

# Judiciary Policies and Procedures

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# KSU Judiciary Policies & Procedures



## I. Structure of the University Judiciary Program

### A. The University Judicial Officer (Director of Judiciary Programs)

The University Judicial Officer oversees all aspects of the Kennesaw State University Judiciary Program to ensure proper handling of alleged violations of the Student Code of Conduct in addition to promoting campus awareness of issues related to student judicial affairs. Duties of the Judicial Officer include: serving as a hearing officer (as the official designee of the Vice President for Student Success and Enrollment Services), selecting and training members of the Judiciary Panel, receiving and processing charges of violations of the Kennesaw State University Student Code of Conduct, keeping records of student cases, coordinating and supervising hearings before the Traffic Court, University Court, and hearing officers and revising University policies when necessary. An official designee selected by the Director may perform and/or assist with any of these duties.

## B. Hearings

**1. Academic Misconduct:** Depending on circumstances, an allegation of misconduct against a student may be resolved by:

- a. An informal disciplinary meeting between the student and the instructor (see II.A. below), or:
- b. An informal disciplinary meeting before the Director of Judiciary Programs or his/her designee, or:
- c. A University Court hearing before a panel of faculty/staff and students.

**2. Violation of Disciplinary Rules:** Depending on circumstances, an allegation of a violation of disciplinary rules (other than residence code violations) against a student may be resolved by:

- a. An informal disciplinary meeting before the Director of Judiciary Programs or his/her designee, or:
- b. A University Court hearing before a panel of faculty/staff and students. The accused student may have a hearing before a University Court panel only 1) when the alleged offense is of such a serious nature that a sanction of suspension or expulsion from the university may be imposed if the student is found responsible for the offense, and 2) if the student requests the University Court hearing rather than an informal disciplinary meeting (hearing) with the Director of Judiciary Programs or his/her designee.

**3. Violation of Disciplinary Rules on Residence Hall Property:** Depending on circumstances, an allegation of a violation of disciplinary rules on residence hall property against a student may be resolved by:

- a. An informal disciplinary meeting between the student and the Coordinator of Residence Life (CRL) (see II C below). A CRL may resolve any case where removal from housing, or suspension or expulsion from the university is not imposed as a sanction, or
- b. An informal disciplinary meeting before the Director for Residence Life or an Assistant Director for Residence Life. The Director or Assistant Director for Residence Life may resolve any case including those where removal from housing, and/or suspension or expulsion from the university is/are imposed as a sanction , or
- c. A University Court hearing before a panel of faculty/staff and students. In cases arising from on-campus housing areas the accused student may have a hearing before a university court panel only 1) when the alleged offense is of such a serious nature that a sanction of removal from housing, suspension, and/or expulsion from the university may be imposed if the student is found responsible for the offense and 2) if the student requests a university court hearing rather than an informal disciplinary meeting (hearing) with the Director or Assistant Director for Residence Life.

## C. The University Judiciary Panel

The composition of the University Judiciary Panel includes students, faculty and staff members who receive training in the University Judiciary Procedures, serve on the

University Court and Traffic Court, and act as advisors to persons accused of Code of Conduct violations.

### 1. Faculty/Staff Appointments

There are twenty-two (22) faculty/staff members who are appointed to the Judiciary Panel for two (2) year terms, and may be re-appointed at the expiration of this term by the appropriate University official.

The appointments to the Judiciary Panel are as follows:

- Two (2) faculty members appointed by the Dean of the College of the Arts
- Two (2) faculty members appointed by the Dean of the Bagwell College of Education
- Two (2) faculty members appointed by the Dean of the Wellstar College of Health and Human Services
- Two (2) faculty members appointed by the Dean of the College of Humanities and Social Sciences
- Two (2) faculty members appointed by the Dean of the Coles College of Business
- Two (2) faculty members appointed by the Dean of the College of Science and Mathematics
- Two (2) faculty members appointed by the Dean of the University College
- Two (2) faculty member appointed by the Dean of the Graduate College. The appointed faculty member must have graduate school status.
- Two (2) faculty or professional staff members appointed by the Vice President for Academic Affairs
- Two (2) professional staff members appointed by the Vice President for Student Success and Enrollment Services
- Two (2) professional staff members appointed by the Vice President for Operations

### 2. Student Panel Members

A minimum of fifteen (15) students, selected by the University Judicial Officer, serve on the Judiciary Panel. Applications, personal statements, interviews, and references are considered in the selection process. Student panelists serve a one (1) year term and may reapply for membership at the end of each academic year.

### 3. Duties of Judiciary Panel Members

- To serve on hearing panels when so requested by the Judicial Officer
- To act as advisors to individuals or organizations appearing before the University Court and Appeals Court
- To participate in education and awareness programs sponsored by the Judiciary
- To uphold the KSU Student Code of Conduct, the Judiciary Code of Ethics, all other campus rules and regulations, and federal and state laws

### 4. Judiciary Panel Code of Ethics

As the University Judiciary exists to promote justice and fairness, thus serving the individual student, the campus, and the public interest, a Judiciary panel member's public and official behavior shall be beyond reproach and free from impropriety. Any member of the Judiciary Panel or any member of the student body, faculty or staff who suspects a Judiciary Panel member of violating the Judiciary Code of Ethics should communicate in writing to the University Judicial Officer. Once the alleged ethical violation is reported, the Judicial Officer will investigate the allegations and confer with the Vice President for Student Success and Enrollment Services or his/her designated representative to determine the appropriate action, which may include dismissal from the Judiciary Program and/or other disciplinary sanctions, if necessary.

