

Student Regulations Committee
Minutes
March 11, 2015

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*Committee Chair for 2014-2015

**Vice Chair

† Secretary

#Without Vote

U = Undergraduate

G = Graduate

[xx-yy] service period

9 Voting members/5 required for a quorum.

Present: Pikowsky (REG), Ferri (ME), Barke (PUBP), Montoya (BIOL), Parsons (SCoB), Stein (ODOS-VPSA), Burbach (UG Student), Lupuloff (UG Student), Canellas (GRAD Student), Butera (Executive Board Liaison)

Guests: Zachary Hayes (Registrar's Office), Newsome (Compliance Programs), Girardot (AVP-Undergraduate Education)

The meeting was opened at 12:04 PM.

1. A motion was made to approve the Minutes of the January 14, 2015 meeting. The motion was seconded and approved.

2. Burns Newsome from the Compliance Programs Office joined the meeting to

discuss the new Sexual Misconduct Policy and the related changes to the Student Code of Conduct. He reported on the discussions and requirements related to Title IX that led up to the changes.

The Georgia Institute of Technology Student Sexual Harassment & Misconduct Policy is a good policy but it addresses one population, students. After some discussion, it was clear that Tech needs one policy that addresses all of the populations on campus, students, faculty staff, affiliates, contractors, etc. Violations among the different populations would be handled differently, clearly, but having one policy is the best practice and is in line with Tech's overall philosophy.

The U.S. Department of Education made changes to the Title IX law and since we are a recipient of federal funding, we have to comply. We are, by definition, a "contractor" of the U.S. Department of Education by virtue of the fact that we receive federal funds.

There is no need for the Committee to vote on the change to the Sexual Harassment & Misconduct Policy. Rather, it is the Committee's endorsement that is sought.

The changes to the Student Code of Conduct were done to reflect the changes in the Sexual Harassment and Misconduct Policy. No other changes were made in the Student Code of Conduct. The changes to the Student Code of Conduct will require a vote.

The Committee's discussion of these items included observations and questions related to:

- What if someone is not an employee or faculty member, but rather a "student volunteer" and observes something that should be reported? Although there may be no legal obligation, it is our hope that the person would report it.
 - There was discussion about "sexual discrimination" and whether that could occur without "harassment," for example.
 - Domestic violence issues were also discussed.
 - The extension and applicability of the sexual misconduct policy to include Georgia Tech alumni was also discussed.
3. A motion was made to endorse the changes to the Sexual Harassment & Misconduct Policy. The motion was seconded and approved.

See Appendix A.

4. A motion was made to approve the changes to the Student Code of Conduct. The motion was seconded and approved.

See Appendix B.

5. A motion was made to approve a request from the Registrar's Office to amend the tentative honors regulation in the Catalog. The motion was seconded and approved.

See Appendix C.

6. The next meeting was set for Wednesday, April 1 at 12:00, Noon, in the Registrar's Office Conference Room, 101 Tech Tower.
 - a. Agenda items are:
 - i. Proposed changes to the academic calendar.
 - ii. Proposal for a leave of absence policy.
7. The meeting was adjourned at approximately 1:00 PM.

Submitted by,

Dr. Al Ferri, Chair

APPENDIX A

The Georgia Institute of Technology Student Sexual Harassment & Misconduct Policy

Policy Statement:

- A. General
- B. Violations
- C. Retaliation
- D. Sexual Misconduct Investigation Procedures
- E. Resources
- F. References

Scope:

A. GENERAL

1. Overview:

The Georgia Institute of Technology (the “Institute” or “Georgia Tech”) is committed to maintaining a learning environment that is safe and fosters the dignity, respect, and worth of students, faculty, and staff. Each member of the community has the responsibility to practice the highest ethical principles and standards of conduct.

Persons who do not adhere to these principles and standards by the commission of sexual harassment or sexual misconduct damage the community and its members.

This policy addresses ~~student-related concerns of~~ Sexual ~~assault~~ Violence and sexual misconduct, including Sexual Assault ~~sexual harassment~~, stalking, ~~intimate partner domestic violence~~, dating violence, and sexual harassment. (collectively, "Prohibited Conduct").

2. Resources:

Confidential services are available for students through the Counseling Center, Health Services, and the Women's Clinic. Additional campus resources for students include the Office of the Dean of Students, the Women's Resource Center, and Health Promotion. Campus resources for faculty and staff are available through the Institute's Faculty and Staff Assistance Program and through other programs in the Office of Human Resources. Numerous off-campus services are also available. More detailed information is provided in Resources, Section E.

3. Reporting:

When the Institute receives knowledge or information alleging Prohibited Conduct, the Institute will fully investigate each allegation. The Institute will, upon notice, take prompt and effective steps to end any sex discrimination (including Sexual Violence and other forms of sexual misconduct), eliminate any hostile environment created by such sex discrimination, prevent its recurrence, and, as appropriate, remedy its effects.¹ Victims are not required to participate in an investigation, but the Institute will still fulfill its obligation to investigate to the full extent possible.

The Institute actively encourages individuals to report suspected violations of this policy. Individuals are not required to report the incident through campus/local police, the Title IX Coordinator, the Offices of Human Resources, Academic Affairs, or the Office of Student Integrity to receive support services. Individuals may file a confidential report for inclusion in campus safety statistics. Assistance is available from the Women's Resource Center to help a student determine the best reporting option. Reporting options include:

- To file a confidential report, students should contact any of the following offices: the Office of the Dean of Students (excluding the Office of Student Integrity), the Women's Resource Center, Health Promotion, or the Department of Housing. Faculty and staff may report violations of this Policy to the Title IX Coordinator, any Deputy Title IX Coordinator, the Office of Human Resources, or the Office of

¹ See Questions A-2 and A-5 of *Questions and Answers on Title IX and Sexual Violence*, published by the Office for Civil Rights of the US Department of Education, at pp 1-2. [Hereafter “OCR FAQs”]. OCR wants to see this statement of institutional commitment in every Title IX policy.

Academic Affairs. In doing so, faculty and staff may or may not choose to include their names or other identifying information in the report.

- To file a complaint for a violation of this policy, contact the Title IX Coordinator, any of the Deputy Title IX Coordinators,² the Office of Human Resources, the Office of Academic Affairs, or the Office of Student Integrity.
- To file a criminal report, contact the Georgia Tech Police Department.

See Reporting Procedures within Section E: Resources for more information.

4. Purpose:

~~The~~ This policy is intended to address instances of Prohibited Conduct in a meaningful, educational manner that respects the rights of all involved; to comply with Title VII of the Civil Rights Act of 1964, Title IX of the Higher Education Amendments of 1972 (hereafter, "Title IX"), the Clery Act, and the Campus SaVE Act; and to ensure the safety of the campus. This policy outlines the processes by which the Institute will investigate and resolve reports or allegations of Prohibited Conduct.

5. Policy:

As required by Title IX, the Institute does not discriminate on the basis of sex in any program or activity of the Institute and prohibits any form of sex discrimination,³ including sexual assault and sexual misconduct, sexual harassment, stalking, intimate partner domestic violence, dating violence, and retaliation.

Charges of Prohibited Conduct under this policy do not preclude civil and/or criminal liability under federal, state or other law. Proceedings under this policy, related employment discrimination policies, ~~and~~ or the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Institute conduct proceedings are not restricted by the rules of evidence governing criminal and civil proceedings.

6. Jurisdiction:

a. This policy, in addition to the Student Code of Conduct, governs the conduct of all Georgia Tech students. This policy, in addition to the Anti-Harassment and Non-discrimination and Affirmative Action Policies, governs the conduct of all Georgia Tech faculty, staff, student employees, administrators, and the Institute's Affiliates, Volunteers,

² The Title IX Coordinator and all Deputy Coordinators are, by definition, Responsible Employees to whom violations of the policy may be reported. See OCR FAQs C-3 and D-2 at pp 10-15.

³ OCR FAQ C-2 at p. 10. (OCR requires that an institution state that it "does not discriminate on the basis of sex in its educational programs and activities, and that it is required by Title IX not to discriminate in such manner."). Title IX prohibits "discrimination based on sex" but does not list specific forms of sex discrimination. The offenses listed in our policy all are forms of sex discrimination. Our policy statement should track the exact language of Title IX.

visitors and contractors.⁴

In cases of Prohibited Conduct, the Institute reserves the right to take necessary and appropriate action to protect the safety and well-being of the community. The Prohibited Conduct will be addressed whenever such acts:

- occur on Institute premises;
- occur at Institute sponsored activities;
- occur at group or organization activities; or
- occur off Institute premises when conduct adversely affects the Institute and/or the pursuit of its objectives.

b. Each Student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree. This includes conduct that may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. This policy shall apply to a student's conduct even if the student withdraws from the school while a disciplinary matter is pending. This policy applies to Institute programs in remote and overseas locations.

Each employee shall be responsible for his/her conduct during the entirety of the employee's employment.

Each visitor to and each contractor of Georgia Tech shall be responsible for his/her conduct whenever on Georgia Tech's premises and during all periods of association with Georgia Tech.

c. The Institute shall retain jurisdiction over all matters involving students and employees, irrespective of when whether the student or employee is subject to tenets of an agreement with other schools or whether an alleged perpetrator has graduated from or otherwise left the Institute.⁵

Policy Terms:

"Respondent" means a student, employee, visitor, contractor, group, or organization who is alleged to be in violation of the Sexual Harassment & Misconduct Policy.

"Victim" means any individual who has ~~been affected by~~ suffered harm from an alleged violation of ~~the this~~ Sexual Harassment and Misconduct Policy.

⁴ See OCR Resolution Letter with Ohio State University at pp. 24-25 (an institution's policy must make clear that the institution is responsible for addressing sex discrimination and harassment by third parties).

⁵ In resolution of its investigation of Princeton University, OCR found Princeton's policies to be non-compliant because the university's jurisdiction was limited to current students. OCR found that provision of the policy "could discourage students from filing sex discrimination/harassment complaints against former students by implying that the University is unable to investigate or take any action with respect to such complaints..." Resolution Letter to Princeton Univ., Nov. 4, 2014, at p. 10.

~~“Informant” means any individual who provides information alleging a violation of the Sexual Misconduct Policy.~~

"Advisor" refers to an individual who assists a Victim or Respondent in the Sexual Misconduct Policy investigation and resolution process. A Victim or Respondent can choose any individual to serve as his or her advisor.

