

SCAI Misconduct Resolution Procedures

I. KSU Department of Student Conduct and Academic Integrity (SCAI)

A. Director of SCAI Department

The director of the SCAI Department oversees all aspects of the Kennesaw State University SCAI Department to ensure proper handling of alleged violations of the Student Codes of Conduct in addition to promoting campus awareness of issues related to student conduct and academic integrity. Duties of the SCAI director include: confirming the appointment of members of the SCAI panel, assuring that panel members receive training, receiving and processing charges of violations of the Kennesaw State University Student Codes of Conduct, overseeing SCAI hearing officers and conduct investigators, assuring that student cases are properly documented, overseeing hearings before the Student Smoking/Tobacco Appeals Panel, University SCAI Hearing Panel, and revising University policies when necessary. An official designee selected by the SCAI director may perform and/or assist with any of these duties.

B. Hearings

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

- a. An informal disciplinary meeting between the student and the instructor (see II.B. below), or
- b. A disciplinary meeting/hearing before the director of the SCAI Department, the associate or assistant director of the SCAI Department or his/her designee, or
- c. A University Panel hearing before a panel of faculty/staff and students. Panel members make recommendations on findings and sanctions (when appropriate) to the SCAI director who makes the decision. The accused student may have a hearing before a University hearing panel only 1) when the alleged offense is of such a serious nature that a sanction of retraction of a degree or previously awarded course credit or suspension and/or expulsion from the University may be imposed if the student is found responsible and 2) if the student requests a University Panel hearing rather than a disciplinary meeting/hearing with the director/associate/assistant director, or designee by a stated deadline.

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

- a. An informal disciplinary meeting/hearing before a SCAI Department staff member or his/her designee, or
- b. A formal University Panel hearing before a panel of faculty/staff and students. Panel members make recommendations on findings and sanctions (when appropriate) to the SCAI director who makes the decision. The accused student may have a hearing before a University hearing 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 and 2) if the student requests a University Panel hearing rather than a disciplinary

meeting/hearing with the director/associate/assistant director, or designee by a stated deadline.

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

- a. An informal disciplinary meeting/hearing between the student and a Residence Life Area Coordinator (AC) or Resident Director (RD). A Residence Life AC or RD 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/hearing before the director/associate/assistant director for Residence Life or SCAI director/associate director/assistant director, or designee. They 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 formal University Panel hearing before a panel of faculty/staff and students. Panel members make recommendations on findings and sanctions (when appropriate) to the SCAI director who makes the decision. In cases arising from on-campus housing areas the accused student may have a hearing before a University hearing 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 and 2) if the student requests a University Panel hearing rather than a disciplinary meeting/hearing with the director/associate/assistant director for Residence Life or SCAI director/associate/assistant director, or designee by a stated deadline.

C. The University SCAI Panels

The University SCAI panel includes students, faculty and staff members who receive training in the University Student Codes of Conduct and the SCAI policies and procedures. They serve on the SCAI Hearing Panel and may act as advisors to persons accused of Codes of Conduct violations.

1. Faculty/Staff Appointments

There are sixteen (16) faculty/staff members who are appointed to the SCAI 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 SCAI Panel are as follows:

- One faculty member appointed by the Dean of the College of the Arts
- One faculty member appointed by the Dean of the Bagwell College of Education
- One faculty member appointed by the Dean of the Wellstar College of Health and Human Services
- One faculty member appointed by the Dean of the College of Humanities and Social Sciences
- One faculty member appointed by the Dean of the Coles College of Business
- One faculty member appointed by the Dean of the College of Science and Mathematics

- One faculty member appointed by the Dean of the University College
- One faculty member appointed by the Dean of the Honors College.
- One faculty member appointed by the Dean of the Graduate College. The appointed faculty member must have graduate school status.
- One faculty member appointed by the Dean of the SPSU College of Engineering Technology.
- One faculty member appointed by the Dean of the College of Architecture and Construction Management.
- One faculty member appointed by the Dean of the College of Computing and Software Engineering.
- One faculty or professional staff member appointed by the Vice President for Academic Affairs.
- A minimum of three (3) non-faculty staff members appointed by the Vice President for Student Affairs.

