug.

p. Unauthorized use, possession, or storage of any weapon.

q. Unauthorized use or possession of fireworks or incendiary, dangerous, or noxious devices or materials.

r. Unauthorized presence on or use of University premises, facilities, or property, including camping, building a fire, or use of an unauthorized heating, cooking, or electrical device.

s. Intentionally or recklessly misusing or damaging fire or other safety equipment.

t. Exposing one's own genitals, buttocks, or breasts in a public place, unless specifically authorized for activities such as theater productions or classes.

u. Theft or misuse of property or services on University premises, at University-sponsored activities, or from University organization(s) or group(s), or knowing possession of stolen property or use of stolen services on University premises, at University-sponsored activities, or from University organization(s) or group(s).

v. Substantially interfering with the freedom of expression of others.

w. Interfering with normal University functions, University-sponsored activities, or any function or activity on University premises including, but not limited to, studying, teaching, public speaking, research, University administration, or fire, police, or emergency services.

x. Disregarding or failure to comply with the directive of a hearing body or University official, including a campus police officer acting in the performance of his or her duties.

y. Disruption of University or other computer systems (e.g. spamming); unauthorized alteration, disclosure, gaining or providing unauthorized access; or destruction of University or other computer systems or material; improper access to University or other computer files and systems; or violation of copyright or proprietary material restrictions connected with University or other computer systems, programs, or materials.

z. Violation of any government laws or ordinances, or of any University or individual school rules, regulations, or policies. Such University rules, regulations, or policies shall include, but are not to be limited to, the regulations and policies contained in the: University Housing Undergraduate Housing Agreement and Handbook, Campus Life Handbook, Policy Statement on Discriminatory Harassment, Sexual Assault Policy Statement, Division of Campus Life Alcohol Policy; as well as regulations relating to entry (opening and closing hours) and use of University facilities; Information Technology Division (ITD) policies; traffic and parking regulations; regulations and policies on the sale, consumption or misuse of alcoholic beverages; and on the misuse of identification cards.

aa. Falsification, distortion, or misinterpretation of information before a hearing body.

bb. Disruption or interference with the orderly conduct of disciplinary hearing proceedings.

cc. Knowingly instituting disciplinary proceedings without cause.

dd. Attempting to discourage an individual's proper participation in, or use of, the disciplinary system.

ee. Attempting to influence the impartiality of a member of a disciplinary body prior to or during the course of the disciplinary proceeding.

ff. Harassment (verbal or physical) or intimidation of a member of a disciplinary body prior to, during or after a disciplinary proceeding.

gg. Knowingly violating the terms of any disciplinary sanction imposed in accordance with this policy.

hh. Influencing or attempting to influence another person to commit an abuse of the disciplinary system.

STUDENT CONDUCT HEARING BOARDS

University Conduct Council:

The University Conduct Council is established to hear non-academic, undergraduate student conduct cases from Emory College, the Woodruff School of Nursing, and Goizueta Business School. The University Conduct Council is composed of:

- a. a Chair, appointed by the Senior Vice President and Dean for Campus Life, who shall be a faculty or staff member, but not a voting member of the Council, except in cases of a tie;
- b. two voting faculty or staff members;
- c. one voting administrator from Campus Life appointed by the Senior Vice President and Dean for Campus Life;
- d. three voting undergraduate student members.

There shall be a pool of Council members. The pool of faculty or staff members shall be from Emory College, Business School, and/or the Nursing School, approved by the Deans of these schools. The pool of undergraduate students shall be from Emory College, Business School, and/or the Nursing School, appointed by the Senior Vice President and Dean for Campus Life. The Council must have a minimum of five members present in order to convene. If alternates are not available from the pool of Council members and a quorum cannot be reached, substitutes may be appointed as described above.

Alcohol Judicial Council:

The Alcohol Judicial Council will be established at the beginning of every academic year to hear cases involving alleged violations of the Division of

Campus Life Alcohol Policy. The Alcohol Judicial Council shall be composed of at least five but not more than seven members, including:

- a. a Chair, who shall be a faculty or staff member, but not a voting member of the Council, except in cases of a tie;
- b. one voting administrator from Campus Life;
- c. at least one voting faculty member, but no more than two;
- d. at least two voting students, but no more than three.

The Chair may only vote in cases of a tie. The Senior Vice President and Dean for Campus Life shall appoint all members of the Alcohol Judicial Council.