"Advocate" refers to an individual who assists the Victim or the Respondent with assistance and support such as resource information on counseling, medical, academic, or housing concerns. Advocates may also provide information and referrals to campus and community resources and may assist ~~students~~ **Victims or Respondents** with the impact on their **work or academics**. This person may also serve as an Advisor in the Student Conduct process. **The Institute's Sexual Misconduct Advisor, who contact information is contained in Section E (Resources) shall be a confidential source to a Victim of sexual misconduct.**

~~“Affiliate” means a guest of the Institute or a member of an affiliated organization who participates in activities that support the Institute’s mission.~~

~~“Volunteer” means a person who, without compensation, renders a service or takes part in an activity in support of the Institute.~~

~~“Prohibited Conduct” refers to **student Sexual Assault, Sexual Violence** and sexual misconduct, sexual harassment, stalking, ~~intimate partner~~ **domestic violence** and dating violence.~~

~~“Responsible Employee” means any employee who has the authority to take action to redress sexual violence, who has been given the duty of reporting incidents of sexual violence or any other misconduct, or whom a person could reasonably believe has this authority or duty. The term “Responsible Employee” includes the President, Vice Presidents, Deans, Directors, Department Heads, Chairs, Managers, Supervisors, Coaches, Police officials, Student Affairs professionals (including Resident Assistants), Academic Advisors, Admissions professionals, and faculty who serve as advisors to student groups. Faculty who do not have supervisory responsibilities are not considered Responsible Employees. Administrative Assistants are not Responsible Employees. Confidential Resources are not Responsible Employees.⁶~~

~~“Sexual Assault” and “Sexual Violence” are forms of sexual or gender-based harassment that involve having or attempting to have sexual contact with another individual without that individual’s Consent.~~

~~“Title IX Coordinator” means the Institute employee who, pursuant to Title IX of the Higher Education Amendments of 1972, has primary responsibility for coordinating the Institute’s efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in any and all operations and activities of the Institute, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX. The Institute’s Title IX Coordinator is administratively housed in the Office of~~

⁶ OCR FAQ D-2 at p. 15 (“A school must make clear to all of its employees and students which staff members are responsible employees so that students can make informed decisions about whether to disclose information to those employees.”).

Compliance Programs and provides or facilitates ongoing Title IX training, consultation, and technical assistance for students, faculty, and staff, oversees the investigation of complaints and reports made pursuant to this Policy, coordinates all efforts to identify any patterns or systemic problems revealed by complaints or reports of Prohibited Conduct, and oversees Institute efforts, including the provision of interim protective measures, to effectively address and remedy sex discrimination in any program or activity of the Institute. Contact information for the Institute's Title IX Coordinator and Deputy Title IX Coordinators is listed in Section E (Resources) of this Policy.⁷

"Interim Protective Measures" are accommodations or changes to an individual's academic, living, or work environment before the final outcome of an investigation to ensure equal access to the Institute's education and employment programs and activities, and to protect the Victim, as necessary. Interim protective measures may be available to a Victim whether or not formal resolution is used. Interim measures may continue past the duration of an investigation as deemed appropriate by the Institute. Interim protective measures may include (but are not limited to): an order not to contact (an) individual(s), victim advocacy, housing assistance or relocation, counseling, health services, safety resources, academic support, changes in a person's work or study location or schedule, and alterations to financial aid. The Title IX Coordinator and Deputy Title IX Coordinators will coordinate the provision of interim measures.⁸

"Consent" ~~consent~~ means informed, freely and actively given, mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent is not effectively given if the agreement results from the use of physical force, threats, intimidation, or coercion. Consent is absent when a person has sexual contact with another when the initiator knew, or reasonably should have known, that the other person(s) is incapacitated.

What Consent Means

- Consent begins when individuals decide together to do the same thing, at the same time, in the same way, with each other. It is the responsibility of the initiator, or the person who wants to engage in the specific sexual activity, to make sure that he or she has consent from his or her partner(s).
- Consent to one form of sexual activity does not necessarily imply consent to any other form of sexual activity.
- The initiator must obtain consent at every stage of sexual interaction.
- Consent will exist when both of these standards are met:
 - a reasonable person would consider the words or actions of the parties to have manifested an agreement between them to do the same thing, in the same way, at the same time, with one another; and
 - ~~the student a party~~ believed in good faith that the words or actions of the parties to have manifested an agreement between them to do the same thing, in the same way, at the same time, with one another.

⁷ OCR FAQs C-2 and C-3 at p. 10. The language recommended above is taken from the White House Task Force to Protect Students From Sexual Assault's *Sample Language for Title IX Coordinator's Role in Sexual Misconduct Policy* at pp. 1-5.

⁸ OCR FAQ G-1 at p. 32.

- Consent may never be given by incapacitated persons.

Incapacitation refers to the victim's inability to understand the situation, understand the consequences of his/her choices, or to express his/her desires. This may include, but is not limited to, intoxication, being under the influence of drugs, unconsciousness, or other cognitive impairment, or being under the age of consent in accordance with Georgia state law.

Additional Clarifying Rules of Consent:

- A person who is the object of sexual aggression is not required to physically or otherwise resist a sexual aggressor.
- Silence or passivity may not be considered consent; the absence of "No" does not imply consent.
- Previous sexual relationships or the existence of a current relationship with the Respondent does not imply consent.
- Consent cannot be implied by attire, or inferred from the giving or receiving of gifts, money or other items.
- Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly. Withdrawal of consent can be done in numerous ways and need not be a verbal withdrawal of consent.
- The Respondent's intentional use of alcohol/drugs does not excuse a violation of policy.
- **In Georgia, minors under the age of 16 years are generally unable to provide consent. See Georgia Code Ann. § 16-6-3 (Statutory Rape).**

"Preponderance of the Evidence" as an evidentiary standard means that it is more likely than not the alleged violation of policy occurred.

~~"First Considered Sanction" means that the Student Conduct Administrator, or Appellate Officer(s) must consider this sanction prior to any other sanction(s). If it is decided that a First Considered Sanction is not appropriate, a rationale must be provided in the written outcome identifying why another sanction(s) was implemented.~~

Additional definitions referenced in this policy can be found in the Student Code of Conduct, **the Anti-Harassment Policy, and the Policy of Non-discrimination and Affirmative Action.**

B. VIOLATIONS

The examples below each provision are not intended to be an exhaustive list, nor are they intended to prohibit consensual activity. The Institute encourages reporting of any behavior that **you a person** believes may be in violation of policy whether specifically listed in examples or not.

1. Non-Consensual Sexual Contact: including, but not limited to, intentional and/or forcible touching. Examples may include but are not limited to:

- sexual contact without consent by another (including but not limited to: a stranger,

work colleague, classmate, friend, dating partner, ex-dating partner, spouse, ex-spouse, etc.)

- forcing another to touch, directly or through clothing, themselves or another (i.e., genitals, breasts, groin, thighs, or buttocks, etc.)

2. Non-Consensual Sexual Intercourse: including, but not limited to, anal, oral or vaginal penetration, however slight. Examples may include, but are not limited to:

- rape (sexual intercourse without consent)
- sexual penetration with an object without consent
- oral or anal intercourse without consent

3. Sexually Related Offenses: including, but not limited to, exploitation, obscene, indecent behavior and/or exposure. Examples may include, but are not limited to:

- sexual contact with a person under the age of consent
- child molestation
- voyeurism
- indecent behavior and/or exposure
- taking or distributing explicit photographs without consent
- prostituting another student
- non-consensual video or audio-taping of sexual activity
- going beyond the boundaries of consent (such as letting friends hide in closet to witness consensual sex)
- knowingly placing someone at risk for transmission of ~~an STI~~ a sexually transmitted disease or HIV regardless of whether the other person contracted it

4. Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other written, verbal, non-verbal or physical conduct of a sexual nature when:

a) Submission to such conduct is made either implicitly or explicitly **as** a term or condition of an individual's employment or status in a course, program, or activity offered by the Institute;

b) Submission or rejection of such conduct by an individual is used as a basis for employment or education decisions affecting such individual; or

c) Such conduct has the purpose or effect:

i. of unreasonably interfering with the individual's work or education performance;

ii. of creating an **objectively**⁹ intimidating, hostile, or offensive working and/or learning/living environment; or

⁹ OCR FAQ A-3. *See also* OCR Resolution Letter with Ohio State University at p. 25 (OSU policies found non-compliant because OSU policy "states that conduct alleged to constitute harassment is evaluated from [only] the perspective of a reasonable person,") that is, only from an "objective" standard.

iii. of unreasonably interfering with or limiting one's ability to participate in or benefit from an educational program or activity.

In cases of sexual harassment, if the alleged harasser is asked by the Victim or a third-party to stop his or her behavior and does not, a more serious sanction may be imposed. However, the Victim does not have to request the behavior be stopped for the behavior to be considered sexual harassment. Examples of unwanted behavior that may constitute sexual harassment (a, b or c above) include, but are not limited to:

- Massaging a person's neck or shoulders
- Touching a person's clothing, hair, or body
- Hugging, kissing, patting, or stroking a person's body
- Making sexual gestures with hands or body movements, touching or rubbing oneself in a sexual manner around, or in the view of another person
- Brushing up against another person
- Tearing, pulling, or yanking a person's clothing
- Sexual flirtation, advances or propositions for sexual activity, or repeatedly asking for a date from a person who has indicated he or she is not interested
- Discussing or about sexual fantasies, preferences, or history
- Verbal abuse of a sexual nature
- Suggestive comments and sexually explicit jokes, or turning discussions at work or in academic or living settings to sexual topics when not legitimately related to an academic matter
- Stating, indicating, or implying in any manner that benefits will be gained or lost based on response to sexual advances
- Staring repeatedly at someone; repeatedly watching someone from afar
- Blocking another person's path or otherwise restricting their movements, particularly when in conjunction with other acts or comments
- Invading a person's personal body space, such as standing closer than appropriate
- Looking a person up and down in a suggestive or intimidating manner
- Making sounds such as smacking or licking lips, making kissing sounds, or whistling
- Letters, gifts, or materials of a sexual nature, including but not limited to typed or handwritten notes, email, instant messages, text messages, online postings, etc.

In determining whether behavior creates a hostile environment, the Institute will consider the conduct in question from both an objective (reasonable person) and a subjective perspective.¹⁰ Sexual harassment does not need to be related to sexual or amorous behavior. Behavior based on gender stereotypes or derogatory comments based on sex, gender, gender identity, or sexual orientation may also constitute sexual harassment.

