

Misconduct Policies and Resolution Procedures

KSU Department of Student Conduct and Academic Integrity (SCAI)

Preface

Kennesaw State's Student Code of Conduct and Procedures aligns with KSU's Core Values, which are Respect, Integrity, Collaboration, Inclusivity, and Accountability.

All students are responsible for knowing the information, policies and procedures outlined in this document. Kennesaw State University reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check the [SCAI website](#) for the updated versions of all policies.

SECTION 1: PHILOSOPHY STATEMENT

Kennesaw State University's community is committed to fostering a university environment that is conducive to academic inquiry, a productive university life and thoughtful study and discourse. A unit of the Dean of Students Office, the Department of Student Conduct and Academic Integrity (SCAI) is committed to an educational and developmental conduct process that balances the interests of individual students with the interests of the University community.

A community exists on the basis of shared values and principles. At Kennesaw State University, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the student codes of conduct. These standards are embodied within a set of core values, which are Respect, Integrity, Collaboration, Inclusivity, and Accountability.

Each member of the University community bears responsibility for their own conduct

and to assume reasonable responsibility for the behavior of others. When members of the community fail to exemplify these five values by engaging in violation of the rules detailed in Section 5, campus conduct proceedings are used to assert and uphold the student codes of conduct.

The student conduct process at Kennesaw State University is not intended to punish students; rather, it exists to educate those whose behavior is not in accordance with university policies. Outcomes are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with community expectations. When a student is unable to control their behavior such that it does not conform to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. University code of conduct proceedings may be instituted against a student charged with a violation of a law which is also a violation of these Student Codes of Conduct without regard to the existence of related civil litigation in court or criminal arrest and prosecution. Proceedings under these Student Codes of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. Procedures and rights in student conduct procedures are intended to be conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures notice and an opportunity to be heard. A student who is accused of a Code of Conduct violation has an opportunity to be heard before a decision is made about their responsibility for a violation. Nevertheless, when a student fails to appear for a conduct meeting after notice

of the meeting has been sent to that student's KSU email address, the conduct advisor may make a decision without that student's input or explanation. No student will be found in violation of university policy without information and evidence showing that it is more likely than not that a policy violation occurred and any assigned outcomes will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

SECTION 2: JURISDICTION

The Student Codes of Conduct and associated process and procedures apply to the conduct of individual students and all University-affiliated student organizations. Student includes, but is not limited to, those enrolled in undergraduate and graduate courses, education abroad experiences, and other programs and classes hosted or sponsored by KSU or otherwise violate the institution's student conduct policies, regardless as to where such conduct occurs. For the purposes of student conduct, the University considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University, or an individual lives in any housing community on any KSU campus regardless of whether they are accepted or enrolled in Kennesaw State University class(es). In addition, any Georgia Highlands College (GHC) student attending GHC classes at any KSU campus (regardless of whether they live on campus or not) is bound by the KSU Student Code of Conduct and adjudication process for behavior that occurs on a KSU campus but outside the actual classroom.

The Student Codes of Conduct apply to behaviors that take place on any KSU campus, at University- sponsored events and may also apply off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial University interest.¹ A substantial University interest is defined to include:

Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of self or others; and/or
Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
Any situation that is detrimental to the educational mission and/or interests of the University.

The codes of conduct may be applied to behavior conducted online, via email or any other electronic medium. Students should also be aware that online postings such as social media, web postings, and group chats are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is established. The University does not regularly search for this information but may act if and when such information is brought to the attention of university officials. Most online speech by students not involving university networks or technology may be protected as free expression and not subject to these Codes.

The Student Codes of Conduct apply to guests of community members whose hosts may be held accountable for the misconduct of their guests. Visitors to and guests of the University may seek resolution of violations of the Student Codes of Conduct committed against them by members of the University community.

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to, and during (see substantial university interest above), the leave, withdrawal or graduation. If assigned an outcome, a hold may be placed on the student's ability to re-enroll, and all outcomes must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct, committed while still enrolled but reported after the accused student has graduated, the University may invoke these procedures and should the former student

be found responsible, the University may revoke that student's degree.

There is no time limit on reporting violations of the Student Codes of Conduct; however, the longer someone waits to report an offense, the harder it becomes for university officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit the University's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Department of Student Conduct and Academic Integrity and/or to University Police.

If a responding student, facing an alleged violation of the student codes of conduct, withdraws from a class or the University, this will not prevent a university investigation and code violation meeting or hearing from taking place and all such allegations will be resolved. Once the codes of conduct process is complete, if the student is assigned an outcome(s), the student must complete the outcome(s) before becoming eligible to re-enroll, if at all.

Kennesaw State University student email is the University's primary means of communication with students. Students are responsible for reading all communications delivered to their university email address, and must submit any official correspondence with the University from their KSU email account/address.

Students at Kennesaw State University are provided a copy of the Student Codes of Conduct in the form of a link on the [University website](#).

Information about student conduct is also provided to each student in the [Student Handbook](#). Students are responsible for reading and abiding by the provisions of the Student Codes of Conduct.

1 Adapted, with gratitude, from Penn State University.

SECTION 3: VIOLATIONS OF LAW

Alleged violations of federal, state and local laws may be investigated and addressed under the Student Codes of Conduct. When an offense occurs over which the University has jurisdiction, the University conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

Alternatively, the University reserves the right to exercise its authority of interim suspension upon notification that a student has been charged with, or indicted for, a felony or a crime involving moral turpitude in accordance with the guidelines of the [Board of Regents of the University System of Georgia Policy Manual section 4.6](#) (additional grounds for interim suspension are outlined later in this document).

SECTION 4: Student Conduct and Academic Integrity (SCAI) Authority

Authority

The Dean of Students is vested with the authority over student conduct by the President of the University and Vice President of Student Affairs. The Dean of Students appoints a Director of Student Conduct and Academic Integrity (SCAI) to oversee and implement the student conduct process. The Vice President of Student Affairs or designee also serves as the appeals officer when applicable.

The Director of Student Conduct (or designee) is responsible for assuring that there is a proper investigation and resolution of any allegation of misconduct (academic and non-academic). In certain circumstances, a hearing panel, rather than a conduct advisor, may make recommendations on the

issue of responsibility for codes of conduct violation(s) and the panel may make recommendations for outcomes if the student is found responsible.

Gatekeeping

An incident report will be forwarded to the appropriate SCAI or Housing and Residence Life staff member for review if there is reasonable cause to believe a university policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a victim's statement. An incident report wholly unsupported by any credible information will not result in Code of Conduct proceedings.

Conflict Resolution Options

The Director of Student Conduct and Academic Integrity acting as a designee for the Office of the Vice President of Student Affairs has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution can be forwarded for formal or informal processing and meeting; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Director of Student Conduct and Academic Integrity may also suggest that complaints that do not involve a violation of the Student Codes of Conduct be referred for mediation or other appropriate conflict resolution.

Composition of the Hearing Panel

When appropriate, the Director of Student Conduct will be responsible for assembling the hearing panel according to guidelines found below.

SECTION 5: SCAI Definitions

Complainant: Refers to an individual who reports or is an alleged victim of a code violation.

Conduct Advisor: Refers to any person or persons authorized by the Director for Student Conduct to process conduct cases and code violation meetings.

Formal Code Violation Meeting: Respondent denies responsibility and meets with a Conduct Advisor to contest the violations; at which time a formal investigation may take place by the Conduct Advisor.

Informal Resolution (Academic): Reserved for first offense Academic Integrity Code Violations. Faculty notifies the student of an academic integrity concern and an intended outcome.

Informal Resolution (Non-Academic): Respondent takes responsibility and meets with a Conduct Advisor to discuss the resolution process.

Outcome: An educational and/or developmental requirement imposed on a student found responsible for a violation of policy.

Respondent: Refers to a student or organization that is alleged of violating the Student Code of Conduct.

University SCAI Hearing Panel: Takes place before a panel of faculty, staff and/or students. Panel members make recommendations on findings and outcomes (when appropriate) to the SCAI director who makes the decision. The accused student may have a hearing before a university hearing panel only when:
A SCAI Department staff member or their designee provides written notice to the student via their official KSU student email that the alleged offense is of such a serious nature that an outcome of retraction of a degree or previously awarded course credit or suspension and/or expulsion from the University may be imposed if the student is found responsible; and
if the student requests a University Panel hearing rather than a formal meeting with the director, assistant director, or designee by the stated deadline in the written notice set forth above.

SECTION 6: The Codes of Conduct

A. Student Code of Conduct

Core Values and Behavioral Expectations

The University considers the behavior described in the following subsections as inappropriate for the University community and in opposition to the core values set forth in this document. These expectations and rules apply to all students, whether undergraduate or graduate. The University encourages community members to report to university officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the outcomes outlined in the section below entitled Possible Outcomes.

- 1) **Alcohol.** The use, possession, manufacture, sale or distribution of alcoholic beverages on campus by any individual or campus constituency. Student activity funds or institutional funds may not be used for the purchase of alcoholic beverages. Kennesaw State University is committed to recognizing, upholding and enforcing the laws of the State of Georgia. Violation of those state laws shall not be condoned on the campus or at any activity held off campus by any constituency. Exceptions to the policy of no alcohol on campus may from time to time be permitted at the discretion of the president, and there are other limited exceptions to this policy within the residence halls by those aged 21 or older. (see the residential code of conduct below)
 - a) Underage alcohol use and/or possession.
 - b) Distributing or providing alcohol to underage persons.
 - c) Manufacture and/or sale of alcohol.
 - d) All other alcohol violations.
- 2) **Drugs.** The use, possession, manufacture, sale, or distribution of illegal drugs (controlled substances) or drug paraphernalia on or off campus. In addition, smoking, ingesting, or otherwise using a substance not already prohibited by the preceding sentence in a manner not consistent with the manufacturer's recommended use is prohibited. This includes, but is not limited to, all forms of synthetic marijuana, regardless of brand name.
 - a) The possession, manufacture, sale, and/or distribution of illegal drugs.
 - b) The use of illegal drugs.
 - c) All other drug violations.
- 3) **Smoking.** Smoking and all other use of tobacco and all use of e-cigarettes, personal vaporizers (PV), and/or electronic nicotine delivery systems (ENDS) on property owned, leased, rented or in the possession or control of KSU (USG Policy 6.10).
- 4) **Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications.
- 5) **Falsification.** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments.