Greek Judicial Council:

The Greek Judicial Council is established to hear fraternity and sorority chapter cases involving alleged violations of the Undergraduate Code of Conduct. Such violations include, but are not limited to: the Office of Sorority and Fraternity Life Anti-Hazing Policy, the University's Discriminatory Harassment, and Sexual Assault policies. The Greek Judicial Council shall be composed of six members including:

- a. a Chair, appointed by the Senior Vice President and Dean for Campus Life, who shall be a faculty or staff member, but not a voting member of the Council unless there is a tie;
- b. one voting administrator from Campus Life appointed by the Senior Vice President and Dean for Campus Life;
- c. one voting faculty or staff;
- d. three voting undergraduate student members, two of whom shall be a member of a recognized fraternity or sorority.

There shall be a pool of Council members. The pool of faculty or staff shall be from Emory College, Business School, and/or the Nursing School, approved by the Deans of these schools. The pool of undergraduate

students shall be from Emory College, Business School, and/or the Nursing School, appointed by the Senior Vice President and Dean for Campus Life. The Council must have a minimum of five members present to convene including at least two students (one of whom must be a member of a recognized fraternity or sorority). If alternates are not available from the pool of Council members and a quorum cannot be reached, substitutes may be appointed as described above.

University Conduct Appeal Board:

The Emory University Conduct Appeal Board will be established at the beginning of every academic year to hear appeals from cases heard by any hearing body. The board shall be composed of:

- a. one voting administrator appointed by the Senior Vice President and Dean for Campus Life.
- b. one voting faculty member either from the Business School, Emory College, or Nursing School, approved by the Dean of the school.
- c. one voting undergraduate student appointed by the Senior Vice President and Dean for Campus Life.

Substitutes may be selected as described above.

CONDUCT PROCEDURES-General

Anyone wishing to report an alleged incident of misconduct under this Code may make such report to the Director of Student Conduct in the Division of Campus Life. Reports generated by University Housing and Fraternity and Sorority Life staff as well as the Emory Police will be forwarded to the Director of Student Conduct. A determination whether action should be taken in response to a report will be made by the Director of Student Conduct. If it is determined that further action should be taken, the case will be assigned to a Conduct Officer by the Director of Student Conduct or the Director of Student Conduct may serve as the Conduct Officer. If the case involves a potential violation of the Division of Campus Life Alcohol Policy, the case may be assigned to the Alcohol Judicial Council. Conduct procedures for cases referred to the Alcohol Judicial Council can be found on page ?? (NOTE: Printer pls. insert page when formatted.)

The Office of Student Conduct will notify the student in writing that he or she must make an appointment for a preliminary meeting within five (5) days of the date on the written notice. Failure to schedule or attend this preliminary meeting will automatically result in formal charges as described below.

The Conduct Officer will hold a preliminary meeting with the accused student to review the report as well as ascertain the accused student's perspective of the incident. The Conduct Officer will refer the student to the Undergraduate Code of Conduct. The Code may be found on the web at www.emory.edu/CAMPUS_LIFE/conduct.code.html or a copy may be provided upon request. In this meeting, the accused student will be asked to decide whether or not he or she wishes to accept responsibility for having violated the Code of Conduct.

If a student accepts responsibility to having violated the Code of Conduct and thereby waives the option of a hearing, the student shall have the following options as to how sanctions will be determined:

1. The student may have the Conduct Officer recommend appropriate sanction(s).
2. The student may choose to meet with another Conduct Officer to have that Conduct Officer recommend appropriate sanction(s).

This selection shall be made in writing and recorded by the Conduct Officer.

If a student does not accept responsibility to having violated the Code of Conduct, the Conduct Officer will conduct an investigation to determine if the matter should proceed to formal charges, or if it can be disposed of administratively by agreement of the parties involved on a basis acceptable to the Conduct Officer.

If the matter is not resolved, the Conduct Officer will then meet again with the accused student and present the student with a letter stating the formal charges. A copy of documents relevant to the case will be given to the accused student and the complainant at least seven days in advance of the hearing. These formal charges will be referred for a hearing and a copy

of documents relevant to the case will be forwarded to the appropriate hearing body.

The student shall have the following options for a hearing:

1. The student may choose a hearing with another Conduct Officer serving as the hearing officer and to determine the appropriate sanction(s), if any.
2. The student may choose a hearing with the University Conduct Council serving as the hearing panel and to determine the appropriate sanction(s), if any.

This selection shall be made in writing and recorded by the Conduct Officer.

In cases pertaining to student organizations, the president shall represent the organization during all conduct proceedings.

If an accused student or organization fails to respond to any notification in writing concerning the conduct process, the case will be automatically referred to a hearing with the University Conduct Council.

The University reserves the right to place a “hold” on the diploma, degree certification, official transcripts, or registration of a student who has been charged with a conduct violation under this Code even though he or she may have completed all academic requirements. The diploma, degree certification, official transcripts, or registration may be withheld until the conduct charges have been resolved and/or sanctions as well as other conduct obligations completed.

CONDUCT PROCEDURES – Greek organizations

Anyone wishing to report an alleged incident of misconduct under this Code may make such report to the Director of Student Conduct in the Division of Campus Life. Reports generated by University Housing and Fraternity and Sorority Life staff as well as the Emory Police will be forwarded to the Director of Student Conduct. A determination whether action should be taken in response to a report will be made by the Director of Student Conduct. If it is determined that further action should be taken, the case will be assigned to a Conduct Officer in Campus Life by the Director of Student Conduct or the Director of Student Conduct may serve

as the Conduct Officer. Matters may also be referred to the Office of Fraternity and Sorority Life's Interfraternity or Intersorority Judicial Council.

In cases pertaining to student organizations, the chapter president shall represent the organization during all conduct proceedings.

The Office of Student Conduct will notify the chapter president as well as additional individuals necessary in writing that he or she must make an appointment for a preliminary meeting within five (5) days of the date on the written notice. Failure to schedule or attend this preliminary meeting will automatically result in formal charges as described below.

The Conduct Officer will hold a preliminary meeting with the chapter president to review the report as well as ascertain the chapter's perspective of the incident. The Conduct Officer will refer the chapter president to the Undergraduate Code of Conduct. The Code may be found on the web at www.emory.edu/CAMPUS_LIFE/conduct.code.html or a copy may be provided upon request. In this meeting, the chapter president will be asked to decide whether or not the chapter wishes to accept responsibility for having violated the Code of Conduct.

If a chapter accepts responsibility to having violated the Code of Conduct and thereby waives the option of a hearing, the chapter shall have the following options as to how sanctions will be determined:

1. The chapter may have the Conduct Officer recommend the appropriate sanction(s).
2. The chapter may choose to meet with another Conduct Officer to have that Conduct Officer recommend the appropriate sanction(s).

This selection shall be made in writing and recorded by the Conduct Officer.

If a chapter does not accept responsibility to having violated the Code of Conduct, the Conduct Officer will conduct an investigation to determine if the matter should proceed to formal charges, or if it can be disposed of administratively by agreement of the parties involved on a basis acceptable to the Conduct Officer.

If the matter is not resolved, the Conduct Officer will then meet again with the chapter president and present him or her with a letter stating the formal charges. A copy of documents relevant to the case will be given to the chapter president and the complainant at least seven days in advance of the hearing. These formal charges will be referred for a hearing and a copy of documents relevant to the case will be forwarded to the Greek Judicial Council.

If a chapter president, accused student, or any member of an accused organization fails to respond to any notification in writing concerning the conduct process, the case will be automatically referred to a hearing with the Greek Judicial Council.

Recognized fraternity and sorority chapters may also be placed under restrictions, obligations, or other interim action(s) taken by other offices of the University to protect the well-being of specific persons, the community, or property.

HEARING PROCEDURES-Conduct Officer, University Conduct Council, and Greek Judicial Council

The Director of Student Conduct, Conduct Officer, University Conduct Council, Alcohol Judicial Council, or Greek Judicial Council may require any student of the University to attend and/or testify at any hearing or meeting regarding a conduct matter that is covered under this Code. The Director of Student Conduct, Conduct Officer, University Conduct Council, Alcohol Judicial Council, or Greek Judicial Council may request faculty or staff members to attend and/or testify at a hearing or meeting or furnish a written statement.

Notification in writing of a hearing before a Conduct Officer, the University Conduct Council, or Greek Judicial Council as well as the date and time of this hearing will be sent to the student/organizational president at least seven (7) calendar days before the scheduled date of the hearing. At this hearing, a decision of "in violation" or "not in violation" will be made, based upon the available information and evidence presented at the hearing, with or without the accused being present. If it is determined that a violation has occurred, a sanction will also be determined and the student/organizational president will be notified in writing.

Whenever a hearing is to be held regarding an alleged incident of misconduct under this Code, the accused student/organizational president and the complainant, if any, shall be given at least seven (7) calendar days written notice of the charges alleged against the accused student and of the date, time, and place of the hearing.

The hearing shall be conducted by the appropriate hearing body (Conduct Officer, University Conduct Council, or Greek Judicial Council) and all may require witnesses to testify at the hearing. Rules of evidence that apply in courts of law shall not apply in such hearings. The hearing shall be closed to everyone except the hearing body, appropriate staff, the accused student/organizational president, complainant, advisors to the accused student/organizational president and the complainant, as well as witnesses during the actual time of their testimony.

As used in the remainder of the Section and the following Section, references to the Conduct Council and the Chair shall also refer to the Director of Student Conduct or a Conduct Officer.

The accused student/organizational president and the complainant may be assisted by an advisor of his/her choice. The advisor must be a member of the Emory University faculty or staff, or a student currently enrolled at the undergraduate level. The advisor may not be an attorney. In fraternity and sorority cases, the chapter advisor may serve as a hearing advisor, but may not be an attorney. Exceptions will be considered by the Director of Student Conduct.

The advisor acts as either the complainant's or accused student's support person during the hearing. The advisor may assist the student in the preparation prior to the hearing, but may not speak during the hearing.

Advisors are allowed to:

- a. Be present at the hearing until such time as the hearing body retires to deliberate the decision. However, if either the accused student, complainant, or their advisors fail to appear at the hearing, the hearing may be held in the absence of either or both.

Both the complainant and the accused student/organizational president are allowed to:

a. Be present at the hearing until such time as the hearing body retires to deliberate the decision. However, if either the accused student/organizational president, complainant, or their advisors fail to appear at the hearing, the hearing may be held in the absence of either, all, or both.

b. Present tangible and documentary evidence; and evidence by witness, or by signed written statements of witnesses who do not attend the hearing, including the signed written statements of the complainant or the accused. If witnesses fail to appear, the hearing shall be held in their absence.

It is the responsibility of the accused student and the complainant to notify any additional witnesses not called by the hearing body. Additional witnesses must have the prior approval of the Director of Student Conduct or Chair of the hearing body. All witnesses should be notified of the date, time, and place of the hearing.

c. Question all witnesses who give evidence at the hearing directly or through written questions presented through the Chair.

The Chair of the respective Council or Conduct Officer shall have final decision on what evidence may be presented and the tone of questioning. The Chair/Conduct Officer may decide to stop questions at any time.

HEARING DECISIONS – Conduct Officer, University Conduct Council, and Greek Judicial Council

The Conduct Officer, University Conduct Council, or Greek Judicial Council shall deliberate and decide whether the accused student/organization has violated the Code. These hearing bodies determine whether a violation occurred based on whether there is a preponderance of evidence. The hearing body may decide that the student/organization is in violation of a less serious offense than that originally charged. A determination that a student/organization has violated the Undergraduate Code of Conduct requires a simple majority vote. In the case of a tie, the Chair shall cast the deciding vote.

If the finding of a violation is determined, the hearing body shall be provided with the record of any previous disciplinary proceedings in which the student/organization was found in violation. On the basis of the hearing

and the student's/organization's previous record, a decision will be made regarding sanctions by a simple majority vote. In the case of a tie, the Chair shall cast the deciding vote.

Sanctions are based upon the circumstances of the incident, seriousness of the matter, and conduct history of the student or organization.

Whether the Conduct Officer, the University Conduct Council, or Greek Judicial Council acts as the hearing official, a written decision will be issued in a reasonable time after the date of the hearing. This decision includes: 1) a statement of charges; 2) a summary of the facts in the case; 3) the decision; 4) a brief statement of the hearing body's reasoning; and, if a violation is found, 5) sanction(s).

All decisions of the University Conduct Council, Greek Judicial Council, or Conduct Officer shall be reviewed for completeness by the Director of Student Conduct. If the Director of Student Conduct was the investigating Conduct Officer for a case, the Council's decision will be reviewed for completeness by the Assistant to the Senior Vice President and Dean for Campus Life. The Dean of the school in which the student is enrolled will be advised of any decision resulting in a sanction of suspension or expulsion.

The accused shall receive written notice of the outcome of the hearing as described above and will also receive information on the option of an appeal. To the extent permitted by law, the complainant shall also receive written notice of the outcome of the hearing.

SANCTIONS – Conduct Officer, University Conduct Council, Greek Judicial Council

The following sanctions, singularly or in combination, may be imposed upon any student or organization found to have violated the Code of Conduct:

- a. Warning: A notice in writing to the student that the student has violated institutional regulations and must cease and not repeat the inappropriate action.
- b. Probation: A written reprimand for violation of specified regulations.
Probation

may be either university probation and/or residence hall probation. For student organizations, probation may include social probation. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be in violation of any institutional regulation(s) during the probationary period.

University probation signifies if there are additional violations, a student may place his/her status at the university in jeopardy. Residence hall probation signifies if there are additional violations, a student may place their housing status in jeopardy.

c. Loss of Privileges: Denial of specified privileges for a designated period of time.

This sanction may include, for example, denial of the right to represent the university in any way, use of campus facilities, or denial of parking privileges.

d. Restitution: Compensation for loss, damage, or injury. This may take the form of service, monetary compensation, or material replacement.

e. Educational Sanctions: Work assignments or service to the University or community.

f. Residence Hall Suspension: Separation of the student or organization from the residence halls for a definite period of time, after which the student or organization may be eligible to return. Conditions for readmission may be specified.

(Note:

This is in addition to the residence hall suspension referred to in the Undergraduate Housing Agreement. This Agreement provides that temporary, permanent, or immediate suspension may be imposed upon a student by the Director of Residence

Life or Assistant Vice President of Housing at any time when there is reason to believe, based on available facts, that the student represents a threat to the safety, health, or welfare of herself/himself, other persons or property.)

g. Suspension: Separation of the student or organization from the University for a definite period of time, after which the student may be eligible to return. Conditions for readmission may be specified.

h. Expulsion: Permanent separation of the student or organization from the University.

i. Other: Other sanctions as deemed appropriate by a hearing body.

Sanctions are based upon the circumstances of the incident, seriousness of the matter, and conduct history of the student or organization.

Conduct sanctions (f) Residence Hall Suspension, (g) Suspension, and (h) Expulsion shall be entered permanently on a student's record. Sanction (b) University Probation shall be entered on a student's record for the term of the probation.

ALCOHOL JUDICIAL COUNCIL

The Alcohol Judicial Council considers matters involving alleged violations of the Division of Campus Life Alcohol Policy except those matters in which injury to person(s) or damage to property occurred as a result of, or in connection with, the alleged violation. Such cases shall be handled as provided above for conduct violations. The Alcohol Judicial Council may have jurisdiction over violations of the Division of Campus Life Alcohol Policy regardless of whether the violation was allegedly committed by an individual or student organization.

The Office of Student Conduct and the Alcohol Judicial Council shall also have authority to advise the Senior Vice President and Dean for Campus Life on questions relating to interpretation and enforcement of the alcohol policy. The Council may also recommend review and/or revision of the alcohol policy and these Council procedures.

If a student has been found in violation of the Division of Campus Life Alcohol Policy by the Alcohol Judicial Council on two occasions and is accused of a third violation, that student will be automatically referred to the University Conduct Council.

CONDUCT PROCEDURES-Cases referred to the Alcohol Judicial Council

Any person having knowledge of an alleged or suspected violation of the Division of Campus Life Alcohol Policy may report the violation to the Office of Student Conduct. The Director of Student Conduct shall determine whether further proceedings are warranted, and if so, a determination shall be made as to whether to refer the matter to the Alcohol Judicial Council or to refer the matter to a Conduct Officer.

If the Director of Student Conduct determines the matter should be referred to a Conduct Officer, further proceedings shall be in accordance with the general conduct procedures. If it is determined the matter should be considered by the Alcohol Judicial Council, the Chair shall be given a copy of the report and the remainder of the process will be conducted as outlined in the section titled Hearing Procedures – Alcohol Judicial Council.

HEARING PROCEDURES-Alcohol Judicial Council

The Chair shall promptly notify the student, or president of the student organization, in writing, of the date, time, and place of the (omission) hearing and of the alleged violation. The Chair shall also inform the student, or president, in writing, that he or she has the right to be present at all times during the evidentiary portion of the hearing; and to ask questions of witnesses, make statements and present evidence in his/her own behalf, or, in the case of a student organization, on the organization's behalf.

The hearing procedures of the Alcohol Judicial Council shall be as follows:

- a. At least five (5) members of the Council must be present throughout the hearing and at least two of the members present must be a student.
- b. The accused student, or the president of an accused student organization, shall have the right to be present at all times during the hearing except when the Council retires to deliberate its finding and

decision. Should the accused student, or organizational president (omission), as well as witnesses, after proper notification, not appear at the time and place specified by the Chair, the case will be referred to the Director of Student Conduct as a violation of the Code.

c. Evidence shall be admitted without regard to the rules of evidence in the courts.

d. The Council shall have the right to require witnesses who are members of the Emory community to attend a hearing or to testify, orally or in written form. Failure to appear before the Council and/or testify as required shall be deemed a violation of the Code.

e. At the conclusion of the hearing, the Council members shall deliberate and reach a decision. The accused student, organization, or group shall be found “in violation” or “t in violation” by majority vote.

g. If a violation on the part of the accused student or organization is determined, then the Council shall be authorized to consider in imposing the sanction, previous conduct violations in which the student or the organization was found in violation.

h. On the basis of the findings in the case and the conduct record, if any, concerning the student or organization, the Council shall render a decision by majority vote as to the proper disciplinary action to be taken.

i. After the conclusion of the deliberations, the Chair shall notify the student or organization president, in writing, of the Council’s decision.

SANCTIONS-Alcohol Judicial Council

The Alcohol Judicial Council shall have the authority to impose on students and student organizations such sanctions for violations of the alcohol policy as it may deem appropriate, including, but not limited to:

- a. Oral Reprimand: Oral warning that the student or student organization has violated the alcohol policy and that subsequent violations may lead to a more severe sanction.

- b. Written Reprimand: A notice in writing that the student or student organization has violated the Alcohol Policy and must cease the inappropriate action.

- c. Educational Sanctions: Work assignments or service to the University or community.

- d. Loss of Privileges: Denial of specified privileges for a designated period of time. This sanction may include, for example, denial of the right to represent the University in any way, use of campus facilities, or loss of social privileges.

- e. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service, monetary restitution, or material replacement.

- f. Referral: Students may be referred to other resources as determined by the Alcohol Judicial Council.

APPEALS

The accused student or student organization may appeal decisions rendered by the Director of Student Conduct, Conduct Officer, Alcohol Judicial Council, Greek Judicial Council, or the University Conduct Council to the University Conduct Appeal Board.

To initiate an appeal, the accused student or student organization must submit a signed, written statement of the specific reason(s) to the Director of Student Conduct within seven (7) days of receipt of the hearing decision. The Office of Student Conduct will convene the Board for the appeal meeting.

The Appeal Board will review the documents pertaining to the case to determine:

1. Whether or not the hearing was conducted in accordance with the procedures outlined in this Code of Conduct.
2. Whether or not the interpretation of the Code was appropriate.
3. Whether or not the sanction(s) imposed were appropriate.

After reviewing the documents pertaining to the case, the University Conduct Appeal Board will issue a written review of the hearing decision within a reasonable period of time from the receipt of the request for review. The University Conduct Appeal Board shall recommend one of the following courses of action:

1. Affirm the hearing decision.
2. Affirm the findings of the hearing decision, but recommend a different sanction.
3. -Remand the case to the Director of Student Conduct to assign a hearing body to conduct a new hearing.

The recommendation of the Appeal Board shall be referred to the Senior Vice President and Dean for Campus Life. After considering the recommendation for the Appeal Board, the Senior Vice President and Dean for Campus Life shall make a decision on the appeal. This decision shall be final.

NOTIFICATION

Formal notification of conduct action resulting in University probation, residence hall suspension or removal, suspension, and expulsion shall be forwarded to the Dean of the student's appropriate academic unit by the Director of Student Conduct. The Dean of each school shall determine how this documentation will be stored and referenced within the school.

RETENTION OF CONDUCT RECORDS

The Director of Student Conduct in the Office of Campus Life shall maintain files on all undergraduate student conduct reports, records, and hearing proceedings according to procedures established by the Office of Student Conduct.