

# General Policies and Regulations of Student Life

## Student Code of Conduct

### I. Student Rights and Responsibilities

Students of Kennesaw State University are guaranteed all of the rights, privileges and freedoms granted to a citizen of the United States. In addition, they are entitled to an environment that is conducive to learning and individual growth. To this end, students enrolling at Kennesaw State University assume a responsibility for the University's student conduct regulations, just as they assume a citizen's responsibility to abide by federal, state and local laws. Violation of statutory laws or of the University student conduct regulations or specific departmental rules may lead to disciplinary action(s) by Kennesaw State University. These regulations were adopted not to deny any rights or privileges previously guaranteed, but to ensure a pleasant educational environment for all KSU students.

### II. Academic Honesty

The high quality of education at Kennesaw State University is reflected in the credits and degrees its students earn. The protection of these high standards is crucial since the validity and equity of the University's grades and degrees depend upon it. Any student found guilty of an infraction of a regulation for academic honesty shall be suspended for at least one semester unless evidence is provided to convince the court that substantial mitigating circumstances existed in that student's offense. The following regulations are designed to assist students in developing appropriate standards and attitudes with respect to academic honesty. To this end, the regulations protect students against infractions that may compromise the validity of their degree or place them at an undue disadvantage with respect to the equity of their grades.

#### A. Plagiarism and Cheating

No student shall receive, attempt to receive, knowingly give or attempt to give unauthorized assistance in the preparation of

any work required to be submitted for credit as part of a course (including examinations, laboratory reports, essays, themes, term papers, etc.). When direct quotations are used, they should be indicated, and when the ideas, theories, data, figures, graphs, programs, electronic based information or illustrations of someone other than the student are incorporated into a paper or used in a project, they should be duly acknowledged.

#### **B. Unauthorized Access to Official University Materials**

No student shall take or attempt to take, steal or in any unauthorized manner otherwise procure, gain access to, alter or destroy 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.).

#### **C. Misrepresentation, Falsification of University Records or Academic Work**

No student shall knowingly provide false information in completing University forms or applications (including admissions forms, scholarship applications, time sheets, use of false or counterfeit transcripts, etc.) or in any work submitted for credit as part of a course.

#### **D. Malicious Removal, Retention, or Destruction of Library Materials**

No student shall misplace, take, or destroy or attempt to misplace, take or destroy any item or part of an item belonging to or in the protection of the university library with the intention of bringing about an undue disadvantage in the classroom work of other Kennesaw State University students.

#### **E. Malicious/Intentional Misuse of Computer Facilities and/or Services**

The malicious or intentional misuse of computer facilities and services is prohibited. Violation of state and federal laws (including 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 (including account violations, damage, or destruction of the system and/or its performance, unauthorized copying of electronic information, use of threatening or obscene language, etc.) is prohibited.

#### **F. Student Identification Cards**

- (1) Lending, selling, or otherwise transferring a student identification card is prohibited, as is the use of an identification card by anyone other than its original owner.
- (2) No student shall obtain under false pretenses any additional student identification cards.
- (3) A student must present proper credentials to properly identified University faculty and staff upon their request while these persons are in the performance of their duties.

#### **G. Revisions of Academic Honesty Regulations**

Any student, faculty member or administrator can initiate any revision of, additions to and deletions from these Academic Honesty Conduct Regulations. Recommendations shall be submitted to the Vice President for Student Success and Enrollment Services. The Vice President, in consultation with appropriate parties, shall ensure discussion on the proposed change. When all parties have had an opportunity to comment on the proposal, the Vice President shall forward all recommendations to the University Senate. The Senate, in turn, shall send its recommendations with comments to the Kennesaw State University President and staff.

#### **III. Disruption of Campus Life**

It is the purpose of the institution to provide a campus environment which encourages academic accomplishment, personal growth, and a spirit of understanding and cooperation. An important part of maintaining such an environment is the commitment to protect the health and safety of every member of the campus community. Belligerent, abusive, profane, threatening and/or inappropriate behavior on the part of students is a violation

of the Kennesaw State University Student Conduct Regulations. Students who are found guilty of such misconduct may be subject to immediate dismissal from the institution. In addition, these violations of state law may also be subject to criminal action beyond the University disciplinary process.

**A. Disorderly Assembly**

No students shall assemble on the campus for the purpose of creating a riot, or destructive or disorderly diversion, or obstructing or disrupting the normal operation of the university, including any teaching, administrative, disciplinary or public service activity, or any other activity authorized to take place on the campus.

**B. Disruptive and Dangerous Conduct**

No student shall act in a manner that can reasonably be expected to disturb the academic pursuits or infringe upon the privacy, rights, privileges, health, or safety of other persons.

**C. Disruptive Speech**

That speech is prohibited which: a) presents an immediate or imminent clear and present danger, b) is disruptive to the academic functioning of the institution, or c) constitutes a threat against an individual(s) such that it would provoke that individual(s) to imminent violent reaction.

**D. Physical Attack**

Physical attack on or in University property or at functions sponsored by the University or any registered University organization is prohibited.

**E. Sexual Harassment/Assault**

No student shall subject another person to unwelcome sexual overtures or conduct, either verbal or physical.

**F. Theft or Damage of Personal Property**

No student shall take, sell or attempt to take or sell, damage or destroy any items belonging to students, faculty, staff, guests of the University, or student groups without proper authorization. Nor shall any student make or attempt to make unauthorized use of the property of any other person

or organization while on the KSU campus. Sale of a textbook or other item that is not one's own will be regarded as prima facie evidence of theft. Items should be turned in to a Lost and Found area.

**G. Theft or Damage of University Property**

The taking of or malicious, unwarranted, or irresponsible destruction or damaging of items of University property (including library items), items rented, leased, or placed on the campus at the request of the institution, or items belonging to the students, faculty, staff, guests of the University, or student groups or organizations is prohibited.

**H. Possession of Weapons or Fireworks**

Students are prohibited from possessing fireworks, firearms or other weapons on University property or at University sponsored events, except with the specific permission of the Department of Campus Safety and Security. Peace officers recognized by the State of Georgia are exempt from this firearms regulation.

**I. Unauthorized Entry or Use of University Facilities**

No student shall make or attempt to make unauthorized entry or use of any University building or facility including electronic data processing systems or personal electronic accounts/files. Upon appropriate notice by University officials, authorization for the use of University facilities can be withdrawn or otherwise restricted. The malicious or intentional misuse of computer facilities and services is prohibited. Violations of state and federal laws (including copyright violations, unauthorized access or systems, alteration/damage/destruction, or attempted alteration/damage/destruction, use for profit, etc.) or a department's rules for computer usage (including account violations, damage or destruction of the system and/or its performance, unauthorized copying of electronic information, use of threatening of obscene language, etc.) are prohibited.

**J. Fire Safety and False Alarms**

1. No student shall tamper with fire safety equipment.
2. No student shall set or cause to be set any unauthorized fire in or on University property.
3. No student shall make, or cause to be made, a false fire alarm or a false notification of the presence of a bomb.
4. All occupants of a building must leave the building when the fire alarm sounds or when directed to leave by properly identified University faculty or staff while these persons are in the performance of their duties.

**K. Littering and Sanitation**

1. No student shall dispose of trash and refuse of any kind except in proper trash receptacles.
2. Food and drink are prohibited in designated areas of the University, including classrooms.
3. No student shall in any way dispose of tobacco products in trash receptacles in or on University property.

**L. Kennesaw State University Is a Smoke-Free Environment**

Smoking is prohibited in all buildings on the University campus.

**M. Gambling Is Strictly Prohibited****N. Raffles**

Raffles may be held by student organizations. Raffles will be treated as any other fund-raising activity and will be subject to fund-raising guidelines.

**O. Advertising, Selling, and Fundraising**

No student or group of students acting in a representational capacity for Kennesaw State University shall carry out any form of sales (including bartering) or fundraising events, or advertise sales or fundraising events, without the authorization of the University President or a designated representative of the University President.

**P. Campus Elections**

No student shall carry out fraudulent and/or disruptive activity in connection with any election, referendum or poll conducted on the University campus.

**Q. Shared Responsibility**

Persons who knowingly act in concert to violate University regulations may be given joint responsibility for such violation. Students are responsible for their conduct on or in University property or at functions sponsored by the University or any registered University organization.

**R. Residential Code of Conduct Violations**

A violation of the residential code of conduct is also a violation of this student code of conduct. The procedures for a student to file a charge against another student for a violation of the residential code can be found in section X (entitled Enforcement and Grievances) of the residential code of conduct.

**IV. Financial Responsibility****A. Financial Responsibility**

Students are required to meet all financial obligations to the university.

**B. Use of Student Activities Funds**

To use student activities funds, student organizations must follow guidelines set by the institution.

**V. Use and Possession of Drugs, Including Alcohol**

Use and/or possession of drugs (controlled substances) is prohibited.

- A. Kennesaw State University expressly prohibits the use, possession, sale or distribution of alcoholic beverages on campus by any campus constituency. Alcoholic beverages may be served at off-campus activities to adults of legal drinking age for the state in which the activity is being held, providing that a responsible organization representative acknowledges responsibility for monitoring alcohol consumption. 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 over the age of 21. See section I of the residential code of conduct.

- B. All student organizations must submit an "Acknowledgment of Alcohol Policy" form to the Vice President for Student Success and Enrollment Services during the first week of classes each fall semester and each time there is a change in either the president or advisor of the organization. By their signatures, the president and advisor are assuring Kennesaw State University that they and the individuals responsible for the group's social events understand the Kennesaw State University Alcohol Policy and state laws regarding the service and consumption of alcoholic beverages.
- C. Alcoholic beverages will be allowed only for functions at which alcohol is not the focal point, reason for, or the "drawing card" for the event. Organizations choosing to advertise the service of alcoholic beverages at functions will not make reference to the quantity of or overindulgence in alcoholic beverages. Reference will also be made to serving of food and alternative beverages, and the checking of driver's licenses.
- D. Any activity (especially those competitive in nature) contributing to the overindulgence of alcohol is, by these guidelines, prohibited.
- E. Any violation of this policy at any organization activity shall be reported to the Vice President for Student Success and Enrollment Services by the designated monitor(s) verbally with 24 hours of returning to campus and followed by a written report within three working days. The Kennesaw State University Police shall report any violation of this policy, whether at an activity or on an individual basis, to the Vice President for Student Success and Enrollment Services, who shall then be responsible for

disciplinary action according to established University non-academic disciplinary procedures. Possible sanctions shall be the same as those for other violations of non-academic University rules and regulations as provided for in the University Student Code of Conduct.

## **VI. Off-Campus Activities**

The following regulations apply to off-campus activities including outings or field trips for classes of Kennesaw State University, off-campus University athletic events, any officially sanctioned off-campus activity such as those under the auspices of a Kennesaw State University class, an officially recognized University organization, or a Kennesaw State University group or organization that is seeking official University recognition.

- A. Students involved in off-campus activities shall not act in a disorderly or disruptive fashion, nor shall they conduct any dangerous activity.
- B. Students involved in off-campus activities shall not take, damage, destroy or attempt to take, damage or destroy property of another.
- C. Use and possession of Drugs, including alcohol: Use and/or possession of drugs (controlled substances) is prohibited. Alcohol regulations appear in Section V of this code.

## **VII. Organizations**

A student organization is subject to the authority of the Court in the following situations:

- An alleged offense was committed by one or more members of an organization, and was sanctioned by the officers.
- An alleged offense was committed by one or more members of an organization and organization funds were used to finance the venture.
- An alleged offense was committed by one or more members of an organization and was supported by a majority of the organization's membership.

- An organization has chosen to protect one or more individual offenders who were members or guests of the organization.
- The court, after hearing the case, deems that the offense, by its nature, was an organization offense and not the action(s) of the individual members.
- An alleged offense occurred as a result of an organization sponsored function.

#### **A. Disorderly or Disruptive Assembly**

Assembly for the purpose of or resulting in the disruption of normal university or community activity, or which obstructs the normal activities of university faculty or staff, is prohibited.

#### **B. Use of Alcohol or Other Drugs**

Use and/or possession of drugs (controlled substances) is prohibited. Alcohol regulations appear in Section V of this code.

#### **C. Hazing**

Hazing in any form is prohibited. Hazing is defined as follows: Any action taken, or situation intentionally created, on or off the premises of the university, to produce mental or physical discomfort, embarrassment, harassment, ridicule or suffering as a means to gain entry into an organization. These activities include, but are not necessarily restricted to, paddling in any form; creating excessive fatigue; physical or psychological shocks; wearing, in public, apparel that is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and/or any other activities not consistent with the regulations of Kennesaw State University.

#### **D. Theft and Disregard for Property**

1. Unauthorized taking, attempted taking, or possession of items belonging to an individual, the university, the community, or another university or student organization is prohibited.
2. Unauthorized use or attempted use of service (e.g., telephone, computer services, etc.) belonging to the university, the community, another student organization, or an individual is prohibited.

#### **E. Unauthorized Entry**

Unauthorized entry, attempted entry, or use of university or community facilities is prohibited.

#### **F. Fire Safety**

Use of fireworks or creation of a fire without the specific permission of the KSU Police is prohibited.

#### **G. Academic Honesty**

Maintaining files of examinations, tests, reports, or term papers is prohibited.

#### **H. Official Recognition**

All student groups and organizations shall follow the appropriate procedures, as set forward by the Office of the Vice President for Student Success and Enrollment Services, to become officially recognized Kennesaw State University student organizations.

#### **I. Gambling Is Strictly Prohibited**

#### **J. Raffles**

Raffles may be held by student organizations. Raffles will be treated as any other fundraising activity and will be subject to fundraising guidelines.

#### **K. Sales, Fundraising and Advertising**

Unauthorized selling of any kind (including bartering), unauthorized fundraising, and unauthorized advertising of fundraising or any other type of event is prohibited. Organizations shall follow the guidelines set down by the Office of the Vice President for Student Success and Enrollment Services for all such activities.

#### **L. Proper Planning**

Organizations shall be able to demonstrate that they have taken due measures to properly plan for any activities or events held on or off the university campus.

1. All such events and activities must be registered with and approved by the Office of the Vice President for Student Success and Enrollment Services for approval at least two weeks prior to holding the event.
2. Reasonable measures shall be taken to ensure appropriate parking, security, safety and sanitary procedures for any activity or event.

3. Organizations shall adhere to specified time limits for any activity or event.
4. Holding events or activities not sanctioned or approved by the Office of the Vice President for Student Success and Enrollment Services is prohibited.

**M. Shared Responsibility**

Student organizations are responsible at all times for organizational violations of the university student conduct regulations by their members or their guests. Organization members who knowingly act in concert to violate the regulations may be held jointly responsible with their organization for such violations. Organizations that knowingly condone, encourage, or require behavior that violates university regulations may be held jointly responsible for such violations.

**VIII. Contempt and False Statements Under Oath**

- A. All students shall fully comply with the instructions of the courts of the Kennesaw State University Judiciary.
- B. No student shall make a false statement while under oath in a university disciplinary hearing.
- C. No student shall disrupt the proceedings of the Kennesaw State University Judiciary, behave in a manner which is intended to lessen the authority or dignity of the Kennesaw State Judiciary, or otherwise obstruct justice on the campus.
- D. All students are expected to serve as witnesses when summoned by the Kennesaw State University Judiciary unless excused by the Vice President of Student Success and Enrollment Services.

**IX. Revisions of the KSU Code of Conduct excluding those pertaining to Academic Honesty**

Any student, faculty member or administrator can initiate any revision of, additions to and/or deletions from these Student Campus Code of Conduct Regulations. Recommendations shall be submitted to the acting Student Government President. The Student Government President shall ensure discussion on the proposed change in the Student Government

Senate. When the Student Government Senate has decided on an official recommendation to comment on the proposal, the Student Government President shall forward all recommendations with comments to the Vice President for Student Success and Enrollment Services no later than 90 days from the date of the initial proposal. In the event that 90 days should expire without a recommendation being given to the Vice President for Student Success and Enrollment Services, the proposal shall be passed directly to the Vice President's office for consideration and deliberation. The Student Government President, upon delivering the recommendation to the Vice President's office, shall also forward copies to the Coordinator of Judiciary Programs and the Chair of the University Senate. The University Senate shall be afforded the option of passing a motion from that body which either approves or disapproves of the entire recommended change, and this official motion shall be delivered to the President of the Student Government and the Vice President for Student Success and Enrollment Services in a recommendation capacity. The University Senate shall have no more than 40 days from which the Chair is notified to approve said motion. The Vice President, in turn, shall either accept or reject the Student Government's recommendations. If the recommendation is accepted, the Vice President shall distribute the recommendation with comments to the University President and cabinet.

**X. Disciplinary Measures**

**A. For students**

1. **Expulsion:** permanent severance of one's relationship with the university.
2. **Probated expulsion:** further convictions of major offenses, as specified by the court, shall result in expulsion.
3. **Suspension:** temporary severance of one's relationship with the university.
4. **Probated suspension:** notice to the student that further convictions of major offenses, as specified by the court, shall result in suspension.
5. **Disciplinary probation:** notice to the student that any further major disciplinary violation may result in suspension; this

action might also include one or more of the following: the setting of restrictions on social activities, the issuing of a reprimand, and restitution.

6. **Restrictions:** exclusion from enjoying or participating in social activities or from holding office in university organizations.
7. **Reprimand:** Oral reprimand: an oral disapproval issued to the student. Written reprimand: a written disapproval issued to the student.
8. **Restitution:** reimbursement for damage or misappropriation of property; this may take the form of appropriate service or other compensation.
9. **Community service:** assignment to work a specific number of hours at a community service agency.
10. **Ethics Training:** for violation of the academic honesty code, assignment to Ethics Training will be in addition to and following the prescribed suspension period. For other violations, ethics training may be assigned by the hearing panel or by the Vice President for Student Success and Enrollment Services.
11. Other Remedies as Imposed by the Vice President of Student Success and Enrollment Services.

### **B. For Student Organizations**

1. Includes disciplinary sanctions 7, 8, 9 and 10 listed above.
2. Suspension of the organization's registration with Student Activities.
3. Probated suspension of the organization's registration with Student Activities.
4. Revocation of the organization's registration with Student Activities.

### **C. Academic Dishonesty**

Any accused student found guilty of academic dishonesty by a Judiciary hearing shall be suspended for at least one semester unless he/she has convinced the court that there exist substantial mitigating circumstances to his/her offense. The appropriate grade to be assigned in the case of academic dishonesty is the responsibility of the faculty.

### **D. Interim Suspension**

Interim suspension measures may be

employed against a student by the Vice President for Student Success and Enrollment Services when the Vice President for Student Success and Enrollment Services, or his/her designated representative, shall determine, based on clear and convincing evidence, that the student has engaged, or threatens to engage, in behavior which:

- a. is seriously disruptive or significantly impedes the normal activities or academic endeavors of others, or
- b. poses an immediate significant threat of physical danger to others, or
- c. poses an immediate significant threat of danger to him/herself, and such threat is of such a serious nature that it must be handled more expeditiously than the university judiciary procedures allow.

Interim suspension may include any or all of the following:

- a. restriction from participation in any academic course, program, or activity;
- b. restriction from participation in any student activity on or off campus;
- c. restriction from use of any or all University facilities, including the library, labs, or offices;
- d. restriction from entering the campus.

In such instances, the process outlined for interim suspension in the university judiciary procedures shall be followed.

## **Handling Student Code of Conduct Violations at KSU**

Kennesaw State University's Student Code of Conduct, Judiciary Policies and Procedures, suspension policies, and campus police are organized in ways to preserve and protect the health, safety and academic integrity of the campus community, as noted in the following policies and procedures. In general, the University Judiciary Program handles all charges against students which involve alleged violations of the Kennesaw State University Student Code of Conduct, including allegations of academic misconduct and disruptive behavior. In addition, the KSU Police may

become involved with incidents of disruptive behavior.

Faculty, staff and/or students who are witnesses to or victims of incidents of alleged violations of the Student Code of Conduct should immediately contact the University Judiciary Office and submit the proper documentation. The university judicial officer will conduct a preliminary investigation and advise as to the appropriate course of action in each situation. Incidents of misconduct may be subjected to mediation, or negotiation, if appropriate, prior to the formal hearing process.

A person bringing charges against a student for alleged violations of the Code of Conduct is expected to fully cooperate with the judiciary policies and procedures, which includes participation in investigations related to the charges and in the hearing process. Once a hearing date is set, both the accuser and the accused student will have the option of obtaining an advisor from the judiciary panel to assist in the preparation and presentation of their case. A detailed description of the hearing process is found in the Official KSU Judiciary Handbook.

**I. Academic Misconduct**

Academic misconduct is defined in Section II of the Kennesaw State University Student Code of Conduct. Procedures for addressing and reporting incidents of academic misconduct can be found in the Judiciary Policies and Procedures, as well as the Faculty/Staff Guide to Addressing Student Conduct Issues. The University’s policies include procedures for both handling informal resolutions of academic misconduct, and filing formal charges with the Office of Judiciary Programs, which will result in a hearing.

In either situation, whether the matter is handled informally or forwarded to the judiciary for handling, the faculty member should document the incident on an Academic Misconduct Incident Report form, and forward this information to the university judiciary officer. Incident reports which are submitted to the Office of Judiciary Programs will not

be released without the written consent of the student, in accordance with the Family Educational Rights and Privacy Act.

Under the informal procedure, a faculty member who has evidence that a student has committed academic misconduct may elect to resolve the issue within the confines of the class, if the student readily admits to the misconduct, without coercion or intimidation. The faculty member must first meet with the student to explain and discuss the allegations of misconduct. If the student admits the misconduct, and declines a judiciary hearing, the faculty member may assign an appropriate sanction. Informal sanctions may include additional academic work for the class, grade reduction, a grade of “F” on the assignment or in the course, etc.

However, if the student denies the misconduct, or the student and faculty member cannot reach an informal agreement regarding an appropriate penalty, the misconduct should be reported to the judiciary program for a hearing. Academic misconduct, as determined by a judiciary hearing, carries a mandatory minimum suspension of one semester, unless substantial mitigating circumstances are proven.

**II. Disruptive Behavior**

It is the purpose of the University to provide a campus environment which encourages academic accomplishment, personal growth, and a spirit of understanding and cooperation. An important part of maintaining such an environment is the commitment to protect the health and safety of every member of the campus community. Belligerent, abusive, profane, threatening and/or inappropriate behavior on the part of students is a violation of the Kennesaw State University Student Code of Conduct. Students who are found in violation of the Code of Conduct may be subject to immediate dismissal from the University. In addition, those violations, which may constitute misdemeanor or felony violations of state or federal law, may also be subject to criminal action beyond the University disciplinary process.

Disruptive behavior includes, but is not limited to the following conduct (See the KSU Student Code of Conduct in the *Kennesaw State University Handbook* for additional categories of unacceptable student conduct.):

1. Disorderly Assembly

No student shall assemble on the campus for the purpose of creating a riot, or destructive or disorderly diversion, or obstructing or disrupting the normal operation of the University (including any teaching, administrative, disciplinary, or public service activity, or any other activity authorized to take place on the campus).

2. Disruptive and/or Dangerous Conduct

No student shall act in a manner which can reasonably be expected to disturb the academic pursuits or infringe upon the privacy, rights, privileges, health or safety of other persons.

3. Disruptive Speech

That speech is prohibited which: a) presents an immediate or imminent clear and present danger, b) is disruptive to the academic functioning of the institution, or c) constitutes a threat against an individual(s) such that it would provoke that individual(s) to imminent violent reaction.

4. Physical Attack

Physical attack on or in University property or at functions sponsored by the University or any registered university organization, is at any time prohibited.

A faculty member is responsible for maintaining discipline in the classroom setting, to the extent that all students in that class have an opportunity to participate in the learning process. Free exchange of ideas through appropriate dialogue is a necessary and important part of the learning process. Outside the classroom, other areas of the campus provide support services which are also important to the total learning process. Sometimes a faculty or staff member may be confronted with a situation where the conduct of a particular student or students is inappropriate in that it impedes the natural and necessary learning process. The faculty or staff member must then determine whether the situation is disruptive but not imminently dangerous, or both disruptive

and imminently dangerous to the health and safety of others.

If the situation is not imminently dangerous, the faculty or staff member may control the immediate situation by requiring the student(s) to meet specific criteria (not speaking during the remainder of the class period, leaving the classroom or office area immediately, etc.), or the faculty member may choose to dismiss the class for the remainder of the period to avoid a confrontation. Such action should be immediately reported to the department chair and to the Office of Judiciary Programs, using the Student Misconduct Incident Report Form.

If the faculty or staff member feels that there is a significant imminent danger to the health and safety of the student(s), others, or him/herself, the faculty or staff member should immediately contact the University's Public Safety office for assistance. The responding officer at the time of notification shall remove the student from the area immediately and refer the incident to the Vice President for Student Success & Enrollment Services, or his/her designated representative, for possible handling under the "interim suspension" policy.

Interim suspension measures may be taken against a student when the Vice President for Student Success & Enrollment Services or his/her designated representative shall determine, based on clear and convincing evidence, that the student has engaged, or threatens to engage, in behavior which (1) is seriously disruptive or significantly impedes the normal activities or academic endeavors of others, (2) poses an immediate, significant threat of physical danger to others, or (3) poses an immediate, significant threat of danger to him/herself, and is of such a serious nature that it must be handled more expeditiously than the university judiciary procedures allow.

Interim suspension may include 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, including the library, labs, or offices;  
(4) restriction from entering the campus.

If a determination is made to suspend a student under the interim suspension policy, the person rendering the decision shall notify the student, the public safety department, the registrar, and the student's teachers that the student has been temporarily suspended from the institution pending the outcome of a hearing. The case will then be forwarded to the University Judiciary for a hearing, to be held as soon as practical. In such situations, the student may waive the normal ten-day notification requirement in order to have a more speedy hearing and decision.

### Supplemental Program Specific Recourse

Some degree programs, such as those in education or nursing, have program-level admission and retention standards and review procedures in place beyond the generally applicable institutional admission and retention policies. If disruptive student behavior occurs in the context of fulfilling program requirements in such areas, the faculty or staff member may also have the recourse of filing a complaint with the designated program-level official and proceeding through the due process procedures established for handling such complaints. Individuals should consult the dean of the college/school and/or published standards as to the applicability of such program-specific recourse to the incident or incidents in question.

### Resources

1. Director of the University Judiciary Program - (770) 499-3403.
2. Vice President for Student Success and Enrollment Services - (770) 423-6310.
3. Director of University Police - (770) 423-6206.
4. University Judiciary Program Handbook (found in many offices on campus, including the offices of all Deans and Department Chairs)
5. The KSU Student Code of Conduct
6. The University Judiciary Program Homepage (which includes all rules, policies and

procedures related to the Judiciary) at <http://www.kennesaw.edu/judiciary/>

### III. Sexual Assault

Victims should report instances of alleged sexual assault to either the KSU Department of Public Safety (770) 423-6666 or the Student Success and Enrollment Services Office (770) 423-6310.

The victim of a sexual assault should take care to preserve any evidence that may be necessary to prove that the assault occurred. Victims are advised to consult law enforcement authorities before showering/bathing, or changing or laundering any clothing that was worn during the assault. However, the fact that the victim of a sexual assault has already bathed, showered, or otherwise compromised potential evidence should in no way dissuade the victim from reporting the assault, as such actions may not prevent prosecution or conduct proceedings from going forward.

Students who report sexual assaults to the KSU Department of Public Safety or the vice president for student success and enrollment services shall be afforded assistance in seeking counseling and follow-up medical care, making changes to their academic situations and reporting to the appropriate criminal authorities after an assault has occurred.

Kennesaw State University recognizes and upholds the rights of victims of sexual assault, including:

- A. The right to have any and all sexual assaults against them treated with seriousness; the right, as victims, to be treated with dignity; and the right for campus organizations which assist victims to be accorded recognition.
- B. The right to have sexual assaults investigated and adjudicated by the duly constituted criminal and civil authorities of the governmental entity in which the crimes occurred; and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The foregoing shall be in addition to any campus disciplinary proceedings.

- C. The right to be free from any kind of pressure from campus personnel that victims (1) not report crimes committed against them to civil and criminal authorities or to campus law enforcement and disciplinary officials; or (2) report crimes as lesser offenses than the victims perceive them to be.
- D. The right to be free from any kind of suggestion that campus sexual assault victims not report, or under report, crimes because (1) the victims are somehow responsible for the commission of crimes against them; (2) victims were contributively negligent or assumed the risk of being assaulted; or (3) by reporting crimes they would incur unwanted personal publicity.
- E. The same right to advisement and assistance, or ability to have others present, in any campus disciplinary proceeding that the institution permits the accused; and the right to be notified of the outcome of such proceeding.
- F. The right to full and prompt cooperation from campus personnel in obtaining, securing, and maintaining evidence (including a medical examination) as may be necessary to the proof of criminal sexual assault in subsequent legal proceedings.
- G. The right to be made aware of, and assisted in exercising any options, as provided by state and federal laws or regulations with regard to mandatory testing of sexual assault suspects for communicable diseases and with regard to notification to victims of the results of such testing.
- H. The right to counseling from any mental health services previously established by the institution, or by other victim-service entities, or by victims themselves.
- I. After campus sexual assaults have been reported, the victims of such crimes shall have the right to require that campus personnel take the necessary steps or actions reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailant(s),

including transfer of classes if requested by the victims.

Note: Kennesaw State University is concerned with your safety. We publish two campus safety publications: *Safe and Sound* and *Sexual Assault: Myths and Reality*. They contain such information as campus crime statistics and campus safety policies. These publications are available at the Department of Public Safety, upon request. You may also request a campus security report regarding crime statistics from this office.

## Student Records

### Accuracy and Privacy of Records

The university recognizes its responsibility for maintaining accurate student information and academic records. Kennesaw State University students have the assurance that their educational records, compiled and maintained by university officials, are recorded and retained in confidence in accordance with the regulations contained in the Family Education Rights and Privacy Act of 1974. Briefly, this act calls for:

1. Full access to student records by parents of students under 18, and to students 18 years of age and over.
2. Hearings to contest contents of personal records that are suspected to be inaccurate; and
3. Requirements of notice and written consent by students 18 and over, and parents of students under 18, before the records can be transmitted to most third parties.

The university will furnish annual notification to students of their right to inspect and review their educational records; the right to request amendment of educational records that are incorrect or misleading or that violate privacy or other rights; and of their right to a hearing to amend such records if necessary. This annual notice is published in the university catalog in greater detail listing the university official responsible for specific records as well as the hearing and appeal procedure.

### Access to Records

Students have the right to be provided a list of the types of educational records maintained by the university that are directly related to the student; the right to inspect and review the contents of these records; the right to obtain copies of these records; the right to a response from the university to reasonable requests for explanation and interpretation of these records; the right to an opportunity for a hearing to challenge the content of these records; and if any material or document in the educational record of a student includes information on more than one student, the right to inspect and review only the part of such material or document as relates to the student. Students do not have access to financial records of their parents; confidential letters and statements of recommendation that were placed in the educational record prior to January 1, 1975, provided such letters or statements were solicited or designated as confidential and are not used for purposes other than those for which they were specifically intended; confidential recommendations, if the student signed a waiver of the right of access, respecting admission, application for employment, and the receipt of an honor or honorary recognition.

Students do not have access to instructional, supervisory and administrative personnel records that are not accessible or revealed to any other individual except a substitute; campus security records that are maintained apart from educational records, which are used solely for law enforcement purposes and which are not disclosed to individuals other than law enforcement officials of the same jurisdiction; employment records except when such employment requires that the person be a student; and the alumni records.

Students do not have access to physical or mental health records created by a physician, psychiatrist, psychologist or other recognized professional acting in his/her capacity or to records created in connection with the treatment of the student under these conditions and that are not disclosed to anyone other than individuals providing treatment. These

records, however, may be reviewed by a physician or appropriate professional of the student's choice.

### Procedures for Access to Educational Records

Students should contact the appropriate university official (see listing in catalog) to inspect and review their records. The registrar may require that a university official be present when a student inspects or reviews his/her educational records.

The university will release a student's educational record(s) upon the student's written request. In doing so, the student must:

1. Specify the records to be released.
2. Include the reasons for such release.
3. Specify to whom the records are to be released.
4. Have no outstanding financial obligations to the university.

The student may, upon request, receive without charge a copy of the record that is released. The university may release a student's educational records, without the student's prior written consent, to the following:

1. University officials who have a legitimate educational interest.
2. Officials of other schools where the student seeks to enroll.
3. Representatives of federal agencies authorized by law to have access to educational records.
4. State and local officials to whom information must be released pursuant to a state statute adopted prior to November 19, 1974.
5. Appropriate persons in connection with a student's application for or receipt of financial aid.
6. Organizations conducting studies for the university.
7. Accrediting organizations and associations.
8. Parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1954.
9. Appropriate persons in emergency situations to protect health and safety of the student or other individuals.

10. Persons designated in lawfully issued subpoena or judicial order with the understanding that the student will be notified in advance insofar as possible.

No personal information on a student will be released without a statement from the university to the party receiving the information that no third party is to have access to such information without the written consent of the student.

Each office with educational records will maintain a record of each request and disclosure of personally identifiable information of a student except for information requested in writing by the student, information released to the student or the student's parents, directory information, and information released to university officials and instructors who have a legitimate educational interest in the records.

### **Release of Directory Information**

Directory information may be released by the university without the student's written consent. Directory information consists of name, address, telephone number, major, advisor, holds, participation in recognized activities and sports, weight and height of athletic participants, dates of attendance and degrees received.

Students may deny the release of directory information by requesting in *writing* to the registrar that such information not be released each semester they are enrolled. However, requests that directory information be withheld from a written publication must be received in sufficient time to prevent a delay in processing that publication.

### **Amending Education Records**

Students may request that any information contained in their educational records that they consider to be inaccurate, misleading or in violation of their privacy or other rights be amended or deleted from the records (a grade or other academic evaluations may not be amended, except that the accuracy of recording may be challenged).

A student who requests that information in his/her records be amended should first contact the official with primary responsibility

for the information. (See listing in catalog.) If the matter is not resolved to the student's satisfaction, the student should direct his/her request to the assistant vice president for academic affairs. If the matter is not resolved to the student's satisfaction, he/she may request a formal hearing.

Should a student request a formal hearing to challenge the information contained in his/her educational records, the hearing will be held within a reasonable time (not to exceed 45 days) and in a reasonable place. The student may be assisted or represented by a person of his/her choice and shall be afforded a full and fair opportunity to present evidence relevant to the issue(s). The student or his/her representative should request the hearing in writing and should specifically identify the information he/she seeks to have amended. The request should be directed to the assistant vice president for academic affairs.

The assistant vice president for academic affairs will convene a committee of the faculty. Under the direction of the assistant vice president, the committee will render a decision within a reasonable period of time after the conclusion of the hearing and the decision shall be based solely upon the evidence presented at the hearing. The student shall be notified in writing of the reason(s) for the decision and summary of the evidence. If the decision is that the information in the student's educational records is inaccurate, misleading or in violation of his/her rights and privacy, the statement(s) will be corrected or expunged from the student's records. If the decision is that the information is not inaccurate, misleading or in violation of the privacy or other rights of the student and that the information is to remain in the student's educational records, the student shall be notified and given the opportunity to enter a statement in his/her records setting forth his/her explanation of the contents thereof. Students wishing to appeal the decision of the Faculty Committee may do so in writing to the president of the university within five days after the action of the committee. Students wishing to file a complaint directly to the review board

of H.E.W. should write to the Family Educational Rights and Privacy Office, Department of Health, Education and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201. This policy is adopted pursuant to the Family Educational Rights and Privacy Act of 1974, as amended, and is not intended to impose any restrictions or grant any rights not specifically required by this act.

### **Types of Educational Records and Officials Responsible for Their Maintenance**

The following are lists of student records and the officials responsible for their maintenance. Copies of these records will be made available to students upon individual written requests. Such requests must be addressed to the official responsible for the maintenance of the record.

#### **Director of Admissions**

Application for Admission  
 Application Processing Fee  
 High School, College, and University Transcripts  
 University Entrance Exam SAT or ACT Scores  
 General Equivalency Development (GED) Examination Scores  
 GRE and GMAT Examination Test Scores  
 Immunization Certificate  
 International Admission Documents, TOEFL

#### **Director of Student Financial Aid**

Loan Processing Request  
 Financial Aid Application  
 Award Notification

#### **Chair of University Studies**

University Placement Examination Scores (Placement and Exit)  
 International Regents' Test

#### **Registrar**

University Level Examination Program Scores  
 Grades and Academic Standing Status  
 Petition for a Degree  
 Regents' Test Results and Tracking  
 Georgia and U.S. History and Constitution Test Results  
 Registration Information—Enrollment Data  
 Veterans' Records  
 Rules and Regulations

#### **Director of Counseling and Advising Program Services (CAPS)**

Individual Standardized Tests  
 Georgia and U.S. History & Constitution Test Results  
 CLEP Tests  
 ISAT Tests  
 COMPASS Exam

#### **Vice President for Student Success and Enrollment Services**

Discipline Files  
 Health Insurance Brochures  
 Letters of Recommendation

## **Policies and Position Statements**

Kennesaw State University, a member of the University System of Georgia, does not discriminate on the basis of race, color, religion, age, sex, national origin, disability, or sexual orientation in employment or provision of services.

### **Americans with Disabilities Act (ADA)**

Kennesaw State University does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities.

The Americans with Disabilities Act (ADA), Public Law 101-336, gives civil rights protections to individuals with disabilities. This statute guarantees equal opportunity for this protected group in the areas of public accommodations, employment, transportation, state and local government services and telecommunications.

Qualified individuals with disabilities are encouraged to apply for employment opportunities with the University. Individuals with disabilities who require reasonable accommodation to participate in any portion of the application, interview and/or testing process must advise the University's Department of Human Resources in advance. Upon request, applicants must provide documentation confirming a disability and the need for an accommodation. Advance requests for reasonable accommodation(s) should be directed to the Director of Human Resources. The office telephone number is (770) 423-6030 V/TDD.

The FAX number is (770) 423-6570. The Web Page address for employment opportunities is HYPERLINK <http://www.kennesaw.edu/personnel>

The following individuals have been designated by the President of the University to provide assistance and ensure compliance with the ADA. Should you require assistance or have further questions about the ADA, please contact either Ms. Carol Pope, ADA Compliance Officer for Students at (770) 423-6443; Mr. Lee Richey, ADA Compliance Officer for Facilities at (770) 423-6224; and Nancy Sullivan, Director of Human Resources, ADA Compliance Officer for staff and faculty at (770) 423-6030.

### **Human Relations Position Statement**

Kennesaw State University is an educational community comprised of individuals from different ethnic, racial and religious groups and of different genders, political beliefs, ages, abilities and sexual orientations. In light of this diversity, Kennesaw State University is resolved to contribute to the development of an integrated, pluralistic society in which individuals model and support humaneness and respect for the individual.

The University is committed to providing quality education, which is enhanced by the perspectives provided by individuals and groups with varying backgrounds and views. Racism, sexism and other discriminatory attitudes and behaviors impede learning and working. Conversely, respect for differences enhances educational and work experiences. Kennesaw State University is dedicated to creating an environment that cherishes and nourishes this diversity.

### **KSU Freedom of Assembly and Expression**

Kennesaw State University recognizes and upholds First Amendment Rights of Freedom of Speech and Assembly. Demonstrations and assemblies can be valid expressions for dissenting opinions provided they do not disrupt

academic and administrative functions of the institution. The opinions expressed by organizations, groups or individuals using Kennesaw State University's facilities do not necessarily reflect the position of Kennesaw State University. Kennesaw State University affirms its commitment to the freedom of speech, assembly and expression even though the language or ideas of those seeking a venue for free expression may contradict university ideals and policies or the personal views of university employees and students. The institution expects members of the faculty, staff, and student body to refrain from, and discourage, behaviors which threaten the rights, freedoms and respect every individual deserves.

Administrative procedures and guidelines pertaining to Freedom of Assembly and Expression are detailed in the *KSU Student Handbook*.

### **KSU Position Statement on Environmental Awareness**

Kennesaw State University endeavors to encourage in each student, faculty, staff member, and the community, a respect for the worth of the environment and a desire and capacity to recycle, to conserve energy and to take other measures to help conserve limited resources. This institution focuses on developing an environmental ethic that promotes excellence, responsibility and stewardship in environmental affairs and is committed to educating the community about environmental issues.

### **Acquired Immune Deficiency Syndrome (AIDS) Policy**

Kennesaw State University shall provide academic programs, support services, and social /recreational programs to all eligible individuals, regardless of their disability. In the event that an employee or student is (or becomes) HIV (human immunodeficiency virus) positive, that individual shall retain his/her right to these programs, services and activities. All actions taken by Kennesaw State University will comply with the laws pertaining to public health practices and the rights of individuals to privacy and confidentiality. Instances that arise will be handled individually to provide maximum support to any

member of the faculty, the administration, the staff or the student body who is HIV positive.

### **KSU Mission Statement on Occupational Health & Safety**

It is the goal of Kennesaw State University to protect employees and property of KSU and to provide safe work places. To this end, the Department of Environmental, Health & Safety of Kennesaw State University will ensure compliance with local, state, and applicable federal codes, provide technical assistance, conduct routine facility audits and empower the employees of KSU through training in hazard recognition and accident prevention.

## **Student Administrative Withdrawals and Grievance Procedures**

### **Student Administrative Withdrawals**

A student may be administratively withdrawn from the university when, in the judgment of the vice president for student success and enrollment services, and the director of counseling services, and after consultation with the student's parents and personal physician, if any, it is determined that the student suffers from a physical, mental, emotional or psychological health condition which: **(a)** poses a significant danger or threat of physical harm to the student or to the person or property of others or **(b)** causes the student to interfere with the rights of other members of the university community or with the exercise of any proper activities or functions of the university or its personnel or **(c)** causes the student to be unable to meet institutional requirements for admission and continued enrollment, as defined in the Student Code of Conduct and other publications of the university. Except in emergency situations, a student

shall, upon request, be accorded an appropriate hearing prior to a final decision concerning his/her continued enrollment at the university.

### **Grievance Procedures for Admissions, Privacy Rights and Other Non-Academic Matters**

Within the framework of students' relationships to Kennesaw State University, several avenues exist for the expression of grievance. Provision for hearing appeals by applicants denied admission to the university is outlined in Article VI, Section C, paragraph 2a, of the Bylaws of the Board of Regents. Appeal procedures for grievances related to students' privacy rights are contained in the university catalog (see section on confidentiality of student records). Charges against students and student organizations for violations of the KSU Student Code of Conduct will be handled through the University Judiciary Program. Grievances related to loss of athletic scholarship and other forms of financial aid will be heard by the Financial Aid Appeals Committee.

### **Discrimination**

All student grievances or complaints alleging action of a discriminatory nature shall be addressed in writing to the deputy title IX coordinator, vice president for student success and enrollment services. Once the deputy coordinator has received a written complaint containing specific allegations of discriminatory practice(s) regardless of whether based on race, religion, color, sex, sexual orientation, handicap or national origin, and the complaint cannot be resolved at this level, the complaint will be routed to the University Senate. The Senate shall be responsible for establishing from among its membership an ad hoc committee of three faculty members and two students to hear the complaint(s). The chairperson will serve at the pleasure of the president. The committee may develop its own rules of procedure, but in the event of a tie vote, the tie shall be broken by the chairperson. A minimum due process protection shall include that the institution be given 10 working days to respond to any charges of

discrimination. The committee's finding and recommendations will be rendered according to the principle of the preponderance of evidence. The committee, after reviewing all available evidence and hearing all verbal statements, shall within five days make its finding and report such to the president. It should be clearly understood that the opinions and recommendations offered by the committee to the president are advisory and in no way bind her to the recommended course of action. After consideration of the committee's report, the president shall within five days make a decision which shall be final so far as the university is concerned. Should the aggrieved person(s) remain dissatisfied with the president's decision, further redress may be sought through internal channels by applying to the Board of Regents for a review of the decision, pursuant to the Bylaws of the Board of Regents, Article IX, p. xxvii.