5. Advocating or Inciting Sexual Violence: Examples may include, but are not limited

¹⁰ *Id.*

to:

- Using cheers, chants, or slogans that incite or are likely to incite sexual violence
- Encouraging individuals to engage in acts of sexual violence
- Knowingly assisting in a violation of this Policy

6. Intimidation: Intentionally using one's physical presence to menace another, although no physical contact occurs, or where a person's knowledge of prior violent behavior by an assailant (coupled with menacing behavior) places this person in reasonable fear as an implied threat. Examples may include, but are not limited to:

- Restricting or blocking an entry or exit
- Destroying or threatening to destroy property
- Displaying weapons
- Using or threatening physical force

7. Coercion: The intentional use of force or intimidation (e.g., threats) to obtain compliance for an otherwise unwanted act. Coercion may be determined by the repetition of the activity beyond what is reasonable, the degree of pressure applied, or environmental factors such as isolation or the initiator's knowledge of incapacitation by alcohol and/or other drugs. Examples may include, but are not limited to:

- Repeatedly providing alcohol drinks to a victim or potential victim
- Isolating a victim or potential victim
- Providing false information to entice a victim or potential victim

8. Stalking: Engaging in behaviors directed at a specific person that result in that person: being reasonably afraid for his/her safety or the safety of others, and/or having to alter his/her activities, and/or suffering substantial emotional distress. Examples include, but are not limited to:

- Following or spying on another individual
- Watching another individual from afar
- Waiting for outside or inside the places another individual frequents, such as residence hall, classes, or work
- Unsolicited phone calls
- Unsolicited messages (i.e. e-mails, instant messages, text messages or letters, etc.)
- Placing another individual under surveillance

~~**9. Intimate Partner Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Factors used to determine existence of such a relationship include length of the relationship, type of relationship and frequency of interaction between the persons involved in the relationship. Violence committed by a current or former spouse of the victim, by a~~

~~person whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse is also included. Examples include but are not limited to the following:~~

- ~~• Threats~~
- ~~• Assault~~
- ~~• Property damage~~
- ~~• Violence or threat of violence to one's self, one's sexual or romantic partner, or to the family members of the sexual or romantic partner~~
- ~~• Actions or threats used as a method of coercion, control, punishment, intimidation, or revenge~~
- ~~• Kidnapping or confinement~~

9. Domestic Violence: A pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.¹¹

10. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Victim. The existence of such a relationship shall be determined based on a consideration of the following factors: (a) the length of the relationship, (b) the types of relationship, and (c) the frequency of interaction between the persons involved in the relationship.¹²

11. Special Considerations:

For Students:

In an investigation of a student for Prohibited Conduct, the Student Conduct Administrator reserves the right to include policy violation(s) from the Student Code of Conduct in the charges against the Respondent. ~~In those cases, this Policy will be utilized to determine responsibility, not those provisions outlined in the Code of Conduct.~~

For Employees:

- The policies of the Board of Regents provide that an Institute employee (including a student employee) is prohibited from having an amorous relationship with any student who the employee supervises, teaches, or evaluates in any way. Board of Regents policies also prohibit a University System of Georgia employee from having an amorous relationship with any other employee if either employee supervises, evaluates, or in any other way directly affects the terms or conditions of the other's employment. Any individual who violates these policies is subject to

¹¹ This is the U.S. Department of Justice's definition of domestic violence. See <http://www.justice.gov/ovw/domestic-violence>.

¹² This is the U.S. Department of Justice's definition of dating violence. See <http://www.justice.gov/ovw/dating-violence>.

disciplinary action commensurate with the offense, up to and including termination.¹³

- Georgia Tech is committed to the principles of free inquiry and expression. Vigorous discussion and debate are fundamental to this commitment, and this Policy is not intended to restrict teaching methods or freedom of expression, nor will it be permitted to do so. Offensiveness of conduct, standing alone, is not sufficient for the conduct to constitute Prohibited Conduct. The conduct in question must be sufficiently serious as to interfere with an individual's ability to participate in employment or educational programs and activities. Prohibited Conduct under this Policy is not a proper exercise of academic freedom and may not be legally protected expression. On the contrary, Prohibited Conduct compromises the Institute's integrity, as well as its tradition of intellectual freedom.¹⁴

C. RETALIATION

The Institute **does not retaliate and** will not tolerate retaliation against anyone who **reports or** makes a complaint of Prohibited Conduct, whether reported to the Institute or an external agency, or against anyone who exercises their rights or responsibilities under this Policy. If any party involved in the incident or conduct process retaliates in any way against a Victim, informant, witness, or others involved in the investigation, he or she may be subject to additional disciplinary action.

D. SEXUAL MISCONDUCT POLICY INVESTIGATION PROCEDURES

1. Case Referrals

Any person may file a complaint with the Institute for allegations of **Prohibited Conduct a violation of the Sexual Misconduct Policy**. When an allegation of Prohibited Conduct is referred to the Office of Student ~~Conduct~~ Integrity (OSI), ~~the Title IX Coordinator, or~~ **the Office of Human Resources, or the Office of Academic Affairs**, the Institute will investigate the incident to the extent possible.

2. Communication

All communication (requests for meetings, notifications, notice of hearings, etc.) will be provided via official Institute e-mail addresses, when possible, as defined by the **Institute's** Office of Information Technology. If the Victim or Respondent is not currently **employed or** enrolled and an alternate e-mail address has been provided, it will be utilized. If no e-mail address is available, correspondences will be sent via U.S. Postal Service to the last known address on file with the Registrar, **the Office of Human Resources, or the Office of Academic Affairs**.

Investigations will proceed with reasonable measures taken to limit the number of

¹³ BoR Policy 8.2.23.

¹⁴ From the University of North Carolina's *Policy on Prohibited Discrimination, Harassment, and Related Conduct*, p. 16.

people with whom the Respondent and the Victim must share the details of the complaint. Efforts will be made during the conduct process to minimize interaction between the Respondent and the Victim.

If the Institute finds that a complaint made under this policy is without merit, the Institute will use reasonable efforts to ameliorate any reputational or other damage caused to a Respondent.

3. Confidentiality

Although the Institute's goal is to limit the number of individuals who may learn about an allegation of Prohibited Conduct or an investigation, the Institute cannot guarantee confidentiality in all cases. However, The Institute will make reasonable and appropriate efforts to preserve a Victim's and Respondent's privacy and to protect the confidentiality of information. In some cases, the Institute's obligation to provide a safe environment free from sex discrimination may override a Victim's or other party's interest in confidentiality. The determination whether the Institute is able to honor a request for confidentiality shall be made by the Title IX Coordinator after consultation with other appropriate Institute officials.¹⁵ To the extent permissible by law, the Institute shall take reasonable steps to avoid inclusion of identifying information about the Victim or Respondent from publicly available records.

4. Rights of the Victim & Respondent

- To have any and all acts of Prohibited Conduct handled with seriousness, dignity, and respect.
- To receive information outlining the campus procedures regarding Prohibited Conduct.
- To receive information about options ~~to report~~ for reporting Prohibited Conduct (e.g., campus and/or local police, the Title IX Coordinator, the Office of Student Integrity, the Office of Human Resources, and the confidential reporting form) and assistance from Advocates if requested.
- To receive a prompt, fair, and impartial investigation and resolution.
- In cases involving charges of Sexual Assault or Sexual Violence lodged against a student or employee, each party shall:
 - i. have an equal opportunity to present witnesses and other evidence.¹⁶
 - ii. have the investigation, resolution, and appeal process be carried out by those who have received annual training on the issues related to intimate partner domestic and dating violence, sexual assault and sexual violence, and stalking, and how to conduct a sexual misconduct investigation, resolution, and appeal process that protects the safety of Victims, maintains fairness/impartiality for Respondents, and promotes student

¹⁵ OCR FAQ C-5 at p. 13 (the policy "should also explicitly include the following in writing: ... (4) identification of the employee or employees responsible for evaluating requests for confidentiality").

¹⁶ OCR FAQ F-1 at p. 25 ("In all cases, a school's Title IX investigation must ... include the opportunity for both parties to present witnesses and other evidence.") See also Princeton Univ. Resolution Letter at p. 10.

- accountability.
- iii. be informed of the date and location of any meetings involved in the investigation and resolution process.
- iv. ~~receive seek~~ information or updates from ~~OSI~~ at any point throughout the investigation and resolution process.
- v. have an Advisor of ~~one's his or her~~ choice present during any meetings and proceedings involved in the investigation and resolution process.
- vi. be informed in writing of any policies alleged to have been violated in association with the incident.
- vii. have the opportunity to provide information regarding his or her involvement in the allegation.
- viii. be informed of the outcome in writing of any campus disciplinary proceeding.
- ix. be notified of options ~~regarding Interim Protective Measures after the filing of a complaint. and offered assistance in changing academic, living, transportation, working situations if requested and as long as the changes are available.~~ The ~~Office of the Dean of Students, in particular the Women's Resource Center Title IX Coordinator~~¹⁷ will work with ~~students parties~~ requesting ~~these services~~ Interim Protective Measures.
- x. receive ~~meaningful~~ support services (i.e. campus counseling, medical assistance).
- xi. ~~not Not to~~ have mediation imposed as a resolution process. (~~Mediation is never appropriate in cases involving sexual assault or violence~~).¹⁸
- xii. ~~Have the right to appeal the outcome in accordance with Section E: Appeals below~~ applicable procedures.
- xiii. Be informed in writing of any change to the outcome due to appeal, and when the outcome becomes final.

5. Investigation & Resolution Process

An investigation begins when a complaint is received by the ~~Title IX Coordinator, a Deputy Title IX Coordinator, the Office of Student Integrity, the Office of Human Resources, or the Office of Academic Affairs~~. The Investigation and Resolution process utilizes an investigatory model, not an adversarial model, in resolving allegations of violations of this policy. The standard of proof shall be Preponderance of the Evidence. During the investigation ~~of a student complaint~~, a ~~student~~ should continue to attend class and required Institute functions unless otherwise instructed by the Dean of Students. ~~During an investigation involving an employee, the employee should continue to report to the employee's place of duty unless otherwise instructed by the employee's supervisor~~. The investigation and resolution process are as follows:

¹⁷ In the resolution of the Ohio State Complaint, OCR required that the Title IX Coordinator be the sole official responsible for designating interim protective measures "so that complainants are not required to arrange such measures by themselves through multiple University departments and offices..." OSU Letter at p. 28.

