

Revised HAZING Definition & Student Organization Code of Conduct (Proposed)
The two sections of the document below (# 6 and the revised definition of hazing in Section B) would be inserted into the current Student Code of Conduct.

6. Student Organizational Discipline

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

B. PROHIBITED NON-ACADEMIC CONDUCT

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

1. Alcohol violations including, but not limited to:
 - a. Underage use or possession of alcohol.
 - b. Possession or consumption of alcohol in an unauthorized area.
 - c. Use or possession of fake identification.
 - d. Distribution of alcohol to underage person(s).
 - e. Behavior, while under the influence of alcohol, that endangers any person.
 - f. Disorderly conduct associated with the use of alcoholic beverages.
2. Illegal drugs and other substance violations including, but not limited to:
 - a. Use or possession of illegal drugs (without valid medical or dental prescription).
 - b. Behavior, while under the influence of illegal drugs, that endangers any person.
 - c. Manufacturing, furnishing, selling, or distributing of any narcotic or dangerous drug controlled by law.
 - d. Disorderly conduct associated with the use of illegal drugs.
3. Unjustifiably pushing, striking or otherwise intentionally causing reasonable apprehension of such harm to any person.
4. Disorderly conduct including, but not limited to:
 - a. Boisterousness, rowdiness, obscene or indecent conduct or appearance.
 - b. Obstruction or disruption of teaching, research, administration or other Institute activities, including its public service functions or other authorized activities.
 - c. Breach of the peace.
5. Behavior that endangers any person(s), including self.
6. Unauthorized use of Institute facilities or premises including:
 - a. Unauthorized entry into any Institute Premises or remaining without permission in any building after normal closing hours.
 - b. Possessing, using, making, or causing to be made any key or other means of access to any Institute Premises without proper authorization.
7. Furnishing false information to any Institute Official.
8. Forgery, alteration, replication, or misuse of any document, record, or identification upon which the Institute relies, regardless of the medium.
9. "Hazing" is conduct, whether on or off Institute property, which exceeds the normal expectations of the organizational purpose or *mission* and which a)endangers the mental or

physical health or safety of a student as a condition of affiliation with a group or organization and/or b) which is sufficiently severe or pervasive enough to interfere with academic ~~expectations~~ responsibilities.

10. Safety violations, including, but not limited to:

- a. Intentionally initiating or causing to be initiated any false reporting, warning or threat of fire, explosion or other emergency.
- b. Tampering with safety devices or other emergency, safety, or fire fighting equipment.
- c. Setting or attempting to set an unauthorized fire.
- d. Unauthorized possession of fireworks, firearms, and/or ammunition.
- e. Unauthorized possession of Weapons and/or dangerous materials or chemicals.
- f. Unauthorized sale, possession, furnishing, or use of any bomb or explosive or incendiary device.

11. Theft and/or unauthorized possession or use of property or services belonging to the Institute, another person, or any other entity.

12. Malicious or unauthorized damage to or destruction of Institute property or property belonging to another.

13. Illegal gambling, including online gambling.

14. Failure to return or submit property or records of the Institute within the time prescribed by the Institute.

15. Acting with any other person to perform an unlawful act or to violate an Institute regulation or Policy.

16. Failure to comply with instructions or a directive of any properly identified Institute Official while that person is acting in the performance of his/her duties.

17. Abuse of the Student Code of Conduct Procedures including, but not limited to:

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

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

19. Harassing another person including, but not limited to:

- a. Placing another person in reasonable fear of his/her personal safety through words or actions directed at that person, or substantially interfering with the working, learning, or living environment of the person.
- b. Unwelcome sexual advances, requests for sexual favors, and other written, verbal or physical conduct of a sexual nature.

20. Sexual misconduct including, but not limited to:

- a. Non-consensual sexual contact including, but not limited to, intentional and/or forcible touching.
 - b. Non-consensual sexual intercourse including, but not limited to, anal, oral or vaginal penetration, however slight.
 - c. Sexually related offenses including, but not limited to, obscene, indecent behavior and/or exposure.
21. Violation of any Georgia Institute of Technology policy, rule or regulation.
22. Violation of any Board of Regent's policy and/or federal, state, or local law.

The information below would be an addendum to the current Student Code of Conduct, entitled "Student Organization Code of Conduct Procedures."

STUDENT ORGANIZATION CODE OF CONDUCT PROCEDURES

1. Case Referrals

Any person may file a complaint against an Organization for violations of the Student Code of Conduct. The complaint shall be prepared in writing and directed to OSI. The procedures for filing a complaint can be found on the OSI website as listed in the References. This complaint should be submitted as soon as possible after the event takes place or when it is reasonably discovered, no later than thirty (30) Business days following the discovery of the incident. In extraordinary circumstances, OSI may waive this timeline.

2. Communication

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

3. Rights of the Accused Student Organization

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

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

4. Investigation and Resolution Process

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

a. After OSI receives a complaint, the conduct administrator will review the Information to decide what if any process to initiate. The Student Conduct Administrator will:

- initiate Institute conduct proceedings by sending the Organization president a notice;
- resolve the situation through an informal resolution process including but not limited to mediation or a meeting between the Organization and a Student Conduct Administrator or a third party; or
- determine that the facts of the complaint or report, even if true, would not constitute a violation of Institute policy;
- determine, in consultation with the Director of Greek Life or the Director of Student Involvement that the facts of the complaint may constitute a violation of that Organization's own governing documents or bylaws and should be adjudicated by the Organization's governing board conduct process. If the Organization conducts its own process, that process may occur at the same time as the Institute Conduct process.

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

b. At the Administrative Conference, the Organization president is presented with the alleged violation of the Student Code of Conduct, supporting Information and an explanation of his/her rights. The Organization president will be allowed to designate a preference for a decision to be rendered by the Student Conduct Administrator or by a Student Conduct Panel. The Organization president can choose to, on behalf of the Organization: 1) meet and have the decision rendered by the Student Conduct Administrator; or 2) meet and have the decision rendered by a Student Conduct Panel.

Ordinarily, the Organization president's preference will be honored. However, OSI reserves the right to determine the process to be used based on the circumstances, including but not limited to:

- imminent graduation of the Student(s) associated with the Organization;
- end of the semester;

- extraordinary circumstances.

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

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

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

5. Forms of Case Resolution

a. Administrative Resolution

If an Organization president chooses to meet with the Student Conduct Administrator, the Student Conduct Administrator follows the investigation process in Section 4. and renders a decision of 1) Not Responsible, which closes the case or 2) Responsible for one or more violations with an appropriate Sanction, and, as warranted, one or more from among the Supplementary Requirements. The Organization president, after being notified of the Student Conduct Administrator's decision, may submit an appeal to the Dean of Students according to appeal procedures described in Section G of the Student Code of Conduct.

b. Student Conduct Panel

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

1. Decisions and Sanctions for Non-academic Cases

The Student Conduct Panel, after convening a hearing, recommends a disciplinary decision to the Director of Student Integrity. The Director of Student Integrity, after

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

2. Scheduling of Student Conduct Panel Hearing

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

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

3. Hearing Participants and Attendees

- Student Conduct Panel hearings shall ordinarily be closed except for the Accused(s), the Complainant(s), Advisor(s), and Witnesses. Exceptions may be made at the discretion of the Chairperson. Witnesses are allowed at the discretion of the Chairperson. The Chairperson may exclude any person, including the Organization, who disrupts a hearing.
- A Organization who fails to appear after proper notice will be deemed to have responded "Not Responsible" to the charges against him/her and to have exercised the right to remain silent without prejudice. At the discretion of the Chairperson the hearing may be conducted in the absence of the Student(s) and all the Information regarding the alleged misconduct shall be presented and considered.
- The Complainant(s) and Accused(s) have the right to be accompanied by an Advisor. The Complainant(s) and/or Accused(s) should select an Advisor who can attend the hearing at the scheduled date and time. Delays are not usually granted due to scheduling conflicts of an Advisor.
- Subject to the Chairperson's control of the hearing, the Complainant(s), Accused(s) and their Advisors, shall be allowed to attend the Student Conduct Panel hearing, but not Panel deliberations.
- In Student Conduct Panel hearings involving more than one Accused, OSI may permit the Student Conduct Panel hearings concerning each Organization to be conducted either separately or jointly.
- A maximum of two (2) character Witnesses will be allowed in a hearing.

4. Hearing Procedures

- The Chairperson shall exercise control over the proceedings to achieve orderly completion of the hearing.

- Advisors are restricted to private communications with their advisee(s).

However,

if the Advisor disrupts the investigation and resolution process, he/she may be asked to leave.

- All questions by the Complainant(s) and Accused(s) must be directed to the Chairperson, rather than to the Witness directly. Questions of whether potential Information will be received shall be resolved at the discretion of the Chairperson.

- In addition to the Information provided by OSI, the Student Conduct Panel, at the discretion of the Chairperson, may accept additional pertinent Information and testimony (including impact statements). Any letters of recommendation submitted by the Accused will be admitted for consideration at the discretion of the Chairperson and, if admitted, will be viewed only during Panel deliberations.

- All procedural questions arising during the hearing are subject to the final decision of the Chairperson.

- The Student Conduct Panel's standard of proof shall be a Preponderance of the Evidence.

- The Student Conduct Panel in consultation with OSI, may reasonably accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant(s), Accused(s), and/or Witnesses during the hearing.

- The Student Conduct Panel shall make a recording and/or summary transcription of the proceeding, which will serve as the official record of the hearing. No other recording will be permitted. The Accused or the Complainant may request a copy of the Institute's recording upon payment of the cost to reproduce the recording, or may listen to the original recording in a location designated by OSI at no charge. The record shall be the property of the Institute.