2. Student Panel Members

A minimum of twelve (12) students, selected by the Dean of Students or designee in coordination with the Student Government Association (SGA) President, serve on the SCAI 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 SCAI Hearing Panel Members

- To serve on hearing panels when so requested by the SCAI director
- To participate in education and awareness programs when so requested by the SCAI director
- To uphold the KSU Student Code of Conduct, the SCAI Panel Code of Ethics, all other university rules and regulations, and federal and state laws

4. SCAI Panel Code of Ethics

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

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

- a. Proceedings of the University Hearing Panel and Student Smoking/Tobacco Appeals Panel shall be conducted with fitting dignity and decorum and should reflect the importance and seriousness of the hearing.
- b. Panel members shall not discuss any case outside of the University SCAI panel membership. In addition, panel members shall not discuss cases with other panel members while the case's final outcome, including all appeals, is still pending, unless specific permission is granted by the SCAI director.
- c. No SCAI panel member shall pursue any facts, evidence, or outcome of any case unless acting in an official capacity, with the authorization of the SCAI Department.
- d. Panel members shall refrain from listening to, discussing, hearing, or expressing opinions about the merits of any case or pending case except when sitting as a member of a hearing panel to hear or consider that case, serving as an advisor in that case, or discussing the case with the SCAI director.
- e. A 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 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 Codes of Conduct has occurred, a panel member serving on the University Hearing Panel shall only consider the facts of the case before the panel, and not the validity of the Codes of Conduct regulation.
- h. A University Panel member shall consider all relevant factors in recommending disciplinary measures.
- i. Communication between a student or any other person and a panel member concerning the possible violation of a regulation is not privileged communication.
- j. Panel members are not required to report or bring cases to the SCAI Department; however, if asked to act as a witness by an advisor, a panel member is required to cooperate.
- k. If called as a witness, a panel member shall be totally objective in his or her testimony and shall refrain from making subjective evaluations or from expressing his or her personal beliefs.
- l. A panel member who is a member of an organization brought before the SCAI Department must notify the SCAI director of his or her affiliation with the organization. While that panel member has the right to silence, as he or she is part of the accused student organization, he or she may not serve on a University Hearing panel that is hearing the case against the organization. However, a panel member who is a member of an organization brought up on SCAI charges may serve as the 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.

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

D. More Information about SCAI Panels

1. Student Smoking/Tobacco Appeals Panel

- a. Jurisdiction: The student smoking/tobacco appeals panel considers appeals by students of citations issued for alleged violations of the KSU smoking/tobacco rules and regulations.
- b. Composition: The panel will consist of three (3) members and at least one will be a student.
- c. Reporting: Decisions of the student smoking/tobacco appeals meetings are reported to the SCAI case manager. All decisions are then entered into the database within a week of the meeting. A refund, when appropriate, is issued to the student's Owl Express account.
- d. Further Appeals: The decision of the Student Smoking/Tobacco panel is FINAL and may not be appealed.

2. The SCAI University Hearing Panel

- a. Jurisdiction: The SCAI University Hearing Panel considers allegations of violations of the KSU Student Codes of Conduct which are not resolved either informally with a professor (for academic misconduct allegations) or through an informal disciplinary meeting/hearing before Residence Life or SCAI personnel. Only students who, if found responsible for the charged violation(s), face a possible sanction of suspension, expulsion, or retraction of University degree or course credit previously awarded may request a hearing by the SCAI university hearing panel. SCAI staff will make the decision as to whether or not these sanctions are possible if the student were to be found responsible for the alleged violation(s).
- b. Composition: The panel will consist of a minimum of three (3) members and at least one will be a student. The panel members will be chosen by the SCAI director from the pool of trained panel members, or from former panel members.
- c. Reporting: SCAI University Hearing Panel recommended decisions regarding alleged Codes of Conduct violations and any recommended sanctions are reported to the director of the SCAI Department (or his or her designee) who will review the recommendations, make the final decision, and notify the parties to the case of the outcome.
- d. Appeals of SCAI University Hearing Panel Decisions: A request to appeal a SCAI University Hearing Panel decision as confirmed by the SCAI director shall be submitted to the SCAI director for distribution to the appropriate appellate officer in accordance with the guidelines and as outlined in this document. This assures a central repository of all student conduct records.