To uphold this high standard of behavior, each member of the University Judiciary undergoes training regarding his/her obligations as a member of the KSU Judiciary, and, by a signed statement, pledges to uphold the following Code of Ethics:

a. Proceedings of the University Court, Appeals Court, and Traffic Court shall be conducted with fitting dignity and decorum and should reflect the importance and seriousness of the hearing.

b. Judiciary Panel members shall not discuss any Judiciary case outside of the University Judiciary membership. In addition, Judiciary members shall not discuss cases with other Judiciary members while the case's final outcome, including all appeals, is still pending, unless specific permission is granted by the Judicial Officer.

c. No Judiciary Panel member shall pursue any facts, evidence, or outcome of any case unless acting in an official capacity, with the authorization of the office of the University Judiciary Program.

d. Judiciary 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 Court to hear or consider that case, serving as an advisor in that case, or discussing the case with the Judicial Officer.

e. A Judiciary Panel member shall disqualify himself/herself from cases that might present a conflict of interest or justify the inference that a party could improperly influence him/her or unduly enjoy his/her favor.

f. A Judiciary 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.

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

h. A University Court judge shall consider all relevant factors in recommending disciplinary measures.

i. An advisor is expected to give his/her best possible effort when representing a party before the University Court.

j. A Judiciary Panel member shall not solicit for the retention of his/her services as advisor.

k. When assigned to a case, a Judiciary advisor shall keep the Judicial Officer fully informed of all pertinent information regarding that case.

l. An advisor shall not argue the merits of any case or possible case with any judge except during the hearing.

m. An advisor shall preserve the confidence of the person(s) he/she represents except insofar as this conflicts with the advisor's duty to keep the Judicial Officer fully informed of all pertinent information regarding the case. An advisor must inform the person(s) he/she represents of this duty owed to the Judicial Officer prior to accepting the position as advisor. Information shared with the Judicial Officer may be communicated to all parties to the case.

n. The conduct of the advisor before the University Court shall be characterized by candor and fairness.

o. Communication between a student or any other person and Judiciary Panel member concerning the possible violation of a regulation is not privileged communication.

p. Judiciary Panel members are not required to report or bring cases to the office of the University Judiciary Program; however, if asked to act as a witness by an advisor, a Judiciary Panel member is required to cooperate.

q. If called as a witness, a Judiciary Panel member shall be totally objective in his/her testimony and shall refrain from making subjective evaluations or from expressing his/her personal beliefs.

r. A Judiciary Panel member who is a member of an organization brought before the University Judiciary must notify the University Judicial Officer of his/her affiliation with the organization. While that panel member has the right to silence, as he/she is part of the accused student organization, he/she may not serve on a University Court or an Appeals Court that is hearing the case against the organization. However, a Judiciary panel member who is a member of an organization brought up on Judiciary charges may serve as the Judiciary Panel advisor to the organization, unless that panel member is specifically charged with an individual Code of Conduct violation or is an officer of the organization.

s. Judiciary Panel members shall be thoroughly familiar with and adhere to this Code of Ethics and the Procedures for the University Judiciary Program, and shall refrain from bringing matters of federal and state law into any hearing.

t. A Judiciary Panel member must preserve the confidentiality of all Judiciary matters, even after they no longer serve on the panel. A breach of this confidentiality by a former student panel member will subject that student to disciplinary charges.

#### D. KSU Courts

## 1. Traffic Court

- a. Jurisdiction: The Traffic Court considers appeals by students of citations issued for alleged violations of the KSU Parking Regulations.
- b. Composition: The panel will consist of three (3) members as follows:
  - one (1) student
  - one (1) faculty/staff member
  - one (1) student OR faculty/staff member
- c. Reporting: Decisions of the Traffic Court are reported to the KSU Department of Public Safety, who in turn notifies the Office of Business Services regarding refund payments for students whose appeals were upheld by the Court.
- d. Further Appeals: The decision of the University Traffic Court may not be appealed.

## 2. The University Court

- a. Jurisdiction: The University Court considers allegations of violations of the KSU Student Code of Conduct, which are not resolved either informally or through an administrative hearing before the Director of Judiciary Programs or his/her designee or by an informal disciplinary meeting before Residence Life personnel as outlined in section I B, above.
- b. Composition: The panel will consist of five (5) members as follows:
  - one (1) Chief Judge (student OR faculty/staff member)
  - two (2) faculty/staff judges
  - two (2) student judges
- c. Reporting: University Court decisions regarding alleged Code of Conduct violations and any recommended sanctions are reported to the Director of Judiciary Programs or his/her designee or, when based on a case arising from residence hall property, to the Director for Residence Life or his/her designee, who will review the recommendation and notify the parties to the case regarding the final decision.
- d. Appeals of University Court Decisions: A request to appeal a University Court decision shall be submitted to the University Judicial Officer as outlined in Section VII.

# II. Handling Violations of the KSU Student Code of Conduct

## A. Academic Misconduct

The University's standards regarding academic misconduct are defined by section II of the KSU Student Code of Conduct. Depending on the circumstances, a faculty member is permitted to choose one of two options when handling incidents involving academic misconduct by a KSU student. These options include (1) an informal resolution

procedure and (2) filing formal Judiciary charges, which shall result in a hearing.

Upon pursuing an allegation of academic misconduct, the faculty member should contact the Office of Judiciary Programs to inform that office of his/her intention to pursue such an allegation and to determine that the student has no prior history of being held responsible for academic misconduct. If the student has previously been found responsible for violating the rules against academic misconduct then the professor should not meet with the student to resolve the matter informally, but instead should file a formal Judiciary charge which shall result in a hearing. Or, if there are any circumstances other than prior history of academic misconduct under which a professor would seek to have a student suspended or expelled for academic misconduct then the professor should not arrange to meet the student to resolve the matter informally. Instead the professor should file a formal Judiciary charge which shall result in a hearing. The faculty member must complete and sign the Academic Misconduct Incident Report form and forward it to the Office of Judiciary Programs (the student does NOT need to sign the form) within seven (7) days. If final grades become due before the matter is resolved the faculty member must assign the student a grade of "Incomplete" until the issue is settled. The Office of Judiciary Programs then will contact the student and make arrangements for the hearing.