¹⁸ See Princeton Univ. Resolution Letter at p. 6 ("OCR recommends that [institutions] clarify in their grievance procedures that mediation will not be used to resolve sexual assault/violence complaints.").

a. Investigation

After ~~OSI receives~~ a complaint or report is received, the Institute will appoint an investigator to conduct an investigation of the matter. The investigator, who will be thoroughly trained in the conduct of sexual misconduct investigations, may or may not be an employee of the Institute. ~~the Student Conduct Administrator will initiate an investigation by contacting~~ The investigator will contact all involved parties to schedule an individual meeting or provide a statement in writing detailing the events of the incident in question. The length of time of the investigation stage is dependent on the complexity of the incident and number of individuals involved.

Any person who believes that an investigator acting on behalf of the Institute is biased, not sufficiently objective, or has a conflict of interest shall immediately inform the Title IX Coordinator.¹⁹

No-Contact Order: Upon receipt of a report of Prohibited Conduct, the Office of Student Integrity may issue a no-contact order to students involved in a case. ~~The A~~ no-contact order prohibits communication between/among the parties including but not limited to: contact by telephone, email, hand-written note, instant messaging, text messaging, online postings/message boards, through a third person, or in person. This includes any email or message accounts that are affiliated with the parties' identities. If any party violates the no-contact order, the ~~Office of Student Integrity~~ may pursue additional disciplinary action. In certain circumstances, the Dean of Students may also impose an Interim Suspension ~~of a student~~ in accordance with Section F in the Code of Conduct ~~and, in appropriate circumstances, an employee may be suspended in accordance with Institute procedures.~~

Timeframe: Investigations of these cases will be completed as quickly as possible and all reasonable attempts will be made to comply with the Title IX timeline of a 60 day resolution. The length of the resolution process will depend upon the complexity of the case.

In any hearing for a violation of this policy, neither the Victim nor the Respondent shall directly confront or cross-examine the other, though questions may be forwarded to the presiding officer by either party for presentation to the other party. In addition, evidence about a Victim's prior sexual conduct with anyone other than the Respondent shall not be considered.²⁰

b. Determination and Appeals of Charges Made Against Non-Students

Charges made against non-students shall be investigated and determined under the Institute's Equal Opportunity Complaint Policy. Appeals of determinations made against faculty and staff shall be governed by the Institute's Discipline Appeals Policy (for staff) or policies governing the Institute's Faculty Status and Grievance Committee (for faculty). Notwithstanding anything to the contrary in such policies, in cases involving

¹⁹ OCR FAQ F-1 at p. 25. ("In all cases, a school's Title IX investigation must be adequate, reliable, *impartial*, and prompt") (emphasis added).

²⁰ OCR FAQ F-7 at p. 31 ("Questioning about the complainant's sexual history with anyone other than the alleged perpetrator should not be permitted.").

sexual assault, the Respondent and/ the Victim shall have equal rights to appeal determinations made about a party's responsibility for violating this Policy or about sanctions imposed for any such violation.²¹

c. Determination and Appeals of Charges Made Against Students

Charges made against Georgia Tech students shall be investigated and determined under the Student Code of Conduct. Any appeals of determinations made against students shall likewise be governed by the Student Code of Conduct. In all cases involving sexual assault, the Respondent and/ the Victim shall have equal rights to appeal determinations made about a student's responsibility for violating this Policy or about sanctions imposed for any such violation.²²

d. Board of Regents

The Board of Regents of the University System of Georgia (the "Board") is the final appellate authority for any discipline imposed for violation of this policy. Should the Respondent and/or Victim be dissatisfied with the decision of the Institute President, he/she may apply to the Board for a review of the decision. The application for review shall be submitted in writing to the **executive** Secretary of the Board within the period specified by the Board of Regents. Decisions of the Board of Regents will be communicated simultaneously to the Victim and Respondent in accordance with the communication guidelines ~~in Section D.2 above~~.

!! [[Provisions regarding "Sanctions & Supplementary Requirements" (including "First Considered Sanctions"), "Appeals", and "Recordkeeping and Release of Information" have been removed as they will be contained in the Student Code of Conduct.]]

E. RESOURCES

When sexual activity is not consensual, the aftermath can be devastating to the individuals involved as well as the community. Given the impact on **members of the Georgia Tech community students**, the Institute takes sexual assault and sexual misconduct, sexual harassment, stalking, intimate partner and dating violence seriously and actively works to end it on campus through prevention, advocacy, and educational programs for all incoming students and new employees, as well as ongoing prevention and awareness campaigns for current students and employees. This coordinated effort is called VOICE, a campus-wide prevention program jointly administered through the efforts of the Women's Resource Center, a unit of the Office of the Dean of Students, and Health Promotion, a unit of Stamps Health Services. For more information about VOICE, visit www.voice.gatech.edu.

There are several **basic** reporting options, depending on whether the Victim wishes to file a confidential report with the Women's Resource Center, pursue a Georgia Tech investigation **with the Offices of Human Resources** or the Office of Student Integrity, or

²¹ OCR FAQ I-1 at p. 37 ("If a school chooses to provide for an appeal of the findings or remedy or both, it must do so equally for both parties").

²² *Id.*

seek a criminal investigation with the assistance of Georgia Tech Police Department.

To file a confidential report:

- ~~The~~ A student Victim may file a confidential report with the Office of the Dean of Students (excluding the Office of Student Integrity), Women's Resource Center, Health Promotion, the Department of Housing, or the Institute's Sexual Misconduct Advocate. All non-student Victims may file confidential reports with licensed professional counsellors and faith-based counsellors to whom communications are privileged under Georgia law. Any member of the Institute community may report a violation of this policy, with or without personally identifiable information, to the Georgia Tech Police for inclusion in the Institute's Annual Security Report.
- In this case, general information is collected for campus safety statistics and the case is referred to the Institute's Title IX Coordinator to investigate to the extent possible given the information provided.
- If information is provided that would identify the Respondent, the Institute's Title IX Coordinator will use that information to investigate the case. Examples of identifying information include, but are not limited to: name, email account, apartment or room number, job title (i.e. TA for particular class, etc.), and/or a specific description.

To pursue an Office of Student Integrity investigation:

- If the Respondent is a student, the Victim may report the violation in writing or in person to the Office of Student Integrity (OSI) or to the Title IX Coordinator or Deputy Coordinators to begin the investigation. A Victim may also report a violation to any other Responsible Employee of the Institute, as defined in this policy.²³ Upon the report of a violation, the Responsible Employee will inform the Victim of:
 - the Responsible Employee's obligation to report the alleged violation to the Title IX Coordinator; and
 - the Victim's option to request confidentiality and available confidential advocacy, counseling, and other support services; and
 - the Victim's right to file a complaint with the Institute and to report a crime to Georgia Tech and/or local police.
- To prepare for the official conduct process, students are encouraged to meet with a staff member of the Office of the Dean of Students (including the Women's Resource Center) prior to making the official complaint with the Office of Student Integrity.
- ~~If the Respondent is a faculty or staff member, the Georgia Tech Policy on Student~~

²³ OCR FAQ A-4 at p. 2. ("OCR deems a school to have notice of student-on-student sexual violence if a responsible employee knew, or in the exercise of reasonable care should have known, about the sexual violence").

~~Sexual Misconduct does not apply. However, the Victim may file a report with the Office of the Dean of Students (including the Women's Resource Center) or the Office of Compliance Programs to be investigated by the Office of Human Resources and the Institute's Title IX Coordinator.~~

- Victims are encouraged to report as soon as possible. However, the **Office of Student Integrity Institute** will review all complaints of Prohibited Conduct.

To pursue an Institute investigation of a non-student:

- If the Respondent is an employee, visitor or contractor of the Institute, the Victim may report the violation in writing or in person **to the Office of Human Resources** or to the Title IX Coordinator or Deputy Coordinators to begin the investigation. **A Victim may also report a violation to any other Responsible Employee of the Institute, as defined in this policy.** Upon the report of a violation, the Responsible Employee will inform the Victim of:

- the Responsible Employee's obligation to report the alleged violation to the Title IX Coordinator; and

- the Victim's option to request confidentiality and available confidential advocacy, counseling, and other support services; and

- the Victim's right to file a complaint with the Institute and to report a crime to Georgia Tech and/or local police.

- ~~• To prepare for the official conduct process, students are encouraged to meet with a staff member of the Office of the Dean of Students (including the Women's Resource Center) prior to making the official complaint with the Office of Student Integrity.~~

- If the Respondent is a faculty or staff member **and the Victim is a student, the Georgia Tech Policy on Student Sexual Misconduct does not apply. However,** the Victim may file a report with the Office of the Dean of Students (including the Women's Resource Center) **or the Office of Compliance Programs** to be investigated by the Office of Human Resources and the Institute's Title IX Coordinator.

- Victims are encouraged to report as soon as possible. However, the Office of Student Integrity Institute will review all complaints of Prohibited Conduct.

To seek a criminal investigation:

- The Victim may file a report with Georgia Tech Police Department or local police for a criminal investigation, which may be sought in conjunction with a Georgia Tech investigation.

- Reports to Georgia Tech Police Department **of misconduct by students** will be shared with the **Title IX Coordinator and the** Office of Student Integrity and will be investigated for violation of this policy or other violations of the Student Code of Conduct.

- **Reports to the Georgia Tech Police Department of misconduct by a non-students will**

be shared with the Title IX Coordinator and the Office of Human Resources for appropriate action.

- The Office of the Dean of Students (including the Women's Resource Center) can provide to a student Victim an Advocate to assist with reporting to Georgia Tech Police Department or local police.

A Victim may also choose not to file any report. In that case, a Victim can still receive support services.

As required by the Clery Act (Campus Crime Statistics Act), all members of the Institute community (excluding privileged sources) who are notified of Prohibited Conduct are required to inform the Georgia Tech Police Department for the matter to be included in campus crime statistics. Typically, the following information is included: crime, date, location, and status (e.g., student faculty staff, stranger) of the individuals involved in the crime. The names of accusers and accused are not included in crime statistics.

To encourage the reporting of sexual misconduct, the Institute offers immunity from disciplinary action for lesser violations of the Student Code of Conduct that a reporting student may have committed. The Institute may provide referrals to counseling and may require educational (rather than disciplinary) sanctions for such lesser offenses. This grant of immunity is not available to any student accused of encouraging or voluntarily participating in the reported sexual misconduct.

When a sexual assault has occurred, it is important for the victim to receive medical attention within the first 72 hours. This timeframe allows more options for medical assistance and a greater likelihood of collecting evidence if the victim chooses to report the assault. Medical care is still encouraged after 72 hours if the victim has not yet sought care.