E. Access to Advisors During the Student Conduct Process

An alleged student offender and alleged victim (if there is a victim) shall have the opportunity to use an advisor of his or her choice (including an attorney), at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The advisor may advise the participant in any manner, including providing questions, suggestions, advice on the proceedings, and guidance on responses to any questions of the participant. The advisor, however, shall not participate directly in any interview in which his or her advisee is a participant. The institution shall not prohibit family members (up to a maximum of two family members) of the alleged offender or alleged victim (if there is a victim) from attending if the alleged offender or alleged victim requests such attendance. The alleged student offender and alleged student victim (if there is a victim) must grant written permission to the institution to share his or her education records with such an advisor or family member(s) so that the university does not violate the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99). The KSU SCAI Department can provide the parties with a form that will serve this purpose once it is completed and signed.

II. Handling Violations of the KSU Student Codes of Conduct

A. The SCAI Conduct Process and Procedures for Disciplinary (Non-Academic Misconduct) Allegations

This overview gives a general idea of how the University's student conduct proceedings for nonacademic honesty allegations work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The conduct process and all applicable timelines commence with notice to an administrator of a potential violation of University rules.¹ The terms alleged violator, alleged offender, accused student, responding student, and respondent mean the same thing and are used interchangeably. If at any point after a complaint has been made against a student the alleged offender admits responsibility and voluntarily decides to resolve the matter informally he or she may do so without the investigatory and formal procedures outlined below.

These procedures only apply to matters brought under the student conduct policy and not to matters relating to sexual misconduct or otherwise covered under the institution's policies.

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

¹ In Title IX related issues, the "administrator" is any "responsible employee" as defined under Title IX and/or campus policy.

Information from complaints may be shared as necessary to investigate and to resolve the alleged misconduct. Complaints shall be investigated and resolved as outlined below. The need to issue a broader warning to the community in compliance with the Clery Act in compliance with federal law shall be assessed by appropriate KSU officials.

Where appropriate, complainants may file both an institutional and law enforcement report.

Confidentiality: Where a complainant requests that his or her identity be withheld or the allegation(s) not be investigated, the institution should consider whether or not the confidentiality request can be honored while still providing a safe and nondiscriminatory environment for the institution. The requesting party should understand that the institution generally cannot guarantee confidentiality. Further, honoring the request may limit the institution's ability to respond fully to the incident and may limit the institution's ability to discipline the alleged offender.

Retaliation: Anyone who, in good faith, reports what she or he believes to be student misconduct, participates or cooperates in, or is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes he or she has been the victim of retaliation for reporting, participating or cooperating in, or otherwise being associated with an investigation should immediately contact the appropriate department or individual(s) for that institution. Any person found to have engaged in retaliation in violation of the student conduct policy shall be subject to disciplinary action.

Bad-Faith or False Complaints: Individuals who intentionally give false statements to an institution official, or who submit false complaints or accusations, including during a hearing, in violation of policy shall be subject to disciplinary action.

Amnesty: Individuals should be encouraged to come forward and to report student misconduct notwithstanding that individual's choice to consume alcohol or to use drugs. Information reported in good faith by an individual during an investigation concerning use of drugs or alcohol will not be used against that individual in a disciplinary proceeding and will not be voluntarily reported to law enforcement. However, individuals may be provided with resources on drug and alcohol counseling and/or education, as appropriate.

Preliminary Inquiry and the Determination of Whether an Allegation is Considered of a Higher Level (Serious) or Lower Level Nature

The University conducts a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to a determination that there is insufficient evidence to pursue the investigation because the behavior alleged, even if proven, would not violate the Codes of Student Conduct, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code). In addition, the director of Student Conduct and Academic Integrity, or designee, has the discretion to choose not to pursue codes of conduct charges or to refer a complaint elsewhere for resolution based on the totality of the circumstances involved.

Smoking and tobacco use allegations against students may be addressed by a citation or by letter to the responding student's University email. No one-on-one disciplinary conference will be required unless the smoking and tobacco violation can be considered a higher level (serious) allegation. See **Conduct Process for Higher Level (Serious) Allegation** (below) for a definition of serious or higher level allegations.

If there is sufficient information to pursue the investigation the administrator, who will be either a Residence Life or Student Conduct and Academic Integrity (SCAI) staff member, must promptly decide if the allegation is serious in nature. An allegation is serious in nature if, in the judgment of the administrator conducting the preliminary review, the appropriate sanction(s) if the student is found responsible for the violation may include retraction of a degree or previously awarded course credit, suspension from school, and/or expulsion from school. Or, if the allegation is against an organization, it is considered serious in nature if, in the judgment of the administrator conducting the preliminary review, the appropriate sanction(s) if the organization is found responsible for the violation may include a sanction of suspension or revocation of the organization's registration with the University. Repeated violations may be considered in making this determination. If the administrator deems the allegation is serious then s/he shall forward it to an appropriate SCAI or Residence Life staff member (director, associate director, assistant director or designee) for additional investigation. If the allegation is not deemed serious, then a Residence Life area coordinator (AC), residence director (RD), or SCAI staff member may conduct an informal educational (disciplinary) meeting to resolve the matter.