If the student has no prior history of academic misconduct and the professor is not seeking suspension or expulsion, then the professor should arrange to meet with the student(s) who allegedly violated the Code of Conduct. The faculty member should request that either his/her dean, department chair, or program director be present at this meeting, or he/she may request the presence of the University Judicial Officer, or someone authorized by the Judicial Officer. If a student wishes someone to accompany him/her to this meeting, the student must obtain prior permission from the University Judicial Officer, who will then notify the faculty member.

During the meeting between the faculty member and the accused student(s), the following procedures shall be followed:

1. The faculty member shall inform the student of the allegation of academic misconduct, including some evidence to support the accusation.

2. The faculty member must give the student the opportunity to respond to the accusation. Once the student has a chance to respond, the faculty member shall proceed as follows:

a. If the student DENIES the misconduct:

- The meeting must be concluded. If, at that time, the faculty member still wishes to pursue the academic misconduct allegation(s), proceed to the next step. If, however, the faculty member believes that the student did not commit academic misconduct, then no further action is necessary.
- The student shall be notified by the faculty member that the case is being referred to the University Judiciary Program for a hearing, to be conducted in accordance with the University Judiciary Procedures (see Sections IV through VII, below).
- The case is referred to the University Judiciary, the faculty member must complete and sign the **Academic Misconduct Incident Report** form and forward it to the Office of Judiciary Programs (the student does NOT need to sign the form) within seven (7) days.
- The faculty member must assign the student a grade of "Incomplete" until the matter is resolved.

b. If the student freely, without intimidation or coercion, ADMITS the misconduct :

- The faculty member has the prerogative of determining appropriate sanctions within the academic framework of the class (i.e., lowering the student's grade on the assignment, assigning additional work, lowering the student's overall course grade, etc.).
- The faculty member must complete an Academic Misconduct Incident Report form, including the details of the incident, the student's admission of the violation, relevant documentation (e.g., copy of the test, paper in question, etc.) and the sanction.
- Both the student and the faculty member must sign the form, and the faculty member must forward it to the Office of Judiciary Programs within seven (7) days.

## B. Violation of Disciplinary Rules

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 so inappropriate that it impedes the natural and necessary learning process.

All incidents of disciplinary violations of the KSU Student Code of Conduct outside of residence hall property shall be reported to the Office of Judiciary Programs in accordance with the procedure outlined below. Faculty, staff, or students who are witnesses to or victims of incidents of alleged violation of the Student Code of Conduct should contact the Office of Judiciary Programs as soon as possible and submit a **General Misconduct Incident Report form**.

### 1. General Disruptive Behavior, Where No Immediate Threat of Danger is Present

- a. 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.
- b. The faculty or staff member must contact the Office of Judiciary Programs as soon as possible and submit a **General Misconduct Incident Report form**, documenting the alleged misconduct and any action taken against the student.
- c. Once contacted, the University Judicial Officer will conduct a preliminary investigation and will advise as to the appropriate course of action in each situation.

### 2. Seriously Disruptive/Dangerous Conduct

- a. In situations where a student's conduct is both disruptive and poses imminent danger to the health and safety of others, immediately contact the KSU Police at (770) 423-6666. The responding officer at the time of notification shall remove the student from the area immediately.

b. Immediately report the incident to the Office of Judiciary Programs and/or the Office of the Vice President for Student Success and Enrollment Services and for possible handling under the "Interim Suspension" policy, described in Section III below.

c. The University Judicial Officer will investigate the incident and will advise as to the appropriate course of action in each situation.

### 3. Sexual Assault

When a possible sexual assault has occurred, the victim is encouraged to report it immediately to the [KSU Department of Public Safety](#) (770) 423-6666 and the [Office of Judiciary Programs](#) (770) 499-3403.

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 criminal prosecution or Judiciary proceedings from going forward.

Students who report sexual assaults to the KSU Department of Public Safety shall be afforded assistance in seeking counseling and follow-up medical care, making reasonable changes to their on campus housing arrangements or academic situations and reporting to the appropriate criminal authorities after an assault has occurred.

KSU 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 that 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 underreport, crimes because (1) the victims are somehow responsible for the commission of crimes against them; (2) victims were contributory 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 assailants, including transfer of classes or reasonable changes in on-campus housing arrangements if requested by the victims.

### C. Violation of Disciplinary Rules on Residence Hall Property

Section III R of the KSU Student Code of Conduct states that a violation of the residential code of conduct is also a violation of the student code of conduct.

Depending on the circumstances, a coordinator of residence life (CRL) is permitted to choose one of two options when handling incidents involving an allegation of a violation of the residential code of conduct by a KSU student. These options include (1) an informal resolution procedure (see below) and/or (2) filing formal Judiciary charges, which shall result in a hearing.

If the CRL chooses to pursue an informal resolution of misconduct, the CRL should arrange to meet with the student(s) who allegedly violated the residential code of conduct.

During the meeting between the CRL and the accused student(s), the following procedures shall be followed:

1. The CRL shall inform the student of the alleged misconduct, including some evidence to support the accusation.

2. The CRL must give the student the opportunity to respond to the accusation. Once the student has a chance to respond, the CRL shall proceed as follows:

a. If the student DENIES the misconduct and requests a formal judicial hearing and the student is entitled to a university court hearing or a hearing before an Assistant Director or Director of Residence Life (See section I B 3 of these policies and procedures):

- The meeting must be concluded. If, at that time, the CRL still wishes to pursue the misconduct allegation(s), proceed to the next step. If, however, the CRL believes that the student did not commit misconduct, no further action is necessary.
- The student shall be informed by the CRL that the case is being referred to the University Judiciary Program for a hearing, to be conducted in accordance with the University Judiciary Procedures.
- When a case is referred to the University Judiciary, the CRL must complete and sign the **Residential Misconduct Incident Report** form and forward it to the Office of Judiciary Programs (the student does not need to sign the form) within seven (7) business days or, the CRL must assure that appropriate

information about the matter is entered into the judicial records software system and inform the Director of Judiciary Programs that the student has requested a university court hearing.

b. If the alleged violation is not one where removal from housing, suspension or expulsion would be imposed, and if the CRL finds the student responsible, or if the student freely, without coercion, accepts responsibility for the misconduct (with or without a written explanation) for the misconduct, then:

- Prior to deciding upon the sanctions for the misconduct, the CRL should check to see whether the student has a prior record of misconduct at Kennesaw State University.
- The CRL has the prerogative of determining appropriate sanctions within the framework of the Disciplinary Measures listed in section X of the KSU Student Code of Conduct, with the following limitations. In no case may the CRL impose expulsion, suspension, or removal from on-campus housing. Those particular sanctions may only be imposed after the filing of judiciary charges with the Office of Judiciary Programs, and only if a student has been found responsible for violating the KSU Student Code of Conduct or Residential Code of Conduct after completion of a hearing by the Director or Assistant Director for Residence Life; or after completion of a hearing by the university court panel members.
- The CRL must either 1) complete a **Residential Misconduct Incident Report** form, including the details of the incident, if appropriate, the student's admission of responsibility for the violation (with or without the student's written explanation), relevant documentation, and the remedy or sanction, or, 2) the CRL must assure that appropriate information about the matter and the hearing is entered into the judicial records software system.
- If a Residential Misconduct Incident Report Form is used the CRL must sign the form, and forward it to the Office of Judiciary Programs within seven (7) business days.

## D. Sanctions for Code of Conduct Violations

A student or student organization found in violation of the KSU Student Code of Conduct may be sanctioned as outlined by this section. Sanctions for KSU Student Code of Conduct violations may be combined as appropriate.

### 1. Types of Sanctions, in General

a. Expulsion: Permanent severance of student's relationship with the University.

b. Probated Expulsion: Further violations of major offenses, as specified by the Court or hearing officer, shall result in expulsion.

c. Suspension: Temporary severance of a student's relationship with the University.

d. Probated Suspension: Notice that further violations of major offenses, as specified by the Court or hearing officer, shall result in suspension.

- e. Reprimand: Oral or written disapproval issued to the student
- f. Disciplinary Probation: Notice to the student that any further major disciplinary violations may result in suspension; this action might also include, but not be limited to, the following: the setting of restrictions on social activities, the issuing of a reprimand, restitution, and/or community service.
- g. Restrictions: Exclusion from enjoying or participating in social activities, or from holding office in University clubs or organizations.
- h. Restitution: Reimbursement for damage or misappropriation of property; this may take the form of appropriate service or other compensation.
- i. Community Service: Assignment to work a specific number of hours at or through a community service agency
- j. 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 any hearing officer
- k. Other Educational or Developmental Remedies: Imposed by the court or any hearing officer.

## 2. Academic Misconduct - minimum sanction

Any accused student found to have violated KSU regulations concerning academic honesty by a Judiciary hearing before University Court or before the Director of Judiciary Programs, or his/her designee, shall be suspended for at least one semester unless he/she has convinced the hearing officer or body that there exist substantial mitigating circumstances to his/her offense.

It is the responsibility of the faculty member to determine the appropriate grade to be assigned to a student once the University Court finds that the student violated the Student Code of Conduct's provisions regarding academic misconduct.

## 3. Student Organizations

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

- a. Restriction of social or other activities sponsored by the organization.
- b. Suspension of the organization's registration with Student Life.
- c. Probated suspension of the organization's registration with Student Life.
- d. Revocation of the organization's registration with Student Life.
- e. Probated revocation of the organization's registration with Student Life.

# III. Interim Suspension

## A. Criteria

Interim suspension measures may be employed against a student when the Vice President for Student Success and Enrollment Services or his/her official designee or the Director for Residence Life or his/her designee 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, or
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 serious nature that it must be handled more expeditiously than University procedures allow.

## B. Possible Actions by the University

Interim suspension may include any and/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.

## C. Duration

A student placed on interim suspension shall remain as such, pending a University Court hearing or other appropriate administrative hearing. Every effort will be made to resolve the situation as quickly as possible.

## D. Interim Suspension Procedure

1. The Vice President for Student Success and Enrollment Services or his/her designee or the Director for Residence Life or his/her designee shall conduct such investigation as is necessary to obtain all the facts surrounding the situation.
2. The Vice President for Student Success and Enrollment Services or his/her designee or the Director for Residence Life or his/her designee may determine that immediate interim suspension of the student from the institution or from university housing is necessary and appropriate based upon clear and convincing evidence.
  - o If such a determination is made, the Vice President for Student Success and Enrollment Services or his/her designee or the Director for Residence Life or his/her designee shall notify the student, the University Judiciary Officer, the KSU Department of Public Safety, and the student's teachers, when appropriate, that the student has been temporarily suspended from the institution pending the outcome of a hearing.
  - o The University Judiciary Officer will then initiate the process for an appropriate hearing to be held as soon as practical.
3. The Vice President for Student Success and Enrollment Services or his/her designee or the Director for Residence Life or his/her designee may elect not to suspend the student, but to refer the matter to the Judiciary for further action.

## IV. Initiating Judiciary Charges and the Pre-Hearing Process

## A. Filing of a Charge

1. The accuser and the student may choose to resolve the matter by an informal hearing or meeting when there is an accusation of academic misconduct (See IIA, above) or an accusation of residential code violation(s) (see IIC, above). When so resolved, a completed academic misconduct incident form or residential misconduct incident form signed by both the accuser and the accused student (when required) shall be forwarded to the Office of Judiciary Programs or the appropriate staff member shall enter relevant data in the judiciary records software system. All charges not resolved informally, either because of ineligibility or inability of the parties to agree to an informal resolution, shall proceed according to the following guidelines to initiate a formal judicial hearing.

2. The accuser files a written complaint with the University Judicial Officer using the appropriate form, or a Judiciary or Residence Life staff member enters a code of conduct charge(s) against a student in the judicial records software:

- a. **Academic Misconduct Incident Report** form for allegations of academic misconduct.
- b. **General Misconduct Incident Report** form for all other allegations of KSU Student Code of Conduct Violations except those occurring on residence hall property.
- c. **Residential Misconduct Incident Report** form for all other allegations of non-academic KSU Student Code of Conduct Violations occurring on KSU residence hall property.

The applicable report or entry in the judicial records software shall:

- a. state the facts underlying the alleged violation of the Kennesaw State University Student Code of Conduct,
- b. state the specific University regulations alleged to have been violated,
- c. include any relevant evidence and/or list of witnesses to the alleged violation.

3. Except under extraordinary circumstances, charges must be filed by the end of the semester following the discovery of the occurrence of the alleged violation of the Kennesaw State University Student Code of Conduct.

## B. Notification of Pending Charges

1. The University Judicial Officer or Residence Life staff shall give the accused notice of charges against him/her. If the accused is a student organization, the notice shall be served to any officer of the organization.

2. When the charges are so serious that they may result in removal from campus housing and/or suspension or expulsion from the university then the notice of the pending charges shall be in writing. When the accused student is entitled to a university court hearing the accused shall be informed of the option of a University Court hearing and the availability of an advisor to assist in the preparation and presentation of the case at any University Court hearing.

3. When it is required, service of written notice may be delivered by hand, electronically, or by mail. Generally, unless circumstances do not allow, written notification will be delivered to a student's KSU e-mail account.

## C. Hearing Involving Multiple Defendants / Motion for Separate Hearing

1. Two or more accused students may be required to participate jointly in a hearing if they are alleged to have participated in the same incident, act, events, or series of related acts. The

regulation(s) or factual circumstances alleged need not be identical for the accused students in a hearing held jointly.

2. An accused may file a written motion with the University Judicial Officer for a separate hearing, citing specific reasons why being heard jointly would unfairly prejudice his/her defense.
3. This motion must be in writing and filed (or postmarked) within three (3) business days of the accused student(s) receipt of the hearing notice.
4. The University Judicial Officer will decide the motion within five (5) business days of receipt of the request.

#### D. Notice of Witnesses and Evidence

1. At least five (5) days prior to a university court hearing, the accuser and the accused shall submit the following to the University Judicial Officer:

- a. a list of all witnesses the party wishes to appear on his/her behalf, including each witness' address and phone number (if known)

AND

- b. copies of all documentary or other evidence to be used:

2. The University Judicial Officer shall supply a party's witness list and copies of evidence to the opposing party at least three (3) days prior to the hearing.
3. Before witnesses and/or evidence submitted after the deadline may be presented during a hearing, approval must be obtained from the Judicial Officer.

#### E. Time of Hearing / Request for Postponement

1. The University Court hearing will be held at the date and time agreed upon by the parties and notice will be sent to all parties involved.
2. If either party has a valid reason for postponing the hearing, he/she must notify the University Judicial Officer no later than 72 hours before the hearing time by filing a written request for postponement.
3. If an official postponement has been requested and approved, the Judicial Officer will notify all parties regarding the rescheduled hearing.
4. If the accused has not obtained an official postponement and fails to appear for the hearing, the University Court will conduct the hearing without the accused.

### V. General Guidelines for Conducting a University Court Hearing

The following hearing procedures shall be followed in all cases. These rules shall be interpreted to maintain an informal hearing procedure to the extent that informality will not hinder or obstruct the basic fact-finding function of the Court. Upon permission by the parties and/or the University Judicial Officer, additional measures, as necessary and appropriate, may be implemented.

#### A. Rules Followed by the Court

1. All charges presented to the University Court will be based on alleged violations of the Kennesaw State University Student Code of Conduct.
2. The Court will not be bound by formal rules of legal proceedings and may admit any information that may be of value in determining the issues involved.

## B. Personal Advisors

The accuser and the accused may each have an advisor appointed from the Judiciary Panel. Either a party involved or his/her advisor may present the case at the hearing but not both.

Because University Court hearings are not formal legal proceedings, lawyers are not permitted as personal advisors. However, an accused student who is represented by an attorney may request that the attorney attend the hearing, for observation purposes only, as outlined in Section V.E.4., Below

## C. Confidentiality

Federal and state laws govern the confidentiality of Judiciary hearings. Except for such simple announcements as may be required in disciplinary matters, covering the time of the hearing and similar information, public statements and publicity about the complaint by the accused, the accuser, the witnesses, or any member of the University Court should be avoided.

## D. Burden of Proof

The accused shall be presumed not responsible for a violation until it is proven that he/she is responsible. The accuser has the burden of proof to establish responsibility for the violation by a preponderance of the evidence presented that the accused has violated the Student Code of Conduct.

## E. Attendance at the Hearing

1. The University Court may exclude any person who may be reasonably expected to interfere with the hearing or who does interfere with the hearing.
2. Attendance at the hearing shall consist of:
  - a. Members of the University Court
  - b. The accused student(s) and his/her advisor
  - c. The accuser and his/her advisor
  - d. The University Judicial Officer
  - e. Other necessary persons, upon prior approval by the University Judicial Officer and notice to the parties to the case. Objections to the presence of such persons may be submitted to the Judicial Officer, in writing, up to 24 hours before the hearing.
  - f. Other members of the Judiciary Panel, provided they have completed all of the required training and signed the Code of Ethics agreement.
3. The accuser and the accused shall be given an opportunity to present necessary witnesses and documentary or other evidence, but all witnesses will be admitted to the hearing only when their personal participation is necessary.
4. Attorneys may not participate in University Court hearings. However, an accused student who is represented by an attorney may request that his/her attorney be present to observe the hearing, if the request is sent in writing to the University Judicial Officer at least five (5) business days prior to the hearing. Attorneys who are granted permission to attend a University Court hearing may not directly participate in the hearing; however, the attorney may confer with his/her client during a recess of the University Court.

## F. Evidence and Witnesses

1. The use of evidence and witnesses in a case before the University Court is subject to the provisions in this section, as well as the deadlines outlined in section IV.D. (above).
2. The accuser and the accused shall have the following rights:
  - The right to present evidence and witnesses on his/her behalf.
  - The right to question all witnesses who are present.
  - The right to remain silent with no inference of responsibility drawn from such silence.
3. The Court will place highest value on direct examination of all witnesses; however, if a witness legitimately cannot appear at the hearing, that witness may present evidence to the Panel using the following methods:
  - a. alternative live testimony-If approved in advance by the Judicial Officer, a witness may arrange to testify before the University Court via speakerphone, or other technologically feasible means for that witness to communicate with the Court during the actual hearing.
  - b. signed written statement-A signed written statement will be admissible if it meets all of the following conditions:
    - the statement pertains to the charges pending before the University Court
    - the statement is submitted to the University Judicial officer by the deadline for each party's submission of evidence, per section IV.D. (above)
    - the statement can be verified by the University Judicial officer as written by the witness.
4. The University Court reserves the right to call any witnesses it deems necessary for the performance of its duties.
5. The Court shall consider only evidence presented at the hearing. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

## G. Prior Record of the Accused

1. During a University Court hearing, evidence of the accused's past violations of the Kennesaw State University Student Code of Conduct will be excluded from evidentiary phase of the hearing.
2. In cases where the accused student has a prior campus record, the University Court will first determine whether the student has violated the Code of Conduct regarding the current charges. If a violation has occurred, the Court will proceed to the sanctioning phase of the hearing.
3. Once the University Court finds an accused student in violation of the KSU Student Code of Conduct, the Court may consider that accused student's prior record when recommending an appropriate sanction.
4. When the Court engages in a sanctioning recommendation that includes evidence of a student's prior campus record, the accused student may present a statement, oral or written, to the University Court, regarding that prior record.

## H. Adjournments

At its discretion, the University Court may grant adjournments to enable either the accuser or the accused to investigate evidence or when in the opinion of the Court an interruption in the hearing would be desirable.

## I. Record of Proceedings / Decision of the Court

A tape recording of the proceedings shall be made and kept in the office of the University Judicial Officer as the official record of the hearing. The decision of the University Court will be based solely on the evidence presented at the hearing, will be in writing, and will state each charge of alleged misconduct and the Court's finding, as well as any recommended sanctions.

## VI. Order of University Court Proceedings

### A. Opening of the Case

At the beginning of the hearing the Chief Judge will:

1. Call the hearing to order.
2. Introduce the panel members.
3. Call the case number and the names of the parties.
4. Read the charges against the accused.
5. Explain the order of proceedings and answer questions regarding that order.

### B. Oath of Witnesses

The Chief Judge of the University Court shall read the following statement to all persons involved in a University Court or Appeals Court case, including witnesses, before the parties begin presenting their respective cases:

ALL PARTICIPANTS IN THIS HEARING ARE REQUIRED TO FULLY COOPERATE AND ANSWER ALL QUESTIONS TRUTHFULLY AND TO THE BEST OF THEIR KNOWLEDGE AND ABILITY. THOSE PARTICIPANTS WHO KNOWINGLY GIVE FALSE TESTIMONY MAY BE CHARGED WITH PERJURY UNDER SECTION IX OF THE KENNESAW STATE UNIVERSITY STUDENT CODE OF CONDUCT

### C. Pleas / Admissions of Responsibility

A plea is not required. However, the accused shall have the right to enter a plea before opening statements are presented. If at any time and without coercion or undue influence, the accused student admits to the Code of Conduct violation(s) and no other factual matters are in dispute, the Court will proceed to a sanctioning phase.

### D. Presentation of Evidence

1. The accuser presents an opening statement.
2. The accused presents an opening statement.
3. The accuser presents relevant evidence and witnesses.
4. The accused may question the accuser's witnesses.
5. The Court may question the accuser's witnesses.
6. The accused presents relevant evidence and witnesses.
7. The accuser may question the witnesses of the accused.
8. The Court may question the accused's witnesses.
9. The Court presents any witnesses called by the Court itself.
10. First the accuser and then the accused may question the Court's witnesses.
11. Any witness may be recalled for further questioning by any participant.
12. The accuser presents a final statement.
13. The accused presents a final statement.

### E. Deliberation and Recommendation of the University Court

Upon completion of a hearing, the University Court will deliberate to determine whether it feels that the accused student(s) or student organization has violated the KSU Student Code of Conduct. If the Court believes that a Student Code of Conduct violation has occurred, it shall recommend an appropriate sanction.

Decisions of the Court shall be based on a simple majority vote. The Chief Judge shall vote only in case of a tie. The decision and recommended sanction(s), if any, shall be in writing and signed by all University Court judges who heard the case.

The deliberations of the University Court shall be closed to all except Court members and the Judicial Officer, who shall not vote, but may answer any procedural questions.

## F. Reporting the Court's Decision

1. The University Court shall forward the Court's recommendation to the Director of Judiciary Programs or his/her designee within 24 hours of the time of the decision.
2. If the case arose from within campus housing property the Director of Judiciary Programs or his/her designee will report the University Court's recommendation within three business days to the Director for Residence Life or his/her designated representative.
3. Within five (5) business days of the hearing, the Director of Judiciary Programs or his/her designated representative or, if applicable, the Director for Residence Life or his/her designated representative will notify the accused of the final decision and sanction(s), if any. The notice will be in writing, and will be sent via KSU e-mail or other allowed method of delivery.
4. A record of the charge, the Court's decision and recommended sanction, and the final determination shall be placed in the student's confidential activity file in the office of the University Judicial Officer.
5. Any further distribution of the information shall be restricted in accordance with confidentiality requirements for student records.

## VII. Appealing a Judiciary Decision

### A. Sanctions Take Effect Immediately

All sanctions take effect immediately after the sanction decision is communicated in writing (unless the sanction letter specifies differently), and this is true even when a student or student organization qualifies for and pursues an appeal.

### B. Who may Appeal?

1. A student may appeal a judiciary decision of the university court as confirmed by the Director of Judiciary Programs or his/her designee or the Director for Residence Life or his/her designee when that decision resulted in a sanction of suspension, expulsion (from the university), or removal from university housing.
2. A student may appeal the judiciary decision of the Director of Judiciary Programs or his/her designee or the Director or Assistant Director of Residence Life or his/her designee in an administrative hearing (informal disciplinary meeting) when that decision resulted in a sanction of suspension, expulsion (from the university), or removal from university housing.
3. An organization may appeal a judiciary decision of the university court as confirmed by the Director of Judiciary Programs when that decision resulted in a sanction of suspension or revocation of the organization's registration with Student Life.
4. An organization may appeal a judiciary decision of the Director of Judiciary Programs or his/her designee in an administrative hearing when that decision resulted in a sanction of suspension or revocation of the organization's registration with Student Life.

### C. Decision Letter Contents

Every judiciary decision letter to a student who has been suspended or expelled from the university or removed from housing, or an organization whose registration has been suspended or revoked with Student Life, must contain the following information.

1. A statement that the student or organization may be eligible for an appeal if any of the three grounds for appeal indicated in section VIIC (below) exist, and
2. A statement that such an appeal must be submitted in writing within five business days of the receipt of the decision letter to the Director of Judiciary Programs, and

3. It must provide information on how to contact the Director of Judiciary Programs.

#### D. Only Three Grounds for Appeal

Dissatisfaction with the decision is not proper grounds for an appeal. There are only three grounds for appeal. They are, when a student or organization was found responsible for a code of conduct violation, one of the sanctions listed in section VIIB (above) was imposed, and

1. There were procedural errors in the process (a procedural error occurs when there is not substantial compliance with the judiciary policies and procedures as published on the KSU judiciary website); or
2. Significant new information or evidence becomes available that was not available or known to exist as of the hearing date and that evidence likely would have influenced the original decision; or
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).

#### E. How to Appeal

All appeals must be in writing and must be submitted to the Director of Judiciary Programs within five business days of the student or student organization's receipt of the sanctioning decision in writing. The Director of Judiciary Programs will forward the appeal to the proper appeals officer. The appeals process does not grant a new hearing at a higher level. All appeals described in this section involve written appeals only. Students or organizations do not meet with or make oral presentations to the person deciding the appeal. There may be times when the person deciding the appeal requests a meeting with parties involved in order to clarify matters related to the appeal, but that is solely within the discretion of the person deciding the appeal.

#### F. Information Needed by Person Deciding Appeal

The person deciding the appeal or his/her designee will receive the following information:

1. Any recording that may have been made of the hearing (university court hearing only).
2. All documents and evidence presented at the hearing.
3. Any notice of hearing letter presented to the student or organization.
4. The decision/sanction letter.
5. Any other documents that pertain to the matter.

#### G. Appeal Decision

The person deciding the appeal or his/her designee will make one of the following determinations in writing within thirty (30) calendar days of the receipt of the appeal in his/her office.

1. Uphold the original decision of responsibility and make no change in sanction(s).
2. Uphold the original decision of responsibility but modify the sanction(s).
3. Reverse the original decision of responsibility and the sanction(s).

#### H. Who Will Hear the Appeal?

1. When a student appeals the original judiciary decision of the university court and when that decision resulted in a sanction of suspension or expulsion from the university or removal from housing, the Dean for Student Success or his/her designee shall decide the appeal.

2. When a student appeals the original judiciary decision of the Director of Judiciary Programs or his/her designee or the Director of Residence Life in an administrative hearing (informal disciplinary meeting) and when that decision resulted in a sanction of suspension or expulsion from the university or removal from housing, the Dean for Student Success or his/her designee shall decide the appeal.
3. When a student appeals the original judiciary decision of an Assistant Director of Residence Life in an administrative hearing (informal disciplinary meeting) and when that decision resulted in a sanction of suspension or expulsion from the university or removal from housing, the Director of Residence Life shall decide the appeal.
4. When an organization appeals a judiciary decision of the university court as confirmed by the Director of Judiciary Programs or his/her designee and when that decision resulted in a sanction of suspension or revocation of the organization's registration with Student Life, the Dean for Student Success or his/her designee shall decide the appeal.
5. When an organization appeals an original judiciary decision of the Director of Judiciary Programs or his/her designee in an administrative hearing and when that decision resulted in a sanction of suspension or revocation of the organization's registration with Student Life, the Dean for Student Success or his/her designee shall decide the appeal.

### I. Further Appeal to the University President

Only a student or student organization that qualified for and completed the appeals process described above and who is not satisfied with the result may appeal to the President of the University.

1. The student or organization must allege one or more of the same three grounds for appeal listed in section VII D (above).
2. The appeal to the President must be in writing and submitted to the Director of Judiciary Programs within five business days from his/her/its receipt of the appeal decision in writing.
3. A review by the President is not a matter of right, but is within the discretion of the President.
4. If the President accepts the appeal for review, he/she may choose to ask for a recommendation on the matter from an adviser or advisers or he/she may designate someone to hear the appeal in his/her stead.
5. The presidential review is not a new hearing and a student or organization does not meet with or make oral presentations to the President or adviser(s). There may be times when the President, or his/her advisor(s), requests a meeting with parties involved in order to clarify matters related to the appeal, but that is solely within his/her/their discretion.
6. The President shall, in writing, either decline to accept the appeal or accept the appeal and issue a decision within thirty (30) calendar days of the receipt of the appeal in his/her office.

### J. Additional Appeal to Georgia Board of Regents

Any person aggrieved by a final decision of the University President may apply to the Georgia Board of Regents for a review of that decision in accordance with Article VIII of the Bylaws of the Board of Regents. The application for review shall be submitted in writing to the Board's Senior Vice Chancellor for Support Services or designee within a period of twenty (20) days following the decision of the president. A hearing before the Board is not a matter of right but is within the sound discretion of the Board.

## VIII. Psychological/Psychiatric Disability Claim

## A. Grounds

1. Any student who is assigned interim suspension from the institution, or who faces judiciary charges for disruptive conduct, may raise the issue of a diagnosed mental disorder. In such cases, the student shall be responsible for providing a current psychological/psychiatric evaluation that reflects a significant disability that would have resulted in the behavior in question. Such an issue should be submitted to the Director of Judiciary Programs at least two days prior to any scheduled hearing.
2. In some cases, a student may be unable to respond to the charges, or may not have been aware of the nature and quality of the action in question. If the Vice President for Student Success and Enrollment Services has clear and convincing evidence which would lead him/her to surmise that the student's behavior is the result of a mental disorder, he/she may require the student to provide a current psychological/psychiatric evaluation as a condition of consideration for continued enrollment in the institution.
3. Should a student submit a claim that he/she is not responsible for violating the student code of conduct on the grounds of a mental disorder, that a mental disorder should be considered in mitigation of sanction(s), or should he/she be required to submit to a psychological/psychiatric evaluation for consideration, the Vice President for Student Success and Enrollment Services shall convene a special hearing panel for the purpose of considering the student's alleged misconduct. In no case shall a single hearing officer or the university court judiciary panel make decision when a student raises the issue of an alleged mental disorder in a timely manner.

## B. Special Hearing Panel for Disability Claims

1. Composition of the Panel-The special hearing panel shall be composed of the following people:
  - a. Director of Counseling and Advising Program Services or his/her designated representative with appropriate qualifications
  - b. Chair of the Psychology Department or his/her representative with appropriate qualifications
  - c. Assistant Director for Disabled Student Support Services or his/her designated representative with appropriate qualifications
  - d. Director of the Judiciary Program or his/her designated representative from the Judiciary Panel
  - e. Director of Public Safety or his/her designated representative from the Public Safety Department.

A quorum shall consist of any three (3) of the above-identified members.
2. Authority of the Panel-The special hearing panel may:
  - a. recommend that the grounds for a claim on the basis of a mental disorder are not sufficient for consideration and return the case to the judiciary panel or hearing officer for further action;
  - b. make a finding of "not responsible" or "responsible" for a violation of the code of conduct;
  - c. recommend that the student be allowed to return to the institution, with or without specific stipulations;
  - d. recommend that the student continue or begin a suspension for a definite or indefinite period, with or without specific stipulations; or any other appropriate sanction(s) including dismissal from the institution.

### 3. Time, Notification and Postponement of the Hearing

a. The special hearing should be held within seven (7) business days of the determination that a special hearing is needed. The student shall be notified of the date and time of the hearing at least three (3) days before the hearing convenes. The student may request a postponement for cause no later than 24 hours before the scheduled hearing time.

b. If the student is appropriately notified but is not able to attend and/or participate in the hearing for unavoidable reasons and requiring the student's presence would necessitate an excessive delay in the process, the members of the hearing panel may elect to meet to evaluate the situation and make a determination based upon the information available.

### 4. Rights of the Student-The student shall be afforded the following rights:

a. the right to be present

b. the right to be represented by an advisor of the student's choice from among the faculty or staff of the institution should the student request an advisor

c. the right to present evidence and witnesses on his/her behalf

d. the right to question all witnesses who are present at the hearing

### 5. Special Hearing Procedures

a. The hearing shall be tape-recorded.

b. The hearing shall not be formal in nature, but shall be conducted in such a manner as to maintain order and decorum.

c. All parties, including panel members, may question any participant in the hearing.

d. The decision of the panel shall be based only on evidence presented at the hearing.

e. The decision of the panel will be by majority vote.

### 6. Recommendation and Final Decision of the Special Hearing Panel

A verbal recommendation shall be issued to the Vice President for Student Success and Enrollment Services within 24 hours followed by a written report. The decision of the Vice President for Student Success and Enrollment Services shall be made available to the student within five days after the hearing. All materials pertaining to the hearing shall be kept in the files of the University Judiciary Program, and designated as a special hearing.

### 7. Appeal of the Special Hearing Panel's decision

Appeal of the decision of the special hearing panel and/or the Vice President for Student Success and Enrollment Services shall be in writing to the President of the institution within ten (10) business days of the delivery of the decision. The written appeal shall state grounds for appeal of the decision.

## 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.