- 6) **Academic Dishonesty.** Acts of academic dishonesty as outlined in the Code of Academic Integrity (printed in its entirety later herein).
- 7) **Unauthorized Access.** Unauthorized access to any University building (i.e. keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any university building or failing to timely report a lost University identification card or key.
- 8) **Collusion.** Action or inaction with another or others to violate the Student Codes of Conduct.
- 9) **Trust.** Violations of positions of trust within the community.
- 10) **Ineligible Pledging or Association.** Pledging or associating with a student organization without having met eligibility requirements established by the University.
- 11) **Election Tampering.** Tampering with the election of any University-recognized student organization (minor election code violations may be addressed by the SGA or other appropriate student organizations).
- 12) **Rioting.** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property.
- 13) **Theft, Damage & Disregard for Property**
 - a) Taking of Property. Intentional and unauthorized taking of University property or the personal property of another, including goods, services and other valuables.
 - b) Stolen Property. Knowingly taking or maintaining possession of stolen property.
 - c) Damage and Destruction. Intentional, reckless and/or unauthorized damage to or destruction of University property or the personal property of another.
- 14) **Unauthorized Entry.** Misuse of access privileges to University premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a University building.
- 15) **Trademark.** Unauthorized use (including misuse) of University or organizational names and images.
- 16) **IT and Acceptable Use.** Violating the University Acceptable Use and Computing Policy, found online at <https://policy.kennesaw.edu/policy/information-technology>.
- 17) **Gambling.** Gambling as prohibited by the laws of the State of Georgia.
- 18) **Weapons.** Possession, use, or distribution of weapons not specifically allowed by state law. For the purpose of the KSU Codes of Conduct weapons are defined as: explosives (including fireworks and ammunition), any pistol, revolver, or any weapon designed or intended to propel a missile of any kind (including air, BB, paintball, facsimile weapons and pellet guns), or any dirk,

bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun or taser not used in the defense of self or others. This ban includes the storage of any item that falls within the category of a weapon in a vehicle parked on University property except as allowed in limited circumstances by Georgia law. Additionally, items that can be easily confused as weapons are prohibited and, in certain unclear circumstances, the context in which an item is used will determine if it is a weapon.

- 19) Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:
- a) Failure to evacuate a University -controlled building during a fire alarm;
 - b) Intentionally or recklessly setting or attempting to set an unauthorized fire;
 - c) Improper use of University fire safety equipment; or
 - d) Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a local fine in addition to University Outcomes.
- 20) Animals.** Animals within University buildings, with the exception of those whose presence the University is required by law to allow.
- 21) Recreational Wheeled Devices.** Skateboards, roller blades, roller skates, bicycles and similar wheeled devices may not be used inside University buildings, residence halls, parking decks, or on tennis courts. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities and individuals may be liable for damage to University property caused by these activities.
- 22) Disruptive Behavior.** Behavior that disrupts university operations including, but not limited to obstruction of teaching, learning, research, administration, other University activities, and/or other authorized non- University activities which occur on campus.
- 23) Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person.
- 24) General Harassment.** Unwanted behavior or communication directed at a person(s) that causes reasonable fear for safety or that interferes with the person's university employment or ability to participate in or benefit from university programs.

- 25) Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
- 26) Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.
- 27) Health and Safety.** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.).
- 28) Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally and are not protected by freedom of expression.
- 29) Hazing.** Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent (and/or) failing to discourage (and/or) failing to report those acts may also violate this policy. Hazing may be considered and accused as a group/team/organizational violation and/or a violation by individuals. <https://www.kennesaw.edu/student-affairs/involvement/fraternity-sorority-life/index.php>
- 30) Failure to Comply.** Failure to comply with the reasonable directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- 31) Abuse of Conduct Process.** Abuse or interference with, or failure to comply in, University processes including, but not limited to, conduct and academic integrity meetings.
- Falsification, distortion, or misrepresentation of information.
 - Failure to provide, destroying or concealing information during an investigation of an alleged policy violation.
 - Attempting to discourage an individual's proper participation in, or use of, the campus conduct system.
 - Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding.
 - Failure to comply with the outcome(s) imposed by the campus conduct system (i.e., plagiarism or unauthorized use of Artificial Intelligence in an outcome)
 - Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.
 - Retaliation: Any adverse action taken against a student or other individual in response to their participation in the conduct process, such as reporting a violation, filing a complaint, or participating in an investigation or code violation meeting/hearing.

- 32) Financial Responsibilities.** Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.
- 33) Ineligible Pledging or Association.** Pledging or associating with a student organization without having met eligibility requirements established by the University.
- 34) Other Policies.** Violating other published University policies or rules (i.e., [Residential Code of Conduct](#), [RSO Policies](#), [FSL Policies](#), etc.,).
- 35) Violations of Law, BOR, or USG Policy.** Evidence of violation of local, state or federal laws, Board of Regents or University System of Georgia Policy.

The below policies fall under our Non-Discrimination Policies and Title IX Policies, which can be found via our [Office of Institutional Equity Website](#).

- 36) Discrimination.** Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, gender identity, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the University's educational program or activities.
- 37) Harassment.** Any unwelcome conduct based on actual or perceived status including: (sex, gender, gender identity, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status). Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community. Hostile Environment- outcomes can and will be imposed for the creation of a hostile environment only when [unwelcome] harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the University's educational or employment program or activities².
- 38) Retaliatory Discrimination or Harassment.** Any intentional, adverse action taken by an responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a civil rights grievance proceeding or other protected activity [under this Code].
- 39) Intimate Partner/Relationship Violence.** Alleged violations of this section will be addressed in accordance with the KSU Sexual Misconduct Policy. See link immediately below for more information.
- 40) Stalking.** Alleged violations of this section will be addressed in accordance with the KSU Sexual Misconduct Policy. See link immediately below for more information.
- 41) Sexual Misconduct.** Alleged violations of this section will be addressed in accordance with the KSU Sexual Misconduct Policy. See link immediately below for more information.
- 42) Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.

² This policy attempts to balance the need of the community to create a civil climate while also embracing the 1st Amendment protection that attaches to most harassing speech that is simply offensive.

B. Residential Code of Conduct

As a resident at KSU, you assume an obligation to conduct yourself in a manner compatible with the university's function as an educational institution. This residential code of conduct defines the institution's expectations of all residents and their guests. Any violations of these codes of conduct will be reported to Housing and Residence Life or the Department of Student Conduct and Academic Integrity (SCAI). Jurisdiction of these violations shall be held by SCAI and the Vice President for Student Affairs or his/her designated representative and handled in the manner stipulated for non-academic grievances. The residential code of conduct is a subset of the KSU codes of conduct and applies to all residents and their guests. All residents and their guests shall abide by the following rules and regulations.

1. Alcohol

Kennesaw State University abides by Georgia State Law concerning the sale, possession, manufacture, distribution and use of alcohol.

Each residential community on campus is designated as either a “wet” community, that is, a community where students who are of legal drinking age (21+) may possess and consume alcoholic beverages, or a “dry” community, where students are not allowed to possess or consume alcoholic beverages regardless of their age.

Students who are of legal drinking age (21) may possess and consume alcoholic beverages in designated wet communities, but only as a private activity in private living spaces and not in the presence of those under the age of 21. In wet communities where residents of legal drinking age are sharing an apartment/suite/room with residents who are *under* the legal drinking age, the consumption of alcohol must be unambiguously limited to only those who are of legal drinking age.

Residents under legal drinking age are not permitted to possess, consume, or be in the presence of alcohol or those consuming alcohol in university housing.

The following is prohibited:

- a) The use or possession of alcohol by anyone under the legal drinking age of 21.
- b) Providing alcohol to a person under the age of 21.
- c) The consumption of alcohol by those of legal drinking age, in the presence of those under the legal drinking age.
- d) The manufacture or sale of alcohol
- e) Observable public intoxication outside of one's apartment/suite/room, to such an extent that it reasonably appears to pose a potential risk to self or others, or in a way that creates a disturbance.
- f) Shared/common containers of alcohol such as kegs, party balls, trash cans, funnels, beer hats, etc. (Beverages must be used in individual containers).
- g) Any game or activity, regardless of the age of the participants, which simulates, encourages, or contributes to the overindulgence of alcohol (such as water pong, flip cup, etc.).
- h) Guests and/or visitors consuming or possessing alcohol in the room/apartment/surrounding area of a host (resident) under the age of 21.
- i) Use or possession of alcohol by any resident or guest, regardless of age, in a substance-free or “dry” community.

- j) Alcohol paraphernalia in substance-free communities and residential units of underage residents (including, but not limited to shot glasses, wine bottle openers, alcohol funnels, drinking game paraphernalia, etc.).
- k) Empty alcohol containers displayed for decorative purposes within the residential facilities and/or in a manner which encourages the overindulgence of alcohol (such as bottles displayed over kitchen cabinets).
- l) Failure to remove oneself from a situation where an alcohol violation is occurring.
- m) The transport and/or consumption of alcohol in open containers in any public area in or around residential communities
- n) The use of glass containers (such as a beer bottle) on a balcony or patio.

2. Drugs

Residents and visitors may not knowingly be in the presence of illegal drugs or persons using illegal drugs in university housing. If a resident encounters illegal drugs in university housing they should expediently remove themselves from the situation and/or immediately report the presence of illegal drugs to an appropriate University official.

The following is prohibited:

- a) Use of any substance currently classified as a dangerous drug by the Georgia Controlled Substance Act or classified as illegal by state or federal law.
- b) Possessing, selling, distributing, or manufacturing any substance currently classified as a dangerous drug by the Georgia Controlled Substance Act or classified as illegal by state or federal law.
- c) Possession and/or use of drug paraphernalia such as a bong, hookah, e-cigarettes, personal vaporizers, other vapor related products, or other smoking devices, even if used for tobacco (which is also prohibited under Section 5).
- d) Hosting guests who possess or use illegal drugs in your apartment/suite/room
- e) Disrupting or disturbing others in the residential communities related to drug use on or off campus, including from the odor of marijuana;
- f) Misuse, sale, or distribution of prescription or over-the-counter medications.
- g) Possession of drugs that may be used to incapacitate other individuals.
- h) Failure to remove oneself from a situation where a drug-related violation is occurring.

3. Weapons

Possession, use, or distribution of weapons not specifically allowed by state law is prohibited. Currently, the State of Georgia allows permitted holders to carry firearms on campus in certain areas; however, student housing complexes are an exemption from this law. Therefore, permitted holders are still not allowed to possess or use weapons in the residential facilities. For the definition of a weapon under the KSU Student Codes of Conduct see section A.16 of this document. As mentioned in section A.16, items that can be easily confused as weapons are prohibited and, in certain unclear circumstances, the context in which an item is used will determine if it is a weapon.

The following is prohibited:

- a) Possession of a weapon in residential areas and facilities, including parking decks and lots designated for residential students.
- b) Possession of recreational firearms such as airsoft, BB, pellet, or paintball guns, look-alike guns, toy guns, or any object that is a facsimile of a real weapon.
- c) Possession of knives with a blade of two or more inches.
- d) Possession of decorative weapons (knives, axes, machetes, swords, fencing swords, muskets, etc.).

4. Animals

The only animals allowed in the residential area are:

- (a) fish in a properly maintained aquarium not to exceed 10 gallons and
- (b) animals (whether Service Animal or Assistive Animal) determined to be necessary for persons with disabilities and approved through the Housing and Student Disability Services Accommodation process.

If a resident is found to have an unauthorized pet in their apartment/suite/room for any reason at any time, they are subject to a daily fine and daily room inspections until the pet has been removed. This includes animals belonging to outside guests; animals may not "visit" at any time. Residents will be held financially responsible for any damage to their living quarters caused by both authorized and/or unauthorized animals.

The following is prohibited:

- a) Fish in an aquarium that is not properly maintained or larger than 10 gallons.
- b) Unauthorized animals in or around the residential communities, including unapproved service or assistive animals belonging to outside guests.
- c) Service and Assistive Animals (AAs) that pose a direct threat to the health and safety of persons on the college campus.
- d) Service and Assistive Animals (AAs) that cause physical damage to property.
- e) Service and Assistive Animals (AAs) that fundamentally alter the nature of the university operations.
- f) Service and Assistive Animals (AAs) that are neglected or not properly maintained (kept clean, free from fleas and/or ticks, etc.).
- g) Walking a dog or other service or assistive animal around campus without a leash.
- h) Any other violation of campus policy pertaining to service or assistive animals noted elsewhere.
- i) Failure to complete an Approved Pet Care Meeting with residential staff for an approved service or Assistive Animal (AA).
- j) Any intentional relocation of animals to alternate living spaces for the purpose of avoiding pet registration, documentation, or financial penalties is strictly prohibited and may result in outcomes, including but not limited to fines, and loss of housing privileges.

5. Smoking/Tobacco Use

The following is prohibited:

- a) Smoking cigarettes, cigars, tobacco pipes, or any other tobacco or tobacco related products on university property.
- b) All other use of tobacco on university property.
- c) Possession of any cigarettes, tobacco products, tobacco related objects, and/or alternative nicotine products by anyone under the age of 21.
- d) Use or possession of e-cigarettes, personal vaporizers (PV), and/or electronic nicotine delivery systems (ENDS) on university property by anyone of any age.

6. Cooperation and Compliance

Residents and guests are expected to cooperate with all reasonable requests made by members of the community. Likewise, residents must comply with all reasonable requests of any person acting in an official capacity as a representative of the university including, but not limited to, Residence Life Staff (including Resident Assistants, or RAs), campus police, faculty and housing staff.

Residents are also expected to comply with any terms/agreements/arrangements made during their staff-facilitated roommate agreement meeting. Any changes needed to prior agreements can be made through the roommate agreement addendum process.

A resident is expected to remove him or herself from a situation where university policies are being violated, failure to do so may result in disciplinary action.

The following is prohibited:

- a) Failure to comply with all reasonable requests from any person acting in an official capacity as a representative of the university.
- b) Failure to participate in required residential activities (i.e., mandatory meetings, student conduct hearings, learning communities, rules, payment of rent/fees/fines, making residential unit available for repairs, etc.).
- c) Failure to comply with terms/agreements/arrangements made with roommates during a staff-facilitated roommate agreement (or roommate agreement addendum) meeting.
- d) Failure to comply with all rules and regulations established by KSU Housing and Residence Life not included within this code of conduct but distributed through other printed and electronic means (housing contract, newsletters, etc.).
- e) The use of language or behaviors towards other residents, Housing and Residence Life staff, off-campus partners authorized to work in residential facilities, and other members of the Kennesaw State University community, which a reasonable person would find severe, pervasive, objectively offensive, intimidating, and/or threatening.
- f) Acting as an accessory to any violation of university policy.
- g) Failure to remove oneself from a situation where a violation of university policy is occurring.

7. General Safety and Well-Being

Residents are expected to take responsibility for the overall general safety and wellbeing of themselves individually and the residential community as a collective. Engaging in any behavior that endangers or impedes the general safety or well-being of oneself/others is prohibited.

The following is prohibited:

- a) Engaging in any behavior that endangers or impedes the general safety or well-being of oneself/others or causes physical or psychological harm to oneself/others.
- b) Creating an unsafe environment by leaving doors open/unsecured, particularly common use doors.
- c) Providing entrance (to one's apartment or building) to an unknown person and/or someone who is not one's own guest.
- d) Failure to notify the appropriate authorities when in possession of knowledge of a situation that may impede the general safety and/or well-being of individuals and/or the community.
- e) Failure to maintain your living environment and your own person in accordance with reasonable health, cleanliness, and safety expectations.
 - i) This could include, but is not limited to, having an unreasonably messy living space, blocking egress (blocking a path of exit from a room), and/or not properly disposing of or storing food items.

8. Fire Safety

The following is prohibited:

- a) Tampering with (i.e., covering), vandalizing, or misusing fire safety equipment.

- i) Fire safety equipment includes, but is not limited to, alarms, extinguishers, smoke detectors, door closures, alarmed doors, and sprinklers.
- b) Failure to evacuate a building when a fire alarm sounds.
- c) Possession or utilization of items that pose a fire hazard in a resident's apartment/suite/room. These items include, but are not limited to:
 - i) flammable liquid (i.e., lighter fluid)
 - ii) items that require an open flame to operate (i.e., Bunsen burners, lit candles, fireworks, grills, alcohol burners)
 - iii) items that have an exposed heating element (space heaters, hot plates, toasters, etc.)
 - iv) micromobility devices—defined as any small, low-speed, electric-powered transportation device including bicycles, scooters, electric-assist bicycles (e-bikes), electric scooters (e-scooters), and other small, lightweight, wheeled conveyances—along with rechargeable lithium batteries used to power them, may not be stored, charged, or operated in/on a resident's room, apartment, or residential building.

9. Noise

All students are expected to respect the rights of others by refraining from making loud noises or causing other disturbances that interfere with study or sleep. Students are also expected to comply with reasonable requests of other students to be less noisy. All hours of the day not designated as “Quiet Hours” are designated as “Courtesy Hours” during which residents are expected to demonstrate reasonable consideration for their neighbors and other residents in support of the University's educational mission. Quiet hours are

- Sunday through Thursday: 10:00 p.m. - 10:00 a.m.
- Friday through Saturday: 12am –10am
- During Final Exams: 24 hours a day

The following is prohibited:

- a) Producing any sound or other noise reaching beyond the limits of an individual room during quiet hours.
- b) Producing any elevated sound in the areas surrounding the residential communities (including outdoors, in lobbies, or in hallways) during quiet hours.
- c) Failure to comply with a reasonable request of another student to be less noisy.
- d) Failure to show reasonable consideration for other residents during courtesy hours.

10. Guests and Visitation

Guests are defined as any person not assigned to live in that specific space (even if the person is a resident of another on campus space). Residents may only allow guests (those of the same or opposite sex) to visit their apartment/suite/room with the consent of all assigned roommates in their apartment/suite/room. If guests create a disturbance (e.g., playing games, watching tv, playing music, speaking excessively loudly or yelling, etc.) residence life staff or other university officials may request the violators to leave immediately.

Each resident is limited to a total of twelve nights per semester in which they may have guests stay overnight. Overnight guests are defined as anyone who is in the room after 3AM. A person may not move into or live in a university housing unit to which they are not assigned, even if invited. Indicators of unauthorized occupancy include, but are not limited to:

- Accessing the residence while the assigned occupants are not present
- Regularly dressing, showering, or storing personal belongings in the residence
- Sleeping overnight in the residence on a regular or continual basis

Residents are considered “hosts” of their guests and are responsible for the conduct of their visitors and for ensuring that they comply with all University policies. This means that residents must escort their guests *at all times* within the residential community. Residents are responsible for the cost of repairing any damage their visitors may cause to university property. Legal action may also be taken against a guest for violating campus policies, including but not limited to, a charge of criminal trespassing, or prosecution.

The following is prohibited:

- a) Having guests without consent from all assigned roommates in apartment/suite/room.
- b) Use of the bedroom or bathroom of another resident without his or her prior consent.
- c) Hosting overnight guests (including other KSU students) in a resident's apartment/suite/room more than three consecutive nights and/or more than three nights in the span of 7 days.
- d) Hosting overnight guests more than their maximum allowable number of nights. (12 nights/semester).
- e) Failure to escort one's guests at all times within the residential community.
- f) Providing access to a guest by lending/copying a key, Talon Card, or other access card.
- g) Hosting minors (not enrolled KSU students), who are not escorted by a parent/guardian in addition to the host, at all times, or minors visiting overnight without advance permission from the Executive Director of Housing and Residence Life or designee.
- h) Hosting a gathering in an on-campus apartment/suite/room where the total number of people present exceeds more than 4 people per bedroom (e.g., 16 people in a 4-bedroom apartment, 8 people in a 2-bedroom apartment, 4 people in a single-room apartment).
- i) Failure to comply with general occupancy guidelines, as provided by building management and/or the fire marshal, for overnight guests. The general occupancy is two persons per bedroom (i.e., a four-bedroom apartment/suite equals a total occupancy of eight people at any given time).
- j) Violating any additional posted guest/visitation policy or term of a roommate agreement signed by all residents of an apartment/suite/room.

11. Collective Liability/Damage and Vandalism

Residents are responsible for the condition of their rooms and any shared spaces. Trash must be placed inside the appropriate trash receptacle, not outside the receptacle or in the surrounding area, including hallways, balconies, or similar locations. Personal room trash such as pizza boxes, shoe boxes, trash bags, and other large items are not to be disposed of in common area trash cans (i.e., in lobbies or trash cans located on the sidewalks).

While the University and KSU Housing and Residence Life will strive to attribute shared space damage and vandalism charges to the individuals responsible, when it cannot do so, all members of an apartment, suite, room, or building may be charged equally for any damages. Collective liability damages are defined as damage caused to lounges, study rooms, recreation rooms, hallways, stairwells, bathrooms, signage, or any space not accepted or identified as belonging to a specific individual. Affected residents with knowledge of the individual(s) responsible for damage should provide information to Housing and Residence Life staff so the appropriate individual(s) are held accountable.

The following are prohibited:

- a) Damage and/or vandalism to university-owned property.
- b) Theft of University-owned property.
- c) Unauthorized use or misuse of facilities and/or use of facilities/furnishings in a manner other than that for which they were intended.
- d) Washing vehicles or performing mechanical work while on housing property (including in parking decks and lots) unless special areas are approved by the Executive Director of Housing and Residence Life or designee.
- e) Leaving trash and garbage anywhere other than designated trash receptacles located near the community (i.e., large dumpsters).
- f) The removal of any posted signage (i.e., exit signs, interior or exterior room signs, directional signs, etc.).
- g) Affixing hammocks or other hanging chairs to the interior or exterior of buildings, such as in one's bedroom or on patios or balconies (freestanding hammocks are acceptable).

12. Information Technology (IT) and Acceptable Use.

Residents are not to interfere with the Residential Network (Wi-Fi) provided by Housing and Residence Life. Residents will only be able to connect to the internet through wireless means within the housing communities. Residents with desktop computers will need to purchase a wireless adapter to connect to the internet. All residents will need to create an account through Apogee and guests will need to log on through the guest option. In order to provide this amenity for all residents.

The following is prohibited:

- a) Connecting personal ethernet cords and/or routers to ethernet ports
- b) Tampering with or removing access points (community routers)
- c) Illegally downloading content, which could result in copyright infringement charges

13. Solicitation, Posting, and Use of Residential Space

For the residents' protection against fraudulent sales and annoyance, solicitation is prohibited on university property. Periodically special programs are offered, with permission, for residents to learn about products and services.

Residents are not allowed to have visible decorations outside their apartment/suite/room except for holiday decorations, which must be:

- Appropriate for the holiday being celebrated
- Displayed only between one month before and/or two weeks after the holiday
- Free from lewd, illegal, or racially or culturally insensitive content
- In compliance with all fire and facility regulations listed in the Clery and Fire Safety section of the Housing and Residence Life website

The following is prohibited:

- a) Residents engaging in business activities on and/or in housing properties.
- b) Decorations visible outside of a resident's apartment/suite/room (with the exception of holiday decorations that meet the criteria listed above).
- c) Live cut trees, due to fire/facility damage risk.
- d) Activities and research within the residential areas not approved in advance by the Executive Director of Housing and Residence Life or designee, even if the activities/research are sponsored by recognized university departments or organizations.
- e) Items posted, or chalked, on the exterior of the buildings, siding, stairwells, hallways, lounge areas, and any other area not approved by the Executive Director of Housing and Residence Life or designee.

Further Residential Code Information

Additional Policies

There may be residential areas that have additional rules and regulations as defined as necessary by the Department of Housing and Residence Life. These rules and regulations can be found on the Housing and Residence Life website. For a complete list of all Housing and Residence life rules that are not included in the residential code of conduct, please consult the Housing and Residence Life website.

Enforcement and Grievances

Any complaints or grievances should be directed to the respective community staff member. Residents have the right to file complaints directly against another student through the appropriate Residence Life staff member. If the staff member cannot rectify the situation, then the matter shall be referred through the appropriate channels, and ultimately submitted for action or consultations to the SCAI Department. SCAI shall handle all matters arising from this code as any non-academic violation. Grievances against Housing and Residence Life staff members shall be submitted in writing to the Executive Director of Housing and Residence Life.

C. Code of Academic Integrity

KSU Academic Integrity Pledge

Kennesaw State University students accept the following pledge by virtue of their acceptance into the institution and enrollment in courses. *As a member of the Kennesaw State University community of scholars, I understand that my actions are not only a reflection on myself, but also a reflection on the University and the larger body of scholars of which it is a part. Acting unethically, no matter how minor the offense, will be detrimental to my academic progress and self-image. It will also adversely affect all students, faculty, staff, the reputation of this University, and the value of the degrees it awards. Whether on campus or online, I understand that it is not only my personal responsibility, but also a duty to the entire KSU community that I act in a manner consistent with the highest level of academic integrity. Therefore, I promise that as a member of the Kennesaw State University community, I will not participate in any form of academic misconduct.*

The declaration of principles and obligations within this pledge form the core mission statement of the Code of Academic Integrity. All subsequent prohibitions and rules of the Kennesaw State University Code of Academic Integrity concretely apply the precepts of this pledge by delineating behaviors that constitute academic misconduct. Should the investigation and/or resolution of alleged academic misconduct reveal that the actual misconduct which occurred is different than the initial allegations (e.g. alleged plagiarism which turns out to have been cheating), the final violation(s) will be modified accordingly.

Assignments submitted toward completion of a course are subject to academic misconduct policies, even if the assignments in question do not receive individual grades (like early drafts of papers) or are not required (such as work submitted for extra credit).

Academic misconduct directly opposes the central academic mission of Kennesaw State University, accordingly all such offenses are considered extremely serious. Outcomes for being found responsible for academic misconduct can include up to suspension, expulsion, and revocation of degree. If it is determined that a student may face suspension, expulsion, or degree revocation from KSU if found responsible for academic misconduct, the student will be afforded the opportunity to choose to have their case adjudicated before a SCAI hearing panel or a SCAI Conduct Advisor. SCAI staff will determine the likeliness of these outcomes. Potential outcome factors include, but are not limited to, prior findings of academic misconduct, the egregiousness of the alleged offense, and the intent to deceive. If the incident constitutes the student's first academic misconduct offense and the student takes responsibility for the misconduct, the professor and student may agree to an informal resolution and academic outcome(s) in lieu of a formal meeting. However, even in such cases, the professor may still forgo an informal resolution and pursue a formal adjudication instead, in consultation and with agreement from SCAI, if they deem the alleged violation particularly egregious in nature.

Types of Academic Misconduct:

- 43) Cheating.** Receiving, attempting to receive, knowingly giving or attempting to give unauthorized assistance in the preparation of any course work (including, but not limited to, examinations, laboratory reports, essays, themes, term papers) is considered cheating, as is engaging in any behavior that a professor prohibits as academic misconduct in the syllabus or class discussion. Unless specifically authorized, using and/or having access to electronic devices during an examination, quiz, test or other assessment is automatically considered cheating, regardless of the student's reason for using/accessing the device. Unauthorized use of artificial intelligence is another form of cheating. Authorized use of artificial intelligence is subject to the stated course instructors' policy as described in a course syllabus or/and in class discussions. Consult with course instructor as needed. Additionally, unauthorized collaboration and sharing of materials in an electronic group chat is cheating, and said participation shall be determined by an evaluation of all facts available regarding participation.
- 44) Plagiarism.** Including direct quotations from other sources into work required to be submitted for credit without indicating them as such by quotation marks, block quotes or other appropriate formatting. Incorporating the work of someone (e.g. ideas, theories, data, figures, graphs, programs, electronic based information, illustrations, etc.) into a paper or project without due acknowledgement.
- 45) Self-Plagiarism.** Submitting any work for credit which was not authored specifically and originally for the assignment in question without the prior permission of the professor receiving that assignment. Most commonly, this means submitting the same, or substantially the same, paper or other assignment for credit in more than one class.
- 46) Misrepresentation and/or Falsification.** Knowingly providing false information in completing University forms or applications (including admissions forms, scholarship applications, time sheets, false or counterfeit transcripts, etc.) or in any work related to a course at KSU. This includes providing fabricated/altered documents to substantiate an excused absence (such as to meet attendance requirements or have the chance to make up a missed exam). Signing in for another student or having another individual sign in on a student's behalf on an attendance sheet also constitutes a violation of this code section.
- 47) Unauthorized Access to University Materials.** Taking, attempting to take, stealing or in any unauthorized manner otherwise procuring, gaining access to, altering or destroying any material pertaining to the conduct of a class (including tests, examinations, grade change forms, grade rolls, roll books, laboratory equipment, University grade records in written or computerized form, etc.).
- 48) Malicious/Intentional Misuse of Computer Facilities/Services.** Maliciously or intentionally misusing university-controlled computer facilities and services. This includes violations of state and federal laws (e.g. copyright violations, unauthorized access to systems, alteration/damage/destruction, or attempted alteration/damage/destruction, use for profit, etc.) or a department's rules for computer usage (e.g. account violations, damage, or destruction of the system and/or its performance, unauthorized copying of electronic information, use of threatening or obscene language, etc.).

49) Malicious Removal, Retention or Destruction of University Resource

Materials. Misplacing, taking, destroying any item or part of an item belonging to or in the protection of the University (or the attempt thereof) with the intention of bringing about an undue disadvantage in the academic pursuits of other Kennesaw State University students.

Rights and Expectations of Accused Students

Kennesaw State University students are guaranteed all the due process rights and privileges associated with their matriculation in a higher education institution in the University System of Georgia. Additionally, students accused of a Code of Academic Integrity violation will have an opportunity to be heard before a decision is made about their responsibility for a violation. Nevertheless, when a student fails to appear for a panel hearing or meeting after notice of the panel hearing/meeting has been sent to that student's KSU email address, the Conduct Advisor or panel may make a decision without that student's input or explanation. The Conduct Advisor or panel will base its decision on all other information and evidence presented and may find the student responsible if a preponderance of the evidence indicates responsibility for the violation(s). Students found responsible for violating academic integrity policies will be subject to assigned outcomes that can include academic penalties, suspension or permanent dismissal from the institution, or revocation of course credits/degrees.

Section 6: Possible Outcomes

A student or student organization found in violation of the KSU Student Code of Conduct, Residential Code of Conduct, or Code of Academic Integrity may be assigned an outcome as outlined by this section. Outcomes for KSU Student Code of Conduct violations may be combined.

In determining the severity of sanctions or corrective actions the following should be considered: the frequency, severity, and/or nature of the offense; history of past conduct; an offender's willingness to accept responsibility; previous institutional response to similar conduct; strength of the evidence; and the wellbeing of the university community. The institution will determine sanctions and issue notice of the same, as outlined above.

1. Types of Outcomes – General

- a. Expulsion: Permanent severance of a student's relationship with the University.
- b. Suspension: Temporary severance of a student's relationship with the University.
- c. University Probation: Notice that further violations of major offenses, as specified by the University hearing panel or conduct advisor, shall result in suspension if the accused student admits the violation or is found responsible after investigation and a code violation meeting.
- d. Removal from on-campus housing.
- e. Probated removal from on-campus housing. Notice that further violations of offenses, as specified by the University hearing panel or conduct advisor, shall result in removal from on-campus housing if the accused student admits the violation or is found responsible after investigation and a code violation meeting.
- f. Restrictions: Rules, limitations, or conditions imposed on the use of or access to a specific location, often established to maintain safety, order, or compliance with policies. These may include limitations on behaviors, access to certain areas, or the separation of one individual from another to prevent conflict, ensure well-being, or uphold community standards.
- g. Reprimand: Oral or written disapproval issued to the student.
- h. Disciplinary Probation: Notice to the student that any subsequent code

violations may result in suspension, should the student either admit to the violation or be found responsible following an investigation or meeting. if This action may include, but is not limited to, restrictions on social activities, the issuing of a reprimand, and restitution.

- i. Social Restrictions: Exclusion from enjoying or participating in social activities, or from holding office in university clubs or organizations.
- j. Restitution or fines: Reimbursement for damage or misappropriation of property; this may take the form of appropriate service or other compensation or fines.
- k. Other Educational or Developmental Remedies: An outcome which provides students with the knowledge, skills, attitudes, and values that students are expected to achieve as a result of engaging in a particular learning experience (i.e., website review, research and reflection paper, reflection paper, etc.,).
- l. Retraction of University degree or course credit previously awarded: The university may retract a degree or course credit previously awarded if the University hearing panel or hearing officer recommends this outcome and both the Provost/VPAA and Registrar accept the recommendation.

meetings for assistance in crafting appropriate outcomes that align with university precedent.

- a) **Assignment Grade Penalty:** Penalize the student's grade for the specific assignment containing academic misconduct (to a maximum penalty of a "0" grade for the assignment).
- b) **Course Grade Penalty:** Penalize the student's course grade for the course in which the violation took place (to a maximum penalty of automatic failure for the course).
- c) **Resubmit Assignment:** Require the student to redo the assignment containing academic misconduct (in full or in part), likely with either a grade penalty or capped maximum grade assessed to be fair to students who didn't engage in academic misconduct. Any opportunity to revise an assignment should have a clear due date and should list a consequence for failing to provide a corrected work (usually a "0" grade for the assignment).
- d) **New Assignment:** Require a new assignment of some kind. This can take the form of an ethics paper, reflection paper, etc. However, it can also be a new course content focused assignment that replaces the assignment in which academic misconduct occurred. Any opportunity to revise an assignment should have a clear due date and should list a consequence for failing to provide a corrected work (usually a "0" grade for the assignment).
- e) **Other Academic Outcome:** A professor may construct any other genuinely academic outcome deemed appropriate to the offense. The outcome must serve to remove a student's unfair advantage and/or otherwise clearly help the student learn from the violation as an educational experience and thereby improve overall as a student.
- f) **Incident on File:** When students admit responsibility at a code

2. Types of Outcomes – Academic

When professors select academic outcomes, they may include any combination of the outcomes listed below. It is common to solicit the student's input on what constitutes fair outcomes. However, the final determination of outcomes still rests entirely with the accuser. Although individual professors may differ from one another in how they assign offenses, they are expected to demonstrate internal consistency and thus be able to articulate any substantial deviation from their own precedent of similar cases. More detailed outcome guideline suggestions can be found on the SCAI website. Professors may consult with SCAI staff ahead of or during informal

violation meeting, but there is no course associated with the violation (e.g. if the student is not enrolled in a class but provides unauthorized assistance to another student who is enrolled in a course), no real academic outcomes may be imposed by the informal meeting facilitator upon the accused. However, the accused student may still take responsibility to have the incident go on file as a first offense case of academic misconduct, hopefully deterring repeat offenses. As noted previously, students who withdraw from a course before resolving a pending allegation of academic misconduct related to that course normally escalate the case to a formal meeting but may be afforded the opportunity for an informal meeting at the discretion of the accuser, in which case "Incident on File" is the only possible outcome.

- g) **Ethics Training:** With the permission of the Director of SCAI (or designee), a student may be required to complete a workshop, seminar, or other educational experience focused on academic integrity. The guidelines, deadline for completion, and any follow-up action will be determined by SCAI.

- a. Restriction of social or other activities sponsored activities sponsored by the organization
- b. Suspension of the organization's registration with the University.
- c. Probation, which is notice that further violations of major offenses shall result in suspension and/or revocation of the organizations registration with the University if the organization admits the violation or is found responsible after investigation and a code violation meeting.
- d. Revocation of the organization's registration with the University.

Section 7: Interim Actions

Interim suspensions – that is, suspensions from the University while the investigation and adjudication process are proceeding – should only occur where necessary to maintain safety and should be limited to those situations where the alleged offender poses a serious and immediate danger or threat to persons or property. In making such an assessment, the University will consider the existence of a significant risk to the health or safety of the campus community, the nature, duration, and severity of the risk, the probability of potential injury, and whether reasonable modifications of policies, practices, or procedures will significantly mitigate the risk.

Before an interim suspension is issued, the University will make all reasonable efforts to give the respondent the opportunity to be heard on whether their presence on campus poses a danger. If an interim suspension is issued, the terms of the suspension shall take effect immediately. When requested by the respondent, a code violation meeting to determine whether the intermediate suspension should continue will be held within three (3) business days of the request.

Interim suspension measures may be employed against a student by the Vice President for Student Affairs, or their designated representative.

It is the responsibility of the reporting faculty member to determine the appropriate grade to be assigned to a student as an informal resolution or once a SCAI hearing office or panel finds the student responsible for academic misconduct. This grade penalty is assigned independently from the SCAI conduct process and is not eligible for appeal through the SCAI appeal.

3. Student Organizations

In addition to the above referenced outcomes, student organizations found in violation of the Student Code of Conduct may be subject to the following disciplinary action:

Possible Interim Actions by the University

Interim actions may include, but are not limited to, any or all of the following:

1. restriction from participation in any academic course, program, or activity
2. restriction from participation in any student activity on or off campus
3. restriction from use of any or all University facilities
4. restriction from entering the campus or any designated portion thereof.

Interim Measures

Interim measures may be implemented by the University at any point after the institution becomes aware of the alleged student misconduct and should be designed to protect any student and/or the Kennesaw State University Community.. To the extent interim measures are imposed, they should minimize the burden on both the Complaint (where applicable) and the Respondent, where feasible. Interim measures may include, but are not limited to:

- a. Change of housing assignment;
- b. Issuance of a "no contact" directive;
- c. Restrictions or bars to entering certain institution property;
- d. Changes to academic or employment arrangements, schedules, or supervision;
- e. Interim suspension; and
- f. Other measures designed to promote the safety and well-being of the parties and the institution's community.

An interim suspension should only occur where necessary after determining that temporary remedial measures are not sufficient and/or when necessary to maintain safety and should be limited to those situations where the respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the Vice President of Student Affairs or their designee, should consider the existence of a significant risk to the health or safety of the Complainant (where applicable) or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether

less restrictive means can be used to significantly mitigate the risk.

When an interim suspension is issued, the terms of the suspension take effect immediately. The Respondent shall receive notice of the interim suspension and the opportunity to respond to the interim suspension.

Within three business days receipt to determine whether the interim suspension should continue.

Section 8: SCAI Procedures

1. Director of SCAI Department

The director of SCAI oversees all aspects of the department to ensure proper handling of alleged violations of the Student Codes of Conduct in addition to promoting campus awareness of issues related to student conduct and academic integrity. Duties of the SCAI director include receiving and processing allegations of violations of the Kennesaw State University Student Codes of Conduct, overseeing SCAI conduct advisors, assuring that student cases are properly documented, overseeing code violation meetings before the University SCAI Hearing Panel and the Student Sexual Misconduct Hearing Panel, and revising SCAI policies and procedures when necessary. An official designee selected by the Dean of Students and/or SCAI director may perform and/or assist with any of these duties.

2. Code Violations

The SCAI Department has the authority to resolve allegations of violation(s) of the KSU Student Codes of Conduct made against students and student organizations.

1. Academic Code Violation: Depending on circumstances, an allegation of misconduct may be resolved through an informal resolution, formal meeting, or University SCAI Hearing Panel.
2. Student Code Violations: Depending on circumstances, an allegation of a violation of the Student Code of Conduct may be resolved through an informal resolution meeting or formal code violation meeting with a SCAI Conduct Advisor or University SCAI Hearing Panel.
3. Residential Code Violation: Depending on circumstances, an allegation of a violation of the code of conduct on residence hall property may be resolved through an informal or formal resolution meeting with a Housing Conduct Advisor, informal resolution meeting or formal code violation

meeting with a SCAI Conduct Advisor, or University SCAI Hearing Panel.

4. Sexual Misconduct Violations: Depending on circumstances, an allegation of a violation of the Student Code of Conduct may be resolved informally through OIE or through a Formal Hearing Panel with SCAI.

3. The University SCAI Hearing Panels

The University SCAI Hearing Panel may include students, faculty and/or staff members who receive training in the University Student Codes of Conduct and SCAI policies and procedures.

1. Faculty/Staff Panels

Each academic year, a sufficient number of faculty and staff, selected by the Dean of Students or designee in coordination with the Vice President of Academic Affairs and Vice President of Student Affairs, or designees, will serve on the SCAI panel. Faculty and staff panelists will serve a one-year term with the option of serving additional terms with permission of the Dean of Students or designee.

2. Student Panel Members

Each academic year, a sufficient number of students, selected by the Dean of Students or designee in coordination with the Student Government Association (SGA) President, will serve on the SCAI panel. Applications, personal statements, interviews, and references are considered in the selection process. Student panel members will serve a one-year term with the option of serving additional terms with permission of the Dean of Students or designee.

3. Duties of SCAI Hearing Panel Members

- a. To serve on hearing panels when so requested by the SCAI director
- b. To participate in education and awareness programs when so requested by the SCAI director
- c. To uphold the KSU Student Code of Conduct, the SCAI Panel Code of

Ethics, all other university rules and regulations, and federal and state laws

4. SCAI Panel Code of Ethics

As the University SCAI Department exists to promote justice and fairness, thus serving the individual student, the university, and the public interest, a panel member's public and official behavior shall be beyond reproach and free from impropriety. Any member of the SCAI panel or any member of the student body, faculty or staff who suspects a panel member of violating the SCAI panel code of ethics should communicate in writing to the University SCAI director. Once the alleged ethical violation is reported, the SCAI director or designee will investigate the allegations and confer with the Vice President for Student Affairs or their designated representative to determine the appropriate action, which may include dismissal from the SCAI panel and/or other outcomes, if necessary.

To uphold this high standard of behavior, each member of the panel undergoes training regarding their obligations as a member of the KSU SCAI panel, and, by a signed statement, pledges to uphold the following code of ethics:

Proceedings of the University Hearing Panel and shall be conducted with fitting dignity and decorum and should reflect the importance and seriousness of the hearing.

- a. Panel members shall not discuss any case outside of the University SCAI panel membership. In addition, panel members shall not discuss cases with other panel members while the case's outcome, including all appeals, is still pending, unless specific permission is granted by the SCAI director.
- b. No SCAI panel member shall pursue any facts, evidence, or outcome of any case unless acting in an official capacity, with the authorization of the SCAI Department.

- c. Panel members shall refrain from listening to, discussing, hearing, or expressing opinions about the merits of any case or pending case except when sitting as a member of a hearing panel to hear or consider that case, serving as an advisor in that case, or discussing the case with the SCAI director.
- d. A panel member shall be disqualified from cases that might present a conflict of interest or justify the inference that a party could improperly influence them or unduly enjoy their favor.
- e. A panel member shall not be swayed by partisan demands, public clamor or consideration of personal popularity or notoriety, nor be apprehensive of unjust criticism in deciding any case.

When considering whether a violation of the KSU Student Codes of Conduct has occurred, a panel member serving on the University Hearing Panel shall only consider the facts of the case before the panel, and not the validity of the Codes of Conduct regulation.

- a. A University Panel member shall consider all relevant factors in recommending disciplinary measures.
- b. Communication between a student or any other person and a panel member concerning the possible violation of a regulation is not privileged communication.
- c. Panel members are not required to report or bring cases to the SCAI Department; however, if asked to act as a witness by an advisor, a panel member is required to cooperate.
 - l. If called as a witness, a panel member shall be totally objective in their testimony and shall refrain from making subjective evaluations or from expressing their personal beliefs.
- d. A panel member who is a member of an organization brought before

the SCAI Department must notify the SCAI director of their affiliation with the organization. While that panel member has the right to silence, as they are part of the accused student organization, they may not serve on a University Hearing panel that is hearing the case against the organization. However, a panel member who is a member of an organization brought up on a SCAI code violation may serve as the advisor to the organization, unless that panel member is specifically alleged with an individual code of conduct violation or is an officer of the organization.

- e. Panel members shall be thoroughly familiar with and adhere to this code of ethics and the policies and procedures of the SCAI Department and shall refrain from bringing matters of federal and state law into any hearing.
- f. A panel member must preserve the confidentiality of all SCAI Department matters, even after they no longer serve on the panel. A breach of this confidentiality by a former student panel member may subject that student to code violations. A breach of this confidentiality by a former faculty or staff panel member may be referred to KSU Human Resources for possible disciplinary action.

5. The SCAI University Hearing Panel

- a. Jurisdiction: The SCAI University Hearing Panel considers allegations of violations of the KSU Student Codes of Conduct which are not resolved either informally with a professor (for academic misconduct allegations) or through an informal meeting before Residence Life or SCAI personnel. Only students who, if found responsible for code violation(s), face a possible outcome of suspension, expulsion, or retraction of University degree or course

credit previously awarded may request a hearing by the SCAI university hearing panel.

- b. SCAI staff will make the decision as to whether these outcomes are possible if the student were to be found responsible for the alleged violation(s) and will notify students in writing of such possibility.
- c. Composition: The panel will consist of a minimum of three (3) members (Faculty, Staff, and/or Students). For all sexual misconduct cases, the panel must consist of Faculty and/or staff only. The panel members will be chosen by the SCAI director from the pool of trained panel members, or from former panel members.
- d. Reporting: SCAI University Hearing Panel recommended decisions regarding alleged Codes of Conduct violations and any recommended outcomes are reported to the Director of the SCAI Department (or their designee) who will review the recommendations, make the final decision, and notify the parties to the case of the outcome.
- e. Appeals of SCAI University Hearing Panel Decisions: A request to appeal a SCAI University Hearing Panel decision as confirmed by the SCAI director shall be submitted to the SCAI director for distribution to the appropriate appellate officer in accordance with the guidelines and as outlined in this document. This assures a central repository of all student conduct records.

4. Handling Violations of the KSU Student Codes of Conduct

- a. Standards for Institutional Student Conduct Investigation and Code of Conduct Proceedings

This section establishes minimum procedural standards for investigations and resolutions of alleged student conduct violations, which Kennesaw

State University must incorporate into its respective student conduct policies. The purpose of this Policy is to ensure uniformity in the quality of investigations while providing for due process that affords fairness and equity in all student conduct investigations. This Policy is not intended to infringe or restrict rights guaranteed by the United States Constitution including free speech under the First Amendment, or the due process clauses of Fifth and Fourteenth Amendments.

These procedures apply to matters relating to student misconduct, except matters relating to academic dishonesty, which are covered under separate institutional policies. Institutions shall inform students of their procedures governing student misconduct complaints and investigations.

b. Reports of Student Misconduct

The University will provide clear notice to students and other campus community members as to how to file complaints of misconduct.

Complaints to the appropriate department and/or person(s) should include as much information as possible – such as: (1) the type of misconduct alleged; (2) the name and contact information of the individual(s) accused of misconduct; (3) the date(s), time(s), and place(s) of the misconduct; (4) the name(s) and contact information of any individual(s) with knowledge of the incident; (5) whether any tangible evidence has been preserved; and (6) whether a criminal complaint has been made.

Information from complaints may be shared as necessary to investigate and to resolve the alleged misconduct. Complaints shall be investigated and resolved as outlined below. The need to issue a broader warning to the

community in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) shall be assessed in compliance with federal law.

Where appropriate, Complainants may file a law enforcement report as well as an institutional report, but are not required to file both.

- a. **Confidentiality:** Where a Complainant (where applicable) requests that their identity be withheld or the allegation(s) not be investigated, the institution should consider whether such request(s) can be honored while still promoting a safe and nondiscriminatory environment for the **University** and conducting an effective review of the allegations. The **University will** inform the requesting party that the **University** cannot guarantee confidentiality and that even granting requests for confidentiality shall not prevent the **University** from reporting information or statistical data as required by law, including the Clery Act.
- b. **Retaliation:** Anyone who has made a report or complaint, provided information, assisted, participated or refused to participate in any investigation or resolution under applicable Board or institution policy shall not be subjected to retaliation. Anyone who believes they have been subjected to retaliation should immediately contact the Student Conduct and Academic Integrity or Office of Institutional Equity (relating to sexual misconduct or discrimination cases)f. Any person found to have engaged in retaliation shall be subject to disciplinary action, pursuant to the institution's policy.
- c. **False Complaints/Statements:** Individuals are prohibited from

knowingly giving false statements to a University official. Any person found to have knowingly submitted false complaints, accusations, or statements, including during a meeting, in violation of applicable BOR or University policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated pursuant to the institution's policy.

- d. **Amnesty:** Students **are** encouraged to come forward and report violations of the law and/or student code of conduct notwithstanding their choice to consume alcohol or drugs. Information reported by a student during the conduct process concerning their consumption of drugs or alcohol will not be voluntarily reported to law enforcement; nor will information that the individual provides be used against the individual for purposes of conduct violations. Nevertheless, these students may be required to meet with staff members regarding the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this amnesty procedure will not be considered an outcome.

Nothing in this amnesty procedure shall prevent a university staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

- c. **Process for Investigating and Resolving Disputed Student Conduct Reports**

If the student has admitted responsibility and has voluntarily decided to participate in the informal process, the procedures outlined in this section will not apply.

Access to Advisors: The Respondent and Complainant (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be an attorney) of the party's choosing, and at their own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings, hearings, and proceedings during the investigatory and/or resolution process at which their advisee is present. The advisor may advise their advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions posed to the advisee, but shall not participate directly during the investigation or meeting/hearing process. An advisor may be removed from a meeting/hearing if their continuing presence is determined to be disruptive to the meeting/hearing at the discretion of the Conduct Advisor.

Initial Evaluation of Student Conduct Reports:

Regardless of how the University becomes aware of alleged misconduct, the University shall ensure a prompt, fair, and impartial review and resolution of complaints alleging student misconduct. Where a report of student misconduct has been made to the appropriate department and/or person, the University shall review the complaint to determine whether the allegation(s) describes conduct in violation of the University's policies and/or code of conduct. If the reported conduct would not be a violation of the University's policies and/or code of conduct, even if true, then the report should be dismissed. Otherwise, a prompt, thorough, and impartial investigation, and review shall be conducted into each complaint received to determine whether there were any code violations against the Respondent.

Investigation

Throughout any investigation and resolution proceedings, the Complainant (where applicable) and Respondent shall receive written notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting. If a party chooses to remain silent or otherwise not participate in an investigation, the investigation may still proceed, and code violations may still result and be resolved. Timely and equal access to information that will be used during the investigation will be provided to the Complainant (where applicable) and Respondent.

In no case shall a hearing to resolve charge(s) of student misconduct take place before the investigative report has been finalized. An investigator shall be an individual other than the student conduct officer (or staff member) who adjudicates the incident in question. This individual shall provide an unbiased review of the incident and charges. This individual shall be identified and approved by the chief student affairs officer of the institution.

Potential Outcome may be Suspension or Expulsion

Where the potential outcomes for the alleged misconduct may involve a suspension or expulsion (even if such outcomes were to be held "in abeyance," such as probationary suspension or expulsion) the institution's investigation and resolution procedures must provide the additional minimal safeguards outlined below.

1. The Complainant (where applicable) and Respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible code violations, possible outcomes, and available support services. The notice should also include the identity of any investigator(s) involved. Notice should

be provided via institution email to the email address on file.

2. Upon receipt of the written notice, the Respondent shall have at least three business days to respond in writing. In that response, the Respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A non-response will be considered a general denial of the alleged misconduct. Any Complainant (where applicable) shall also be provided three business days to respond to or to supplement the notice.
3. If the Respondent admits responsibility, the process may proceed to the resolution phase or may be informally resolved, if appropriate.
4. If at any point the investigator determines there is insufficient evidence to support a code violation or to warrant further consideration of discipline, then the complaint should be dismissed.
5. An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any party's proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.
6. The initial investigation report shall be provided to the Respondent and the Complainant (where applicable). This report should clearly indicate any resulting code violations (or alternatively, a determination of no code violations), as well as the facts and evidence in support thereof, witness statements, and possible outcomes, as well as options for adjudication (informal code violation meeting, formal code violation meeting, or, where applicable, hearing before a university panel). For purposes of this Policy, a code violation is not a finding of responsibility but indicates that

there is sufficient evidence to warrant further consideration and adjudication.

7. The final investigation report should be provided to the misconduct panel or hearing officer for consideration in adjudicating the code violation(s) brought against the Respondent before any hearing. A copy shall also be provided to the respondent and Complainant (where applicable) before any code violation meeting. The investigator may testify as a witness regarding the investigation and findings but shall otherwise have no part in the code violation meeting and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing.

Resolution/Code Violation Meeting for Potential Suspension/Expulsion

In no case shall a code violation meeting to resolve a code violation(s) of student misconduct take place before the investigative report has been finalized.

Where the Respondent indicates that they contest the code violations, the matter shall be set for a formal meeting and once the investigative report has been finalized and copies provided to the Respondent and Complainant (where applicable); however, the Complainant (where applicable) and Respondent may have the option of selecting an informal meeting as a possible resolution in certain student misconduct cases where they mutually agree except where deemed inappropriate by the Assistant Vice Chancellor for Student Affairs at the University System Office..

Where a case is not resolved through an informal meeting or an informal meeting is not available due to the nature of the code violations, the Respondent shall have the option of having the code violations heard either by an administrator (Hearing Officer) or a Hearing Panel. If a formal meeting/ Panel Hearing is requested, the university shall use their discretion to

determine whether the case should be heard by a Hearing Panel. Notice of the date, time, and location of the meeting/hearing shall be provided to the Respondent and Complainant (where applicable) at least five business days prior to the meeting/hearing. Notice shall be provided via institution email where applicable. meetings/hearings shall be conducted in person or via conferencing technology as reasonably available. Additionally, the following standards will apply to any such meeting/hearing:

1. The Respondent and Complainant (where applicable) shall have the right to present witnesses and evidence to the conduct advisor or panel. Witness testimony, if provided, shall pertain to knowledge and facts directly associated with the case being heard. The Respondent and Complainant (where applicable) shall have the right to confront any witnesses, including the other party, by submitting written questions to the conduct advisor or hearing panel for consideration. The student's advisor may actively assist in drafting questions. The conduct advisor or hearing panel shall ask the questions as written and will limit questions only if they are unrelated to determining the veracity of the code violation leveled against the Respondent(s). In any event, the conduct advisor or hearing panel shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.
2. Where the conduct advisor or hearing panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the Hearing Officer or Hearing Panel may establish special procedures for providing testimony from a separate location. In doing so, the Hearing Officer or Hearing Panel must determine whether there is a valid basis for the unavailability, ensure proper sequestration in a manner that ensures testimony has not been

tainted, and make a determination that such an arrangement will not unfairly disadvantage any party. Should it be reasonably believed that a party or witness who is not physically present has presented tainted testimony, the Hearing Officer or Hearing Panel will disregard or discount the testimony.

3. Formal judiciary rules of evidence do not apply to the investigatory or resolution process.
The standard of review shall be a preponderance of the evidence.
4. Institutions should maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings, and/or video recordings.
5. Following a hearing or code violation meeting, both the Respondent and Complainant (where applicable) shall be simultaneously provided a written decision via institution email (where applicable) of the outcome and any resulting outcomes. The decision should include details on how to appeal, as outlined below. Additionally, the written decision must summarize the evidence relied on in support of the outcome and the rationale for the resulting outcome. The same form will be completed, regardless of whether the student opts for a hearing panel or a formal meeting.

Potential Outcome is Not Suspension or Expulsion

Where the potential outcomes for the alleged misconduct will **not** result in suspension or expulsion (even if such outcomes were to be held “in abeyance,” such as probated housing dismissal or suspension), the institution will provide an informal meeting procedure with the following minimal safeguards outlined below.

1. The Respondent shall be provided with written notice of the alleged code violations and a pre-scheduled appointment to meet with a university official from Residence Life or Student Conduct and Academic Integrity.

Notice should be provided via institution email to the address on file.

2. In that notice, the Respondent will have the option to accept responsibility for the alleged violations and have an Informal meeting with an assigned university official to discuss outcomes, or the Respondent may contest the alleged violations and have a code violation meeting with said university official.
3. Respondents retain their rights to review the report(s) and evidence, submit additional evidence (including, but not limited to, witness statements, photographs, screenshots, etc.), and have an advisor present, as outlined in this procedures document. Formal criminal rules of evidence do not apply to the informal meeting processes.
4. The standard of review shall be a preponderance of the evidence.
5. The respondent will receive a written decision via institution email of the outcome and any resulting outcomes following the Informal Meeting or Formal Meeting. A written decision notification will be sent to the respondent regardless of whether the student opts for an Informal Meeting or a Formal Meeting .
6. Should the investigation and/or resolution of alleged code violations reveal that the actual code violation(s) which occurred is different than the initial allegations, the final code violation(s) will be modified accordingly.

Recusal/Challenge for Bias

Any party may challenge the participation of any institution official, employee or student panel member in the process on the grounds of personal bias by submitting a written statement to the institution’s designee setting forth the basis for the challenge. The designee shall not be the same individual responsible for investigating or adjudicating the conduct allegation. The written challenge should be submitted within a reasonable time after the individual knows or reasonably should have known of the existence of the bias. The institution’s designee will determine

whether to sustain or deny the challenge and, if sustained, the replacement to be appointed.

D. The SCAI Conduct Process Procedures for Academic Misconduct Allegations

Reporting and Classifying an Alleged Violation

Any individual who witnesses or otherwise discovers evidence that a KSU student has engaged in academic misconduct may report the matter to the Department of Student Conduct and Academic Integrity (SCAI) for investigation.

It is almost always the faculty member teaching the class in which the violation allegedly occurred who contacts SCAI concerning such offenses. Accordingly, it is strongly recommended that students who learn that a classmate has engaged in such misconduct should report the matter to their professor as soon as possible. Generally, at that point, it is the faculty member who contacts SCAI to report the case.

Once SCAI receives information that an alleged incident of academic misconduct has taken place, it is the responsibility of Director of SCAI, or designee, to evaluate the purported offense and evidence supporting the allegation. This analysis may lead to a determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Code of Academic Integrity (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code). In addition, the Director of SCAI, or designee, has the discretion to choose not to pursue Code of Academic Integrity code violations or to refer a complaint elsewhere for resolution based on the totality of the circumstances involved.

If it is determined that sufficient evidence of academic misconduct exists to warrant disciplinary action, the

next step is for the SCAI Director, or designee, to check SCAI records for any prior history of academic misconduct by the accused student. The SCAI Director, or designee, then communicates this information to any faculty member reporting the alleged violation. When a case is reported by someone other than a KSU professor, the SCAI Director, or designee, does not share the accused student's academic misconduct record.

There are two overall methods by which an academic misconduct case that goes forward can proceed. The first and most common is an informal meeting between the instructor and student. Only students with no prior history of committing academic misconduct at KSU are eligible to resolve their cases informally. Any completed informal agreement involving a student who is later discovered to have had a history of academic misconduct automatically nullifies the informal resolution and escalates the code violations to a formal meeting. See Conduct Process and Guidelines for Informal Resolution (below) for details on what informal meetings entail.

If a student withdraws from a course before a pending case of academic misconduct against that student can be resolved, the student's case will be referred to SCAI and the student may request a formal meeting to dispute the violation. However, if the instructor permits, the student may still be given a chance for an informal meeting at which the student may take responsibility and receive the Incident on File Outcome (see below).

The second method for resolving academic misconduct code violations is a formal meeting, whether adjudicated by a hearing officer (as is the default) or by a panel. Students with any prior record of committing academic misconduct at KSU must resolve any new allegations of academic misconduct formally. Even on a first offense, if the instructor feels

the offense is of such an egregious nature, the case, in consultation and with agreement from SCAI, may be forwarded for a formal Meeting. Similarly, if a professor attempts to resolve a case informally and is unsuccessful in doing so (i.e. the student says they are not responsible, but the professor still believes the evidence indicates misconduct took place), then the case automatically escalates to a formal meeting. See Conduct Process and Guidelines for Formal Resolution (below) for in-depth information on formal meetings.

Conduct Process and Guidelines for Informal Resolution

- a. Notification:** The faculty (or less commonly, the Director of SCAI, or designee) sends the accused student notice via official KSU student email of a mandatory meeting at a particular date, time, and location. Such meetings should be conducted face-to-face or via an online meeting.
- b. Who Must Attend:** Informal meetings usually bring together the accused student and the faculty member. However, the faculty member may choose to meet with the student along with the aid of a facilitator who may be a fellow instructor, colleague, department representative, etc. In some circumstances, the instructor may ask the department chair (or designee) to serve as a facilitator for the meeting in their absence. Unlike formal meetings, informal meetings cannot be conducted without an accused student's participation, as the entire point of these meetings is to give eligible students the chance to reflect on, respond to, and, if appropriate, take responsibility for the alleged offense.
- c. Who May Attend** The student may request an advisor (see procedure above) be present during the informal or formal meeting. However, the accused student must

sign a FERPA waiver allowing the advisor to be present, and such parties may not participate in the informal meeting in any way except at the direct request of the accuser and/or facilitator. Advisors who attempt to interject themselves into the meeting despite instructions to refrain from doing so will be asked to leave.

d. Informal Meeting Steps:

- I.** At the start of the informal meeting, the accuser and/or facilitator explains what the meeting is, why the meeting was scheduled, and the three possible outcomes (see below).
- II.** At some point early in the meeting, the accuser explains the specific allegation(s) of academic misconduct and presents the evidence supporting the code violation. Both the accuser and/or facilitator may ask questions of the accused to obtain the student's perspective and/or explanation.
- III.** When discussing the purported violation, the facilitator and/or accuser should also speak to the broader ethical implications surrounding the alleged misconduct, particularly when those ethics can relate to the professional ethics associated with the student's major.
- IV.** At some point early in the meeting, accused students must receive a reasonable opportunity to explain their point of view on the matter and present any relevant information in their own defense.
- V.** At some point during the meeting, the accuser and/or facilitator should share specifics on the informal resolution (outcome) they are seeking to remedy the academic misconduct. The accuser chooses an academic outcome

appropriate to the offense from the options below.

- VI. After the accused student has had a chance to speak and answer questions, the accuser should ask the student if they take responsibility for the academic misconduct as discussed by accepting the proposed informal resolution. After noting their answer, the informal meeting is over. If the student has questions on record retention those questions can be forwarded to SCAI.
- VII. Unless the accuser decides to drop the alleged code violations (see below), the accuser now completes an online academic misconduct incident form documenting the specifics of the alleged misconduct. Whether the student accepted the informal resolution or not is also captured on the incident form as are the specifics of the informal resolution. The completed form, along with an attached copy of any supporting evidence the accuser has gathered, must be sent to SCAI, by hitting submit at the bottom of the incident form, to create a formal disciplinary record and/or initiate a formal meeting process, as appropriate to the case. The academic misconduct incident form can be found on the [SCAI website](#).

e. Academic Outcomes:

- I. If the student denies engaging in academic misconduct and convinces the accuser that there is not a preponderance of evidence to support the allegation, then alleged code violations should be dropped and the informal meeting ends. No further action should be taken against the student pertaining to a dismissed allegation, but professors may still choose to penalize a student's grade for failing to adhere to assignment

directions even if they decide that the problem doesn't rise to the level of academic misconduct (e.g. a citation error that isn't serious enough to count as plagiarism).

- II. If the student refuses to accept the resolution proposed by the accuser, but the accuser still believes a preponderance of evidence exists to support the allegation, the informal meeting ends. The accuser or facilitator explains that the case cannot be resolved informally, and that it will be referred to SCAI for a formal meeting. The accused student should be reminded to check their KSU student email regularly for a notification of meeting letter from SCAI.
- III. If the student takes responsibility for the academic misconduct by accepting the informal resolution proposed by the accusing professor, then the accuser can move forward with documenting the informal meeting on the SCAI academic misconduct incident report form.
- IV. Students cannot appeal the outcome of an informal meeting. Once a student accepts responsibility for the academic misconduct incident by agreeing to an informal resolution, the agreement is binding, and the student cannot recant their agreement without triggering an automatic escalation to a formal meeting with SCAI.

Conduct Process and Guidelines for Formal Resolution

- 1. Upon receiving a completed academic misconduct incident form, the director of SCAI (or designee) shall determine whether enough evidence exists to proceed with the case. If so, a notice of meeting will be sent by KSU student email to the accused student, containing the information below.
 - a. Date, time, and place of the meeting.
 - b. The section(s) of the Code of Academic Integrity allegedly

violated and information about the circumstances of the allegation.

- c. Information on how the responding student may review the case information/evidence before the meeting.
 - d. A statement that the accused student may choose to have a meeting before a panel instead of a meeting with an administrator if the accused notifies the appropriate administrator by a deadline stated in the notice. This notice will only be included if the outcome of suspension, expulsion, or revocation of degree is a potential outcome for being found responsible.
2. The administrator conducting the meeting (or the person bringing the code violation when there is a hearing panel) will review the information and evidence supporting the allegation of academic misconduct against the student and then allow the accused student to give an explanation of the incident and present witnesses if they have information relevant to the issue of whether or not the accused student violated the Code of Academic Integrity.
 3. Every decision as to whether the accused student violated the Code of Academic Integrity will be based on a preponderance of the evidence/information available. This means that if the administrator (or hearing panel) finds the accused responsible for violations they must have determined that it is more likely than not that the accused is in violation. Panel recommendations are based on a majority vote.
 4. The SCAI administrator will select appropriate outcomes if the accused student is found responsible for violations and will inform the accused in writing sent to their University email of the result of the meeting. Alternatively, if there is a panel hearing, the panel will make outcome recommendations which must be confirmed by the director of SCAI and the director will inform the accused

student in writing sent to their University email of the result of the panel hearing.

5. If suspension, expulsion, or revocation of degree are assigned as outcomes, there is the possibility of appeal. Information on how to appeal will be included in the decision letter sent to the accused student. The appeal must still meet all the grounds for appeal. Details on appealing can be found below.
6. This overview gives a general idea of how the University's conduct proceedings for academic misconduct allegations work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and may not be exactly the same in every situation, though consistency in similar situations is a priority.¹

¹ A KSU student may take courses through the USG eCore (Georgia's College Core Curriculum. . . Online) program.

<https://ecore.usg.edu/>

ECore has its own academic honesty policy <https://ecore.usg.edu/exams/honesty.php> and procedures which apply to eCore classes taken by students. If a student is found in violation of the eCore academic honesty policy, then the KSU student's violation will be reported to the KSU Student Conduct and Academic Integrity (SCAI) Department scai@kennesaw.edu for inclusion in the student's conduct file at Kennesaw State University.

f. Informal Meeting Steps:

Non-Academic Misconduct Appeals

Appeals are only allowed where outcomes of suspension or expulsion are issued, even when such outcomes are held "in abeyance," such as probated housing dismissal and suspension.

Appeals for Suspension/Expulsion Outcome

Where the outcome imposed includes a suspension or expulsion (even for one held in abeyance), the following appellate procedures must be provided.

The Respondent (and in cases involving sexual misconduct or other forms of discrimination and/or harassment, the Complainant) shall have the right to appeal the outcome on any of the following grounds: (1) to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original meeting (or appeal), because such information was not known or knowable to the person appealing during the time of the meeting (or appeal); (2) to allege a procedural error within the Code of Conduct Process that may have substantially impacted the fairness of the meeting (or appeal), including but not limited to whether any meeting questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, investigator(s), decision makers(s); or (3) to allege that the finding was inconsistent with the weight of the information.

The appeal must be made in writing, must set forth one or more of the bases outlined above, and must be submitted within five business days of the date of the final written decision. The appeal should be made to the institution's President or their designee.

The appeal shall be a review of the record only, and no new meeting with the Respondent or any Complainant is required. The President or their designee may affirm the original finding and outcome, affirm the original finding but issue a new outcome of greater or lesser severity, remand the case back to any lower decision maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The President or their designee's decision shall be simultaneously issued in writing to the parties within a reasonable time. The President or their designee's decision shall be the final decision of the institution.

Should the Respondent or Complainant (where applicable) wish to appeal the final institutional decision, they may request review by the Board of Regents in accordance with the Board of Regents' Policy on Discretionary Review.

Student appeals of final decisions of University System of Georgia institutions are governed by the [Board of Regent Policy 6.26 on Application for Discretionary Review](#).

Appeals received after the designated deadlines above will not be considered unless the institution or Board of Regents has granted an extension prior to the deadline. If an appeal is not received by the deadline the last decision on the matter will become final.

Appeals for University Housing Dismissal Outcome

The Respondent shall have the right to appeal a outcome of a University Housing Dismissal on any of the following grounds: (1) to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original conduct meeting, because such information was not known or knowable to the person appealing during the time of the conduct meeting; (2) to allege a procedural error within the conduct process that may have substantially impacted the fairness of the conduct meeting, including but not limited to whether the decision was tainted by a conflict of interest or bias by the hearing officer/panel, investigator(s), decision makers(s); or (3) to allege that the finding was inconsistent with the weight of the information. Dissatisfaction with the decision is not proper grounds for an appeal.

The appeal must be submitted in writing, sent from the Respondent's official KSU email, must identify one or more of the aforementioned grounds and include a brief statement explaining why the

Respondent has chosen to file the appeal. The appeal must be submitted within 5 business days of the date of the final decision letter (outcome letter). The appeal must be sent to the Executive Director of Housing and Residence Life or their designee.

The appeal shall be a review of the record only, and no new meeting with the Respondent is required. The Executive Director or their designee may affirm the original finding and outcome, affirm the original finding but issue a new outcome of greater or lesser severity, remand the case back to any lower decision maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The Executive Director or their designee's decision will be issued in writing to the Respondent within 10 university business days. The Executive Director or their designee's decision shall be the final decision of the institution.

Appeals submitted after the designated deadline will not be considered unless the institution has granted an extension prior to the deadline. If an appeal is not received by the deadline the last decision on the matter will become final.

Request To Remain in University Housing Pending Appeal Outcome

If a Respondent chooses to submit an appeal of the University Housing Dismissal, the Respondent can also submit a separate request asking permission to remain in University Housing pending the outcome of the appeal.

This request must be submitted separately from the outcome appeal and must address why moving out would cause a hardship to the student. This request must be in writing, sent from Respondent's official KSU student email. This separate request must be submitted to the Executive Director of Housing,

Residence Life, & Strategic Analysis (or their designee). The request must be submitted within 5 business days of the date of the final decision letter (outcome letter).

Once received, the request will be reviewed during university business hours. Making such a request does not guarantee that a Respondent will be permitted to remain in University Housing while the outcome appeal is being reviewed. A decision will be sent to the Respondent's official KSU student email within 2 business days.

Academic Misconduct Appeals

Where the outcome imposed includes a suspension or expulsion (even for probated status), the following appellate procedures must be provided. The Respondent shall have the right to appeal the outcome on any of the following grounds: (1) to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original meeting (or appeal), because such information was not known or knowable to the person appealing during the time of the meeting (or appeal); (2) to allege a procedural error within the Code of Conduct process that may have substantially impacted the fairness of the meeting (or appeal), including but not limited to whether any meeting questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, investigator(s), or other decision maker(s); or (3) to allege that the finding was inconsistent with the weight of the information.

The appeal must be made in writing and must set forth one or more of the bases outlined above and must be submitted within five business days of the date of the final written decision. The appeal should be made the President or their designee.

The appeal shall be a review of the record only, and no new meeting with the Respondent or any Complainant is required. The President, or their designee, may affirm the original finding and outcome, affirm the original finding but issue a new outcome of greater or lesser severity, remand the case back to the decision-maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The President or their designee's decision shall be the final decision of the institution.

Should the Respondent or Complainant (where applicable) wish to appeal the President or their designee's decision, they may request review by the Board of Regents in accordance with the Board of Regents' Policy on Application for Discretionary Review.

Appeals received after the designated deadlines above will not be considered unless the institution or Board of Regents has granted an extension prior to the deadline. If an appeal is not received by the deadline the last decision on the matter will become final.

Additional procedures for Non-Title IX Sexual Misconduct.

Non-Title IX sexual misconduct is covered in part in BOR policy 6.7 ([Board of Regents Policy Manual | 6.7 Sexual Misconduct Policy | University System of Georgia](#)).

The parties shall have the right to present witnesses and evidence at the hearing. Witness testimony, if provided, shall pertain to knowledge and facts directly associated with the case being heard.

The parties shall have the right to confront any witnesses, including the other party, by submitting written questions to the Hearing Officer for consideration. Advisors may actively assist in drafting questions. The Hearing Officer shall ask the questions as written and will

limit questions only if they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any such event, the Hearing Officer shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, shall be deemed irrelevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or consent between the parties during the alleged incident.

The hearing panel shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.

Formal judicial rules of evidence do not apply to the resolution process and the standard of evidence shall be a preponderance of the evidence.

Following a hearing, the parties shall be simultaneously provided a written decision via institution email of the hearing outcome and any resulting sanctions or administrative actions. The decision must include the allegations, procedural steps taken through the investigation and resolution process, findings of facts supporting the determination(s), determination(s) regarding responsibility, and the evidence relied upon and rationale for any sanction or other administrative action. The institution shall also notify the parties of their right to appeal, as outlined BOR 4.8.6.6 Appeals.

Section 9: Hazing Policy

At KSU, hazing means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that

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- (i) is committed in the course of an initiation into, an affiliation or connection with, the maintenance of membership in, or any other condition or precondition connected to a student organization or school organization; and
- (ii) causes or creates a risk, above the reasonable risk encountered in the course of participation in institution or organization activities (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including –
 - a. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
 - b. causing, coercing, otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - c. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 - d. causing, coercing, or otherwise inducing another person to

perform sexual acts;

- e. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- f. any activity against another person that includes a criminal violation of local, state, tribal, or federal law; and
- g. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, tribal, or federal law.

Additional examples of actions and situations that may constitute hazing include, but are not limited to, the following:

- Treeings (e.g., tying someone up and throwing food or other substances on them)
- Paddling in any form
- Line-ups (e.g., yelling at or harassing people in a formation)
- Theft of or damage to any property
- Road trips (e.g., dropping someone off and leaving him/her to find his/her own way back)
- Scavenger hunts without prior approval from the appropriate university-appointed adviser, professor, department director, or the dean of students
- Conducting activities that do not allow adequate time for studying or that interfere with their scholastic responsibilities (e.g., not allowing an individual to attend class, causing one to miss group projects)
- Forcing, requiring, or encouraging nudity at any time
- Forcing or requiring, the wearing of specific uniform apparel except for customary public athletic events, performances, contests or competitions that are sponsored by the University or the organized and supervised practices associated with such events, or customary pledge pins, formal chapter attire
- Performing acts of personal servitude for members (e.g., driving them to class, cleaning their individual rooms, serving meals, washing cars, shopping, laundry)
- Requirement/forcing of purchases for others
- Forcing, requiring, or encouraging individuals to engage in public stunts or buffoonery, hair cutting, morally degrading/humiliating games or activities, which are distasteful or designed to provoke nausea or

inebriation

- Verbally harassing any individual or any action or situation which subjects an individual to a condition where that individual might tend to lose self-respect or suffer injury to personal or religious values
- Forcing, requiring, encouraging, or creating a situation where there is an expectation that individuals will participate in the violation of University policiesA “school organization” or “student group,” means an organization (such as club, society, association, corporation, order, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, student government, or group living together) in which two or more of the members are enrolled students or alumni, including local affiliate organizations, whether or not the organization is established or recognized by the institution.

A reasonable person standard is applied in determining if any of the actions or situations listed above occurred and constituted hazing.

4.8 Records Retention

Refer to BOR 6.24 Records Retention Policy

4.9 Application for Discretionary Review

Refer to BOR 6.26 Application for Discretionary Review Policy.

Kennesaw State University will continue to revise its policies in alignment with updates made by the University System of Georgia Board of Regents (USG BOR). For the latest USG BOR policies, please visit: <https://www.usg.edu/policymanual/section4/C332>.