Conduct Process for Lower Level Allegation

1. A notice of conduct charges and of an informal educational/disciplinary conference will be sent by University email to the responding student or, if the allegation is against an organization, the notice letter will be sent to the University email of an officer of the organization.
2. Notice will include the date, time, and place of the informal educational/disciplinary conference.
3. Notice will include the section(s) of the Student Code of Conduct and/or Residential Code of Conduct allegedly violated and information about the evidence and circumstances of the allegation.
4. Notice will include directions on how the responding student or organization may review the information/evidence before the informal educational/disciplinary conference.
5. The administrator conducting the informal educational/disciplinary conference will allow the responding student or organizational representative to give an explanation of the incident and present witnesses if they have information relevant to the issue of whether or not the student or organization violated the Student Codes of Conduct.
6. No student or organizational representative is required to respond to this notice of conduct charges and a lack of response or lack of attendance at an educational/disciplinary conference will not be considered an admission of responsibility for a violation. Nevertheless, the lack of response or non-appearance at the educational/disciplinary conference after notice to the appropriate KSU email address will not stop the administrator from holding the educational/disciplinary conference, considering the evidence and information available, and making a determination of responsibility if sufficient evidence/information is available.
7. Every decision as to whether the responding student or organization violated the Student Codes of Conduct will be based on a preponderance of the evidence/information available. This means that if the administrator finds the responding student or organization responsible for violations s/he must have determined that there is evidence/information available and it is more likely than not that the responding student or organization is in violation.

8. The administrator will select appropriate sanctions if the responding student or organization is found responsible for violations and will inform the student or organization in writing sent to his or her University email of the result of the educational/disciplinary conference.
9. There is no appeal of either the findings or sanctions after an informal educational/disciplinary conference based on lower level allegations. There is one exception: if a student or organization is found responsible for a violation and removed from on-campus housing then that sanction may be appealed in accordance with the guidelines in section IV of this document (Appeals).

Conduct Process for Higher Level (Serious) Allegation²

1. After an initial review by Residence Life or SCAI staff to determine if a complaint constitutes a violation of the KSU Student Codes of Conduct and that if the allegation is proved then the alleged violator faces a potential sanction of suspension or expulsion from school a notice of the complaint, pending investigation, possible charges, possible sanctions, and the name and contact information of the SCAI investigator will be sent by University email to the responding student or, if the allegation is against an organization, the notice letter will be sent to the University email of an officer of the organization. The alleged violator (or the officer of an organization accused of a violation) shall also be informed in this notice letter that s/he has three (3) business days from the day the notice of the complaint is sent to his or her KSU email address to respond in writing and to admit or deny the allegations and to set forth a defense with facts, witnesses, and documents in support of his or her position. A non-response will be considered a general denial of the alleged misconduct.
2. The investigation will consist of interviews of the complainant (if applicable), alleged offender, and any witnesses. The investigator will also review documents or other physical or electronic information available, as well as any other appropriate steps. If the alleged violator has submitted a response in writing to the notice of complaint the investigator will include review of his or her provided information. The investigator shall obtain written or recorded statements from each individual witness or party where practicable. The investigator shall also keep a record of any proffered witness not interviewed along with a brief written explanation for why that witness wasn't interviewed.
3. The investigation will be summarized in writing and provided to the alleged offender (and complainant/victim, if appropriate) via his or her KSU email. The summary will either state that no charges are being brought or will indicate clearly any charges based on the KSU Student Codes of Conduct. The summary will also include facts and evidence in support thereof, witness statements, and possible sanctions. The investigation summary will serve as the charge notice to the alleged offender.
4. The investigation summary/charge notice shall also include a statement informing the alleged violator that he or she has five (5) business days from the day the investigation summary/charge notice is sent to his or her KSU email address to respond in writing and indicate whether each

² When an accused student denies the allegations in the complaint filed against him or her, