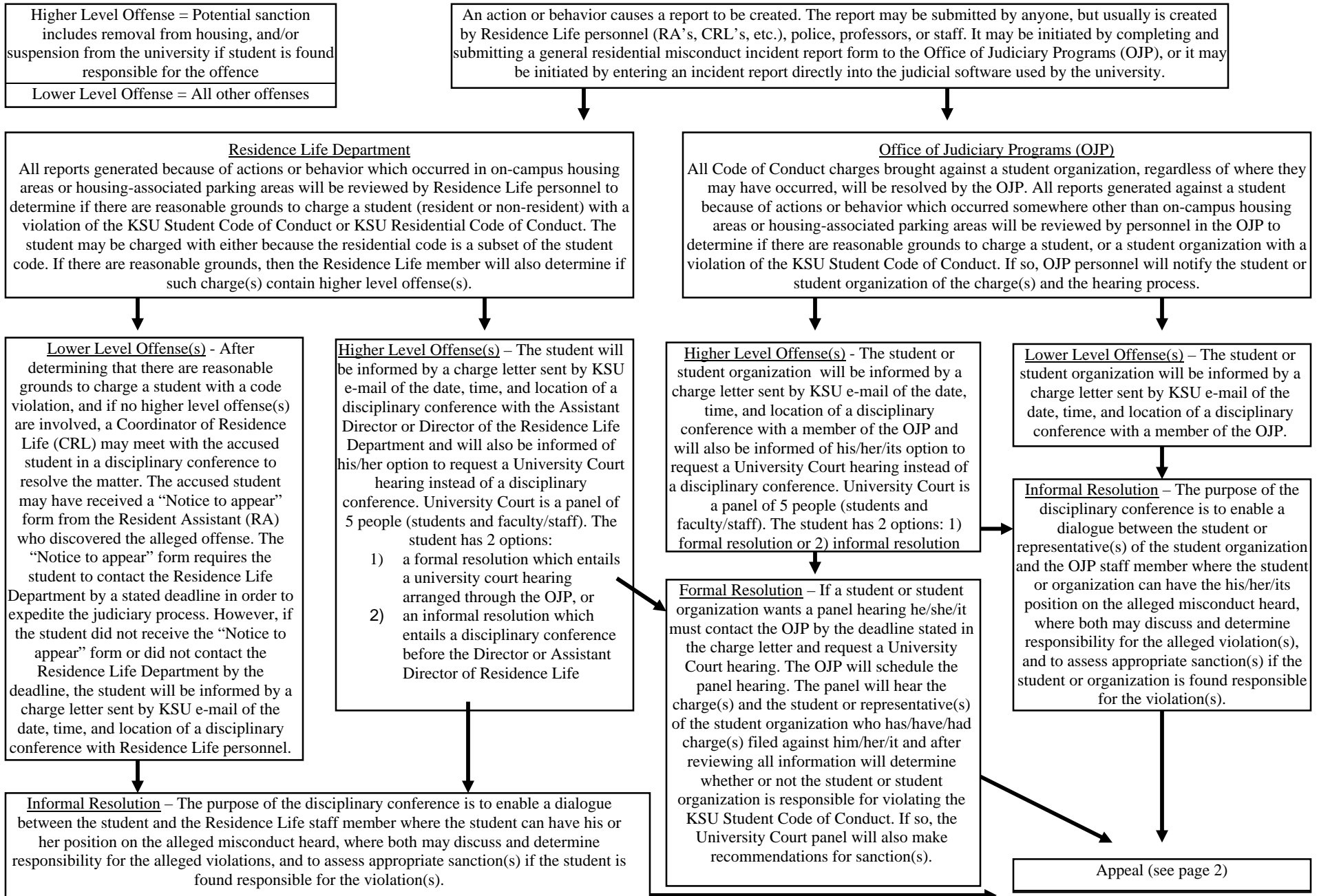


KSU JUDICIARY PROCESS

(SEE WWW.KENNESAW.EDU/JUDICIARY/POLICY.PDF)

GENERAL MISCONDUCT – ALL ALLEGATIONS OF MISCONDUCT OTHER THAN ACADEMIC DISHONESTY



Higher Level Offense = Potential sanction includes removal from housing, and/or suspension from the university if student is found responsible for the offence

Lower Level Offense = All other offenses

An action or behavior causes a report to be created. The report may be submitted by anyone, but usually is created by Residence Life personnel (RA's, CRL's, etc.), police, professors, or staff. It may be initiated by completing and submitting a general residential misconduct incident report form to the Office of Judiciary Programs (OJP), or it may be initiated by entering an incident report directly into the judicial software used by the university.

Residence Life Department

All reports generated because of actions or behavior which occurred in on-campus housing areas or housing-associated parking areas will be reviewed by Residence Life personnel to determine if there are reasonable grounds to charge a student (resident or non-resident) with a violation of the KSU Student Code of Conduct or KSU Residential Code of Conduct. The student may be charged with either because the residential code is a subset of the student code. If there are reasonable grounds, then the Residence Life member will also determine if such charge(s) contain higher level offense(s).