The Georgia Tech Stamps Health Services (including the Primary Care Clinic and Women's Clinic) is available during regular hours for medical assistance and follow-up care. Local rape crisis centers are available for medical and counseling assistance 24 hours a day.

In addition, a counselor and a member of the Office of the Dean of Students staff are on call 24 hours a day. After hours, staff members are available through the Georgia Tech Police Department (404-894-2500); their assistance may be requested without making a police report. Counseling resources are available for all ~~Students~~ persons involved in an incident of sexual misconduct.

Confidential Services on Campus:

Counseling Center: 404-894-2575

www.counseling.gatech.edu

Women's Clinic: 404-894-1434

<http://health.gatech.edu/services/women/Pages/default.aspx>

Stamps Health Services: 404-894-1420

www.health.gatech.edu

Additional Campus Resources:

Office of the Dean of Students: 404-894-2564

www.deanofstudents.gatech.edu

Health Promotion: 404-894-9980

<http://health.gatech.edu/promotion/Pages/default.aspx>

Georgia Tech Police: 404-894-2500

www.police.gatech.edu

Women's Resource Center: 404-385-0230

www.womenscenter.gatech.edu

The Faculty and Staff Assistance Program

Office of Human Resources; 404-894-1225

Title IX Coordinator: 404-385-5151

burnsnewsome@gatech.edu

Deputy Title IX Coordinator for Athletics: 404-

xxx@gatech.edu

Deputy Title IX Coordinator for Faculty: 404-

xxx@gatech.edu

Deputy Title IX Coordinator for Students: 404-

xxx@gatech.edu

Deputy Title IX Coordinator for Personnel: 404-

xxx@gatech.edu

Off-Campus Rape Crisis/Domestic Violence Resources:

DeKalb Rape Crisis Center: 404-377-1428

www.dekalbrapecrisiscenter.org

GNESA: 404-815-5261

www.gnesa.org

Grady Rape Crisis Center: 404-616-4861

www.gradyhealthsystem.org

Partnership Against Domestic Violence: 404-873-1766

www.padv.org

Raksha: 1-866-725-7423

www.raksha.org

RAINN: 1-800-656-HOPE

www.rainn.org

Stalking Hotline (Safe Horizon): 1-866-689-HELP

www.safehorizon.org

Tapestri: 404-299-2185

www.tapestri.org

United for Safety: 404-688-2524

<http://thehealthinitiative.org/programs-resources/programming/united4safety/>

The most up-to-date campus and community resource information is available at www.voice.gatech.edu or by contacting the Women's Resource Center at (404) 894-0230 or www.womenscenter.gatech.edu or Health Promotion at (404) 894-9980 or www.health.gatech.edu.

F. REFERENCES

- Computer Use and Network Policy:
- <http://www.policylibrary.gatech.edu/computer-and-network-usage-and-security>
- Office of the Dean of Students:
- www.deanofstudents.gatech.edu
- Office of Student Integrity:
- www.osi.gatech.edu/index.php/
- [Faculty and Staff Assistance Program](#)
- www.ohr.gatech.edu/worklife/fsap
- [Title IX Coordinator](#)
- www.appropriatewebaddress.edu
- Crime Awareness and Campus Security Act (Title II of Public Law 101-542):
- <http://www.ed.gov/admins/lead/safety/campus.html>

The following policies can be found on the OSI Web site:

- Student Code of Conduct
- Student Policy on Alcohol and Illegal Drugs

Note: Many aspects of the policy and definitions have been used and adapted with permission from [the University of North Carolina](#), the University of Colorado-Boulder and from Brett Sokolow, J.D. and the National Center for Higher Education Risk Management, Ltd.

APPENDIX B

Georgia Tech Student Code of Conduct

- A. General
- B. Prohibited Academic Conduct
- C. Prohibited Non-Academic Conduct
- D. Student Code of Conduct Procedures
- E. Sanctions
- F. Interim Suspension
- G. Appeal Procedures
- H. Record Keeping and Release of Information
- I. References

A. GENERAL

1. Purpose

The Student Code of Conduct educates all members of the Georgia Tech Community about the Institute's expectations and Students' rights, and creates a standard by which Students are expected to conduct themselves for the purpose of establishing an environment conducive to academic excellence.

2. Definitions

When used in this Code:

"Accused" means a Student, Group, or Organization who is alleged to be in violation of the Student Code of Conduct.

"Administrative Conference" refers to the meeting between the Accused and the Student Conduct Administrator that occurs during an investigation. An Administrative Resolution may be offered during this conference.

"Administrative Resolution" refers to a decision by a Student Conduct Administrator that will result in the Accused either being found responsible or not for the alleged violation.

"Advisor" refers to an individual who assists a participant with the Student Conduct process. Attorneys at law are not allowed to serve as Advisors to Complainant(s) or Accused(s) unless the Student or Students are subject to criminal prosecution or the parent/legal guardian is the attorney.

"Appellate Officer" means the person authorized by the Institute to consider an appeal of a disciplinary decision rendered by a Student Conduct Administrator, a Student Conduct Panel, or the Dean of Students.

“Business day” means any day in which the Institute is open for its full hours of operation, in accordance with the Institute’s official calendars. All campuses will follow their respective calendars. When an authorized Institute Official closes the Institute, it will not be considered an official business day.

“Chairperson” means a member of a Student Conduct Panel who is identified by the Institute to oversee the proceedings during a hearing.

”Complainant” means any person who submits a complaint to OSI alleging that a Student or Organization violated the Student Code of Conduct, or anyone who has been affected by the alleged misconduct.

“Community” includes any Student, Faculty member, Institute Official, or any other person employed by the Institute. A person’s status in a particular situation shall be determined by the Dean of Students.

“Faculty Member” means any person hired by the Institute to conduct classroom, teaching, or research activities or who is otherwise considered by the Institute to be a member of its Faculty, except as otherwise provided in Section D.5.c.

“First Considered Sanction” means that, in cases alleging a violation of the Institute’s Sexual Harassment and Misconduct Policy, the Student Conduct Administrator or Appellate Officer(s) must consider this sanction prior to any other sanction(s). If it is decided that a First Considered Sanction is not appropriate, a rationale must be provided in the written outcome identifying why another sanction(s) was implemented.

"Group" means a number of persons who are associated with each other, but who have not complied with Institute requirements for registration as an Organization.

"Group or Organization Activity" means any activity on or off Institute Premises that is directly initiated for, or supervised by a Group or Organization including any individual activity occurring in buildings, facilities, grounds, utilities, or resources (including computer resources) owned, leased, operated, controlled, or supervised by an Institute Organization.

“Hazing” is conduct, whether on or off Institute property, which exceeds the normal expectations of the organizational purpose or mission and which a) endangers the mental or physical health or safety of a student as a condition of affiliation with a group or organization and/or b) which is sufficiently severe or pervasive enough to interfere with academic responsibilities.

“Information” means any Witness testimony, documents, statements, or tangible material presented to a Student Conduct Administrator or Student Conduct Panel.

"Institute" and "Georgia Tech" each refer to the Georgia Institute of Technology and all of its undergraduate, graduate, and professional schools, divisions, and programs.

"Institute Official" is defined as faculty, administration, or staff personnel including Students serving as Institute employees.

"Institute Premises" includes all land buildings, facilities, grounds, utilities, resources, and other property (including computer resources) in the possession of, or owned, operated, leased, controlled, or supervised by the Institute (including adjacent streets and sidewalks).

"Interim Protective Measures" are accommodations or changes to a student's academic, living, or work environment before the final outcome of an investigation to ensure equal access to the Institute's education and employment programs and activities, and to protect an alleged victim, as necessary. Interim protective measures may be available whether or not formal resolution is used. Interim measures may continue past the duration of an investigation as deemed appropriate by the Institute. Interim protective measures may include (but are not limited to): an order not to contact (an) individual(s), victim advocacy, housing assistance or relocation, counseling, health services, safety resources, academic support, changes in a person's work or study location or schedule, and alterations to financial aid.

"May" is used in the permissive sense.

"Office of Student Integrity" or "OSI" means the office designated by the Institute to oversee the Student Code of Conduct.

"Organization" means a number of persons who have complied with, or are in process of complying with the requirements for chartering.

"Policy" or "Policies" means any written rule or regulation of the Institute.

"Preponderance of the Evidence" means it is more likely than not that the Accused is responsible for a violation of the Student Code of Conduct.

"President" means Georgia Institute of Technology or his/her designee.

"Sanction" and "Supplementary Requirements" means the conditions imposed upon an Accused found responsible for a violation of the Student Code of Conduct.

"Student" means any person who is taking or auditing classes of the Institute, either full-time or part-time; is participating in academic programs; or is pursuing undergraduate, graduate, or professional studies. A Student is also any person who matriculates in any Institute program, has been accepted for enrollment, or is eligible to reenroll without applying for readmission.

"Student Conduct Administrator" means an Institute Official authorized on a case-by-case basis by the Dean of Students to impose Sanctions upon any Student(s) found to have violated the Student Code of Conduct.

“Student Conduct Panel” means a set of persons authorized by the Institute to determine whether the Accused has violated the Student Code of Conduct. In academic cases, the Panel makes a decision to be implemented by OSI. In non-academic cases, the Panel recommends a decision and Sanctions, if applicable, to the Director of Student Integrity.

"Weapon" means any object or substance designed, intended, or used to inflict or threaten bodily injury.

"Will" and "shall" are used in the imperative sense.

“Witness” is defined as a person providing Information during the Conduct process.

3. Authority

a. This Code is not written with the specificity of a criminal statute and should not be confused with criminal law. Institute conduct proceedings are not restricted by the rules of evidence governing criminal and civil proceedings. Students may be held accountable both to civil authorities and the Institute for acts that constitute violations of law and the Code. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Students who reside in Institute housing will be held accountable under housing policies and procedures in addition to this Code.

b. OSI shall develop consistent operating procedures for the administration of the Student Code of Conduct process and for the conduct of Student Conduct Panel hearings.

c. Interpretation of the Student Code of Conduct is held by the Dean of Students.

4. Jurisdiction

a. The Institute reserves the right to take necessary and appropriate action to protect the safety and well-being of the community. Academic misconduct relevant to any Institute activity will be addressed regardless of where it may have occurred. Non-academic misconduct will be addressed whenever such acts:

- i. occur on Institute Premises; or
- ii. occur at Institute sponsored activities; or
- iii. occur at Group or Organization Activities; or
- iv. occur off Institute Premises when conduct adversely affects the Institute and/or the pursuit of its objectives.

b. Each Student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree. This includes conduct that may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Code shall apply to a Student’s conduct even if the Student withdraws from school while a disciplinary matter is pending. The Code applies to Institute programs in remote and overseas locations.

c. The Institute shall retain jurisdiction over all Students irrespective of when the Student is subject to tenets of an agreement with other schools.

5. Inappropriate Classroom Behavior

The primary responsibility for managing the classroom environment rests with the instructor. Students who engage in any acts that result in disruption of a class may be directed by the instructor to leave the class for the remainder of the class period. Longer suspensions from a class can be administered only by the Dean of Students in accordance with this Code.

6. Student Organizational Discipline

Student Organizations are accountable to this Code. A Student Organization and its officers may be held collectively and individually responsible when violations of this Code by those associated with the Organization have received the consent or encouragement of the Organization, or of the Organization's leaders or officers.

B. PROHIBITED ACADEMIC CONDUCT

Any Student accused of committing or attempting to commit one or more of the following acts of academic misconduct is subject to conduct procedures in accordance with Section D.

1. Unauthorized Access: Possessing, using, or exchanging improperly acquired written or verbal information in the preparation of a problem set, laboratory report, essay, examination, or other academic assignment.

2. Unauthorized Collaboration: Unauthorized interaction with another Student or Students in the fulfillment of academic requirements.

3. Plagiarism: Submission of material that is wholly or substantially identical to that created or published by another person or persons, without adequate credit notations indicating the authorship.

4. False Claims of Performance: False claims for work that has been submitted by a Student.

5. Grade Alteration: Alteration of any academic grade or rating so as to obtain unearned academic credit.

6. Deliberate Falsification: Deliberate falsification of a written or verbal statement of fact to a Faculty member and/or Institute Official, so as to obtain unearned academic credit.

7. Forgery: Forgery, alteration, or misuse of any Institute document relating to the academic status of the Student.

8. Distortion: Any act that distorts, or could distort grades or other academic records.

9. Intellectual Property: The unauthorized use of an instructor's intellectual property, including marketing and selling, is prohibited (such properties may include power point presentations, lecture notes (any media), examination questions, study guides, etc.).

C. PROHIBITED NON-ACADEMIC CONDUCT

Any Student accused of committing or attempting to commit one or more of the following acts of non-academic misconduct is subject to conduct procedures in accordance with Section D. Any Student Organization accused of committing or attempting to commit one or more of the following acts of non-academic misconduct is subject to conduct procedures in accordance with the Addendum "Student Organization Code of Conduct Procedures."

1. Alcohol violations including, but not limited to:
 - a. Underage use or possession of alcohol.
 - b. Possession or consumption of alcohol in an unauthorized area.
 - c. Use or possession of fake identification.
 - d. Distribution of alcohol to underage person(s).
 - e. Behavior, while under the influence of alcohol that endangers any person.
 - f. Disorderly conduct associated with the use of alcoholic beverages.
2. Illegal drugs and other substance violations including, but not limited to:
 - a. Use or possession of illegal drugs (without valid medical or dental prescription).
 - b. Behavior, while under the influence of illegal drugs, that endangers any person.
 - c. Manufacturing, furnishing, selling, or distributing of any narcotic or dangerous drug controlled by law.
 - d. Disorderly conduct associated with the use of illegal drugs.
3. Unjustifiably pushing, striking, or otherwise intentionally causing reasonable apprehension of such harm to any person.
4. Disorderly conduct including, but not limited to:
 - a. Boisterousness, rowdiness, obscene, or indecent conduct or appearance.
 - b. Obstruction or disruption of teaching, research, administration, or other Institute activities, including its public service functions or other authorized activities.
 - c. Breach of the peace.
5. Behavior that endangers any person(s), including self.

6. Unauthorized use of Institute facilities or premises including:
 - a. Unauthorized entry into any Institute Premises or remaining without permission in any building after normal closing hours.
 - b. Possessing, using, making, or causing to be made any key or other means of access to any Institute Premises without proper authorization.
7. Furnishing false information to any Institute Official.
8. Forgery, alteration, replication, or misuse of any document, record, or identification upon which the Institute relies, regardless of the medium.
9. "Hazing" is conduct, whether on or off Institute property, which exceeds the normal expectations of the organizational purpose or mission and which a) endangers the mental or physical health or safety of a student as a condition of affiliation with a group or organization and/or b) which is sufficiently severe or pervasive enough to interfere with academic responsibilities.
10. Safety violations, including, but not limited to:
 - a. Intentionally initiating or causing to be initiated any false reporting, warning or threat of fire, explosion, or other emergency.
 - b. Tampering with safety devices or other emergency, safety, or firefighting equipment.
 - c. Setting or attempting to set an unauthorized fire.
 - d. Unauthorized possession of fireworks, firearms, and/or ammunition.
 - e. Unauthorized possession of weapons and/or dangerous materials or chemicals.
 - f. Unauthorized sale, possession, furnishing, or use of any bomb or explosive or incendiary device.
11. Theft and/or unauthorized possession or use of property or services belonging to the Institute, another person, or any other entity.
12. Malicious or unauthorized damage to or destruction of Institute property or property belonging to another.
13. Illegal gambling, including online gambling.
14. Failure to return or submit property or records of the Institute within the time prescribed by the Institute.
15. Acting with any other person to perform an unlawful act or to violate an Institute regulation or Policy.
16. Failure to comply with instructions or a directive of any properly identified Institute Official while that person is acting in the performance of his/her duties.
17. Abuse of the Student Code of Conduct Procedures including, but not limited to:

- a. Failure to cooperate with the investigation, resolution, and procedures of the Student Code of Conduct.
- b. Falsification, distortion, or misrepresentation of Information before a Student Conduct Administrator or Student Conduct Panel.
- c. Disruption or interference with the orderly conduct of an Administrative Conference and/or a Student Conduct Panel proceeding.
- d. Attempting to influence the impartiality of a Student Conduct Administrator and/or a member of a Student Conduct Panel at any point in the Student Conduct process.
- e. Failure to comply with the Sanction and/or Supplementary Requirements imposed under the Student Code of Conduct.
- f. Influencing or attempting to influence another person to commit an abuse of the Student Conduct process.

18. Violation of the Georgia Institute of Technology Computer and Network Usage and Security Policy.

19. Harassing another person including, but not limited to: Placing another person in reasonable fear of his/her personal safety through words or actions directed at that person, or substantially interfering with the working, learning, or living environment of the person.

20. Violation of the Georgia Institute of Technology ~~Student~~ Sexual Harassment & Misconduct Policy

21. Violation of any Georgia Institute of Technology policy, rule or regulation.

22. Violation of any Board of Regent's policy and/or federal, state, or local law.

D. STUDENT CODE OF CONDUCT PROCEDURES

1. Case Referrals

Any person may file a complaint against a Student for violations of the Student Code of Conduct. The complaint shall be prepared in writing and directed to OSI or, in academic cases, the instructor of record may hold a Faculty Conference (see Section D.5.c.). The procedures for filing a complaint can be found on the OSI Web site as listed in Section I. This complaint should be submitted as soon as possible after the event takes place or when it is reasonably discovered, no later than thirty (30) business days following the discovery of the incident. Any supporting documentation related to a submitted case should be forwarded to OSI within ten (10) business days of the original submission or OSI may process the case solely on the original complaint. Resolution to any case should be made within thirty (30) business days of OSI's first request to meet with the Accused. If resolution cannot be reached in thirty (30) business days, OSI will communicate with the accused and complainant during the process. OSI may waive this timeline for extenuating circumstances.

2. Communication

All communication (requests for meetings, notifications, notice of hearings, etc.) will be provided via official Institute e-mail addresses, as defined by the Office of Information Technology. If the Accused is not currently enrolled, the notification will be sent via U.S. Postal Service to the last known address on file with the Registrar.

3. Rights of the Accused

Throughout the Conduct process, the Accused is granted the following rights:

- a. to seek information from a Student Conduct Administrator about the Investigation and Resolution Process;
- b. to be informed of the charge(s) and alleged misconduct upon which the charge is based;
- c. to be informed of the Information upon which a charge is based and afforded an opportunity to offer a relevant response;
- d. to be accompanied by an Advisor of his/her choice;
- e. to remain silent with no inference of responsibility drawn;
- f. to call and question relevant Witnesses;
- g. to present Information in his/her behalf;
- h. to be considered not responsible until proven responsible by a Preponderance of the Evidence;
- i. to be informed of the outcome of the disciplinary proceeding in writing;
- j. to appeal the decision;
- k. to waive any of the above rights;
- l. to have resolution of the case within a reasonable time.

4. Investigation and Resolution Process

The Institute's Conduct process utilizes an investigatory model, not an adversarial model, in resolving allegations of misconduct with the primary goal of uncovering the truth. The standard of proof shall be a Preponderance of the Evidence. An investigation begins when a complaint is forwarded and the case is opened by OSI. During the investigation, a Student should continue to attend class and required Institute functions unless otherwise instructed by the Dean of Students. The investigation and resolution process are as follows:

- a. After OSI receives a complaint, the conduct administrator will review the information to decide what, if any process to initiate. The Student Conduct Administrator will:
 - initiate conduct proceedings by sending the Student a notice;
 - resolve the situation through an informal resolution process including, but not limited to, mediation or a meeting between the Accused and a Student Conduct Administrator or a third party; or
 - determine that the facts of the complaint or report, even if true, would not constitute a violation of policy.

If the Student Conduct Administrator initiates a process, the Accused is formally notified and is requested to contact a Student Conduct Administrator within five (5) business days of the notification to schedule an Administrative Conference. The Accused may submit a list of desired Witnesses to the Student Conduct Administrator no later than 48 hours prior to the Administrative Conference. Should the Accused fail to contact the Student Conduct Administrator within the required time frame, or fail to attend the

Administrative Conference, the Student Conduct Administrator may determine the resolution of the case in the Student's absence, or may refer the case to a Student Conduct Panel.

b. At the Administrative Conference, the Accused is presented with the alleged violation of the Student Code of Conduct, supporting Information and an explanation of his/her rights. The Student will be allowed to designate a preference for a decision to be rendered by the Student Conduct Administrator or by a Student Conduct Panel. Ordinarily, the Student's preference will be honored. However, OSI reserves the right to determine the process to be used based on the circumstances, including but not limited to:

- imminent graduation of the Student;
- end of the semester;
- extraordinary circumstances.

A decision of OSI not to honor the Accused Student's preference will be made in consultation with the Dean of Students, who will make a final determination. The Student's reasons for his/her original preference may be conveyed, either in written or verbal form, to the Dean of Students. If the Student preference is not honored, the rationale for such will be provided to the Student in writing.

c. If the case is adjudicated by the Student Conduct Administrator, the Student Conduct Administrator offers the Accused the opportunity to provide his/her statement regarding the alleged misconduct, supporting Information, and Witnesses. Accused Students may bring an Advisor. However, if the Advisor disrupts the investigation and resolution process, he/she may be asked to leave. The Student Conduct Administrator continues the investigation as necessary by meeting with the Complainant(s) and Witnesses and gathering additional Information. If the Student Conduct Administrator determines that the Witness (including faculty or staff) may have relevant Information, s/he will make a good faith effort to contact such Witnesses to obtain a statement from them. The investigation will be completed in an expeditious fashion. Upon the conclusion of the investigation, the Student Conduct Administrator will render a decision, which will be communicated to the Student via the Student's Institute e-mail address.

d. If the case is to be adjudicated by the Student Conduct Panel, the case shall be referred to the Student Conduct Panel and follow the procedures outlined in Section D.5.b.

5. Forms of Case Resolution

a. Administrative Resolution

The Student Conduct Administrator renders a decision of 1) Not Responsible, which closes the case, or 2) Responsible for one or more violations with an appropriate Sanction, and, as warranted, one or more from among the Supplementary Requirements. The Accused, after being notified of the Student Conduct Administrator's decision, may submit an appeal to the Dean of Students according to appeal procedures described in Section G.

b. Student Conduct Panel

The Student Conduct Panel is convened only when either the Student Conduct Administrator or the Accused elects this form of resolution.

1. Decisions and Sanctions for Academic Cases

The Student Conduct Panel, after convening a hearing, renders a decision of 1) Not Responsible, which closes the case, or 2) Responsible for one or more violations of the Student Code of Conduct with an appropriate Sanction and, as warranted, one or more from among the Supplementary Requirements. The Accused, after being notified of the decision, may submit an appeal to the Dean of Students according to appeal procedures described in Section G. 2. Decisions and Sanctions for Non-academic Cases

The Student Conduct Panel, after convening a hearing, recommends a disciplinary decision to the Director of Student Integrity. The Director of Student Integrity, after reviewing the case, renders a decision of 1) Not Responsible, which closes the case, or 2) Responsible for one or more violations of the Student Code of Conduct with an appropriate Sanction and, as warranted, one or more from among the Supplementary Requirements. The Accused, after being notified of the decision and Sanction, may appeal to the Dean of Students, according to appeal procedures described in Section G. 3. Scheduling of Student Conduct Panel Hearing

After the case is forwarded to a Student Conduct Panel, the Complainant and the Accused will be notified of available dates and times for a hearing. The Accused may indicate preferences from among the available dates and times. These preferences will be considered by OSI if received within three (3) business days of the date the options were presented to the Accused.

This official notice will be provided at least five (5) business days prior to the hearing and will include the time, date, and location of the hearing. In addition, the notice will specify the Complainant(s), Witnesses(s), and nature of the alleged misconduct. The Accused may waive the notification timeline in order to expedite the hearing process. Upon request, the Accused may meet with a Student Conduct Administrator to review Information and hearing procedures.

6. Hearing Participants and Attendees

- Student Conduct Panel hearings shall ordinarily be closed except for the Accused(s), the Complainant(s), Advisor(s), and Witnesses. Exceptions may be made at the discretion of the Chairperson. Witnesses are allowed at the discretion of the Chairperson. The Chairperson may exclude any person, including the Accused, who disrupts a hearing.
- An Accused Student who fails to appear after proper notice will be deemed to have responded "Not Responsible" to the charges against him/her and to have exercised the right to remain silent without prejudice. At the discretion of the Chairperson the hearing may be conducted in the absence of the Student(s) and all the Information regarding the alleged misconduct shall be presented and considered.
- The Complainant(s) and Accused(s) have the right to be accompanied by an Advisor. The Complainant(s) and/or Accused(s) should select an Advisor who

can attend the hearing at the scheduled date and time. Delays are not usually granted due to scheduling conflicts of an Advisor.

- Subject to the Chairperson's control of the hearing, the Complainant(s), Accused(s), and their Advisor(s), shall be allowed to attend the Student Conduct Panel hearing, but not Panel deliberations.
- In Student Conduct Panel hearings involving more than one Accused, OSI may permit the Student Conduct Panel hearings concerning each Student to be conducted either separately or jointly.
- A maximum of two (2) character Witnesses will be allowed in a hearing.

7. Hearing Procedures

- The Chairperson shall exercise control over the proceedings to achieve orderly completion of the hearing.
- Advisors are restricted to private communications with their advisee(s). However, if the Advisor disrupts the investigation and resolution process, he/she may be asked to leave.
- All questions by the Complainant(s) and Accused(s) must be directed to the Chairperson, rather than to the Witness directly. Questions of whether potential Information will be received shall be resolved at the discretion of the Chairperson.
- In addition to the Information provided by OSI, the Student Conduct Panel, at the discretion of the Chairperson, may accept additional pertinent Information and testimony (including impact statements). Any letters of recommendation submitted by the Accused will be admitted for consideration at the discretion of the Chairperson and, if admitted, will be viewed only during Panel deliberations.
- All procedural questions arising during the hearing are subject to the final decision of the Chairperson.
- The Student Conduct Panel's standard of proof shall be a Preponderance of the Evidence.
- The Student Conduct Panel in consultation with OSI, may reasonably accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant(s), Accused(s), and/or Witnesses during the hearing.
- The Student Conduct Panel shall make a recording and/or summary transcription of the proceeding, which will serve as the official record of the hearing. No other recording will be permitted. The Accused or the Complainant may request a copy of the Institute's recording upon payment of the cost to reproduce the recording, or may listen to the original recording in a location designated by OSI at no charge. The record shall be the property of the Institute.

c. Faculty Conference (optional academic case resolution)

A faculty conference is an optional way in which an alleged act of academic misconduct can be resolved.

1. Initiation of Complaint

The Faculty Conference is initiated by the instructor of record, who requests the meeting with the Accused to discuss the alleged misconduct. Should the Accused not choose to participate in a Faculty Conference, the instructor should forward the case to OSI for investigation.

2. Participants

The Faculty Conference involves the instructor of record and the Accused. The Faculty Conference may also involve Witnesses and a representative from OSI if requested by either the instructor or the Accused.

3. Process

During the Faculty Conference, the instructor of record explains the alleged misconduct, supporting Information, and the Rights of the Accused. The Accused has the opportunity to provide 1) his/her response to alleged misconduct, 2) supporting Information, and 3) Witnesses.

4. Conclusion

- If the instructor finds the Accused not responsible, the case is closed.
- If the instructor finds the Accused responsible, but the Accused does not admit responsibility, the instructor forwards the case to OSI for investigation.
- If the instructor finds the Accused responsible, and the Accused acknowledges responsibility, the instructor proposes a Faculty Resolution including 1) a Sanction of Disciplinary Warning, or Disciplinary Probation, 2) a grade penalty, and 3) an educational component.
- If the Accused agrees to the Faculty Resolution, the Faculty Member forwards the resolution to OSI for consideration. OSI will determine if the Accused has prior disciplinary history. If so, in the case will be investigated by OSI, in accordance with Section D.4.
- If the Accused does not agree to the Faculty Resolution, the Faculty Member forwards the case to OSI.

5. Implementation

- The Accused is formally notified of the proposed Faculty Resolution by OSI, according to the communication guidelines in Section D.2.
- The Faculty resolution goes into effect upon delivery unless the Accused requests within five (5) business days that the case be forwarded to OSI for investigation.

b. Alternative Dispute Resolution

At the sole discretion of OSI, cases may be assigned for Alternative Dispute Resolution (ADR). If the ADR is not agreed to by both parties, the remaining forums may adjudicate the case. Results of the ADR proceedings do not result in formal disciplinary records.

8. Special Considerations for Cases Involving Sexual Misconduct

Notwithstanding any of the above procedures, if the Accused is alleged to have violated the Institute's Sexual Harassment & Misconduct Policy, the Accused and the alleged victim shall have the right:

- a. To have the allegations heard and determined by the Student Conduct Administrator and not by a student conduct panel;
- b. to have an equal opportunity to present witnesses and other evidence;
- c. to have the investigation, resolution, and appeal process carried out by those who have received annual training on issues related to intimate partner and dating violence, sexual assault, sexual harassment, and stalking, and how to conduct a sexual misconduct investigation, resolution, and appeal process that protects the safety of victims, maintains fairness and impartiality for the Accused, and promotes student accountability;
- d. to be informed of the date and location of any meetings involved in the investigation and resolution process;
- e. to receive information or updates at any point throughout the investigation and resolution process;
- f. to be informed in writing of any policies alleged to have been violated in association with the charges;
- g. to have the opportunity to provide information regarding his or her involvement in the allegation;
- h. to be informed of the outcome in writing of any campus disciplinary proceeding;
- i. to be notified of options regarding Interim Protective Measures;
- j. to receive meaningful support services;
- k. to not have mediation imposed as a resolution process;
- l. to appeal the outcome in accordance with Section G: Appeals Procedures;
- m. to not be cross-examined by the other party to the proceeding (though questions may be forwarded to the Student Conduct Administrator by either party for presentation to the other);
- n. to not have evidence about prior sexual conduct with anyone other than the other party to the proceeding introduced as evidence; and
- o. to be informed in writing of any change to the outcome due to appeal, and when the outcome becomes final.

E. SANCTIONS

Sanctions are imposed only when the Accused is found responsible for one (1) or more violations of the Student Code of Conduct. Sanctions are determined by the severity of the case and the disciplinary history of the Accused(s). An Accused who is found responsible must be given one of the five (5) Sanctions, listed in Section E1 in ascending order of severity. In addition the Accused may be subject to one or more Supplementary Requirements.

1. Sanction Descriptions

a. Disciplinary Warning

A Disciplinary Warning means that the Student has been found responsible for violating the Institute's Code of Conduct. Any further disciplinary violation may result in disciplinary action up to, and including Expulsion. Disciplinary Warning is officially recorded in the Student's disciplinary file.

b. Disciplinary Probation

Disciplinary Probation means that the Student has been found responsible for violating the Institute's Code of Conduct. Disciplinary Probation is for a specified period of time. Any further disciplinary violation may result in disciplinary action up to, and including Expulsion. Disciplinary Probation is officially recorded in the Student's disciplinary file.

c. Suspension Held in Abeyance

Suspension Held in Abeyance means that the Student has been found responsible for violating the Institute's Code of Conduct. Suspension Held in Abeyance is for a specified period of time. During the time of Suspension Held in Abeyance, involvement at the Institute is restricted to

1) academic activities and

2) non-academic activities specifically approved by the Office of Student Integrity. A Student who is found responsible for violating the Student Code of Conduct while under Suspension Held in Abeyance will be given immediate Suspension or Expulsion.

Suspension Held in Abeyance is officially recorded in the Student's disciplinary file.

d. Suspension

Suspension means that the Student has been found responsible for violating the Institute's Code of Conduct. Suspension is exclusion for a specified period of time from the Institute Premises, and other privileges or activities as determined by the Office of Student Integrity. A suspended Student shall immediately leave campus and cannot re-enter campus without prior approval from the Office of Student Integrity. The Dean of Students will determine when the Accused has met the requirements for readmission. Any further disciplinary violation may result in disciplinary action up to, and including Expulsion. Suspension is officially recorded in the Student's disciplinary file.

e. Expulsion

Expulsion means that the Student has been found responsible for violating the Institute's Code of Conduct. Expulsion is permanent separation and termination of the Accused's status as a Georgia Tech Student, and exclusion from Institute Premises, privileges, and activities. Expulsion is officially recorded in the Student's disciplinary file.

2. Supplementary Requirements

a. Restitution: Payment to the Institute or to an affected party for damages resulting from a violation of the Student Code of Conduct.

b. Fine: A monetary penalty paid to the Institute.

c. Grade Change: Change of grade for the course and/or coursework in which the academic misconduct occurred.

d. Programmatic Requirements: Required completion of designated educational programs (e.g., alcohol, community issues, anger management, assessments, etc.).

e. Restrictions: Exclusion from participation in specified services and activities.

f. Revocation of Admission and/or Degree: Admission to, or a degree awarded from the Institute may be revoked for fraud, misrepresentation, or other violation

of Institute standards in obtaining the degree, or for other serious violations committed by a Student prior to graduation.

g. Withholding Degree: The Institute may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all Sanctions and Supplementary Requirements, if any.

h. Other Requirements: Other Requirements may be imposed.

3. Sanctions for Sexual Misconduct

If the Accused is found responsible for any of the following policy violations, the Student Conduct Administrator or Appellate Committee must consider the First Considered Sanction(s) prior to any other sanction(s). If it is decided that a First Considered Sanction is not appropriate, a rationale must be provided in the written outcome identifying why another sanction(s) was implemented.

[Insert Chart Here]

F. INTERIM SUSPENSION

In certain circumstances the Dean of Students may impose an Institute suspension prior to the investigation and resolution process.

1. The Dean of Students will determine if interim suspension is warranted. Interim suspension may be imposed only:

- To ensure the Student's physical or emotional safety and well-being; or
- To ensure the safety and well-being of members of the Institute Community or to preserve Institute property; or
- If the Student poses a definite threat of disruption of, or interference with the normal operations of the Institute; or
- If the Student is charged with a felony.

2. During the interim suspension the Student may be denied access to classes, campus facilities, and all other Institute activities or privileges.

3. The Student shall be notified in writing of this action and the reasons for the Suspension, in accordance with Section F.1. The notice should include the time, date, and place of a subsequent meeting with the Dean of Students in order for the student to show cause why he/she should not be interim suspended.

4. Cases of interim suspension shall be given priority and will be expedited through the Conduct process.

G. APPEAL PROCEDURES

1. Reasons for Appeal

The appeal process is not intended to grant a new hearing at a higher level. An appeal shall be limited to a review of the record of the initial hearing, supporting documents, and the Accused's written appeal. The Accused must explicitly state why he or she believes an appeal is warranted. Appeals will only be considered for the following reasons:

- a. To determine whether the original hearing was conducted fairly and in conformity with prescribed procedures;
- b. To determine whether there was sufficient evidence to support the decision;
- c. To determine whether the Sanctions and Supplementary Requirements imposed were appropriate for the violation for which the Student was found responsible; and/or
- d. To determine whether new Information, not available at the time of the hearing, is relevant to the final decision.

2. Process

If a case is appealed, sanctions are not imposed unless the welfare of a person or the community is threatened.

In cases involving alleged violations of the Institute's Sexual Harassment and Misconduct Policy, the Accused and the alleged victim shall have equal right to appeal the finding or the sanctions imposed, or both.

Sanctions will be imposed if an appeal is not filed, the deadline for an appeal passes, or when an appeal decision has been finalized.

The appeal must be written by the Accused, addressed to the appropriate Appellate Officer, and delivered to the Office of Student Integrity within five (5) business days of the delivery of the decision. Appeal decisions will normally be rendered within ten (10) business days either in person, or accordance with the communication guidelines in Section D.2. Extension of these deadlines may be granted for extenuating circumstances. At the discretion of the Appellate Officer, a designee may be selected to determine the outcome of the appeal.

For all decisions made by the Office of Student Integrity, the Appellate Officer shall be the Dean of Students.

For all academic cases where the sanction includes suspension or expulsion, Undergraduate Students may, after an appeal to the Dean of Students, appeal to the Institute President, via the Vice Provost for Undergraduate Education. The Vice Provost for Undergraduate Education will review and make a recommendation to the Institute President. The Institute President's decision will be the final decision of the Institute.

For all academic cases where the sanction includes suspension or expulsion, Graduate Students may, after an appeal to the Dean of Students, appeal to the Institute President, via the Vice Provost for Graduate Education and Faculty Affairs. The Vice Provost for Graduate Education and Faculty Affairs will review and make a recommendation to the Institute President. The Institute President's decision will be the final decision of the Institute.

For all non-academic cases where the sanction includes suspension or expulsion, the Student may, after an appeal to the Dean of Students, appeal to the Institute President, via the Vice President for Student Affairs. The Vice President for Student Affairs will review and make a recommendation to the Institute President. The Institute President's decision will be the final decision of the Institute.

3. Appeal Decisions

Decisions of the Appellate Officer go into effect immediately. The Appellate Officer is authorized to take one of the following actions:

- a. dismiss the appeal for failure to state valid reasons, in accordance with Section G.1.
- b. find no error and uphold the original decision;
- c. uphold the original decision, but modify Sanctions and Supplementary Requirements;
- d. remand the case to a Student Conduct Administrator or Student Conduct Panel; or
- e. reverse the original decision.

4. Board of Regents

The Board of Regents of the University System of Georgia (the "Board") is the final appellate authority for all cases of suspension or expulsion that have been reviewed by the Institute President. Should the Accused be dissatisfied with the decision of the Institute President, he/she may apply to the Board for a review of the decision. The application for review shall be submitted in writing to the executive secretary of the Board within the period specified by the Board of Regents.

H. RECORD KEEPING AND RELEASE OF INFORMATION

1. Maintenance of Disciplinary Files

Disciplinary records of Students found responsible of any charges against them will be retained for five (5) years after graduation or date of last attendance. Disciplinary records containing records of Suspension and Expulsion will be permanently retained. A case referral results in the creation of a disciplinary file in the name of the Accused. This file shall be voided if the student is found not responsible for the charges.

2. Release of Information

Student disciplinary records shall be governed by the Family Educational Rights of Privacy Act 20 U.S.C. § 1232g.

- a. Academic or non-academic misconduct resulting in expulsion is released to third parties indefinitely.
- b. Academic misconduct that resulted in suspension is released to third parties for five years after sanction completion.
- c. Any non-academic misconduct that resulted in suspension where a potential threat to the campus community exists (including but not limited to illegal drug distribution, endangering or harming any person, or jeopardizing the safety of any person) is released to third parties for five years after sanction completion. In instances of suspension where no threat to the community is identified, the suspension is reported until the sanction is complete.

d. Any academic or non-academic misconduct that did not result in suspension or expulsion is not released to third parties. e. The Institute requires a specific written request from the student to release the entire disciplinary record to third parties.

3. Parent/Legal Guardian Notification

Parents/Legal Guardians of Students under the age of 21 may be notified when a Student is found responsible for violating the Georgia Tech Student Policy on Alcohol and other Drugs when any of the following occur:

- a. A Student endangers himself/herself or others while under the influence of alcohol or other substances. Specific instances include driving under the influence, fighting, alcohol poisoning, and hospitalization.
- b. When the Dean of Students determines that any future violation of Institute Policy will most likely result in suspension from the Institute.
- c. When a Student Conduct Administrator determines that any future violation of Institute Policy will likely result in removal from housing.

4. Transcript Encumbrances

In pending cases that could result in Suspension or Expulsion, the Dean of Students will normally place a temporary encumbrance (hold) on a Student's records. The Dean of Students will also place a hold on a Student's records if the Student fails to respond to an official request to meet or if the Student fails to complete assigned Sanctions.

I. REFERENCES

Academic Honor Code: www.honor.gatech.edu
Board of Regents: www.usg.edu/regents/policymanual
Computer Use and Network Policy: www.security.gatech.edu
Department of Housing: www.housing.gatech.edu
Faculty Senate: www.Facultysenate.gatech.edu
Office of the Dean of Students: www.deanofstudents.gatech.edu/
Office of Student Integrity: www.osi.gatech.edu
Title IX Information: www.ohr.gatech.edu/e

Appendix C

III. Undergraduate Degrees

E. Graduation with Academic Distinction

1. For graduation with highest honor, the minimum scholastic average shall be 3.55. For graduation with high honor, the minimum scholastic average shall be 3.35. For graduation with honor, the minimum scholastic average shall be 3.15.
2. A student must have earned at least sixty semester credit hours (excluding remedial coursework) at Georgia Tech to graduate with highest honor, with high honor, or with honor.

3. In order to qualify for graduation with honors, all grades or grade corrections affecting the honors designation must be received and certified by the registrar no later than noon on Wednesday following the commencement.
4. Tentative honors at graduation are determined by the grade point average entering the graduating term and the sum total of graded hours accumulated prior to the graduation term plus graded hours registered for and pending during the graduation term. (Changed from: Tentative honors at graduation are determined by the grade point average and number of hours accumulated entering the graduating term. In order for students to receive honor cords for the commencement ceremony, they must qualify for honors according to the requirements before entering their final term.)