Office of Judiciary Programs (OJP)

All Code of Conduct charges brought against a student organization, regardless of where they may have occurred, will be resolved by the OJP. All reports generated against a student because of actions or behavior which occurred somewhere other than on-campus housing areas or housing-associated parking areas will be reviewed by personnel in the OJP to determine if there are reasonable grounds to charge a student, or a student organization with a violation of the KSU Student Code of Conduct. If so, OJP personnel will notify the student or student organization of the charge(s) and the hearing process.

Lower Level Offense(s) - After determining that there are reasonable grounds to charge a student with a code violation, and if no higher level offense(s) are involved, a Coordinator of Residence Life (CRL) may meet with the accused student in a disciplinary conference to resolve the matter. The accused student may have received a "Notice to appear" form from the Resident Assistant (RA) who discovered the alleged offense. The "Notice to appear" form requires the student to contact the Residence Life Department by a stated deadline in order to expedite the judiciary process. However, if the student did not receive the "Notice to appear" form or did not contact the Residence Life Department by the deadline, the student will be informed by a charge letter sent by KSU e-mail of the date, time, and location of a disciplinary conference with Residence Life personnel.

Higher Level Offense(s) - The student will be informed by a charge letter sent by KSU e-mail of the date, time, and location of a disciplinary conference with the Assistant Director or Director of the Residence Life Department and will also be informed of his/her option to request a University Court hearing instead of a disciplinary conference. University Court is a panel of 5 people (students and faculty/staff). The student has 2 options:

- 1) a formal resolution which entails a university court hearing arranged through the OJP, or
- 2) an informal resolution which entails a disciplinary conference before the Director or Assistant Director of Residence Life

Higher Level Offense(s) - The student or student organization will be informed by a charge letter sent by KSU e-mail of the date, time, and location of a disciplinary conference with a member of the OJP and will also be informed of his/her/its option to request a University Court hearing instead of a disciplinary conference. University Court is a panel of 5 people (students and faculty/staff). The student has 2 options: 1) formal resolution or 2) informal resolution

Lower Level Offense(s) - The student or student organization will be informed by a charge letter sent by KSU e-mail of the date, time, and location of a disciplinary conference with a member of the OJP.

Informal Resolution - The purpose of the disciplinary conference is to enable a dialogue between the student and the Residence Life staff member where the student can have his or her position on the alleged misconduct heard, where both may discuss and determine responsibility for the alleged violations, and to assess appropriate sanction(s) if the student is found responsible for the violation(s).

Formal Resolution - If a student or student organization wants a panel hearing he/she/it must contact the OJP by the deadline stated in the charge letter and request a University Court hearing. The OJP will schedule the panel hearing. The panel will hear the charge(s) and the student or representative(s) of the student organization who has/have/had charge(s) filed against him/her/it and after reviewing all information will determine whether or not the student or student organization is responsible for violating the KSU Student Code of Conduct. If so, the University Court panel will also make recommendations for sanction(s).

Informal Resolution - The purpose of the disciplinary conference is to enable a dialogue between the student or representative(s) of the student organization and the OJP staff member where the student or organization can have the his/her/its position on the alleged misconduct heard, where both may discuss and determine responsibility for the alleged violation(s), and to assess appropriate sanction(s) if the student or organization is found responsible for the violation(s).

Appeal (see page 2)

Appeal

The student has the right to appeal a judiciary decision ONLY when he/she was found responsible for a violation and the sanction included removal from campus housing, suspension from the university, and/or expulsion from the university. In the case of a student organization, it may appeal a judiciary decision ONLY when it was found responsible for a violation and that decision resulted in a sanction of suspension or revocation of the organization's registration with the Student Life Department. There are only three (3) grounds for appeal: 1). Procedural errors in the judiciary process; 2) significant new information or evidence has become available (that was not available or known to exist as of the hearing date) and that evidence likely would have influenced the original decision; 3) there were substantive errors in the decision (a substantive error occurs when there was no evidence to justify a finding of responsibility for the code of conduct violation or the sanction(s) is/are unreasonably harsh based upon the circumstances of the case and the prior record of the student). All appeals must be in writing and submitted to the Director of the OJP within five (5) business days of the student's or organization's receipt of the sanction decision in writing. The Director of the OJP will forward the appeal to the proper appeals officer.



Further Appeals to the University President

Only a student or organization that qualified for and completed the appeals process described above may appeal to the president of the university. A review by the president is not a matter of right, but is within the discretion of the president. An appeal to the president must allege one or more of the same three (3) grounds listed above, it must be in writing, and it must be submitted to the Director of the OJP within five (5) business days of the receipt of the first appeal decision. The Director of the OJP will forward the appeal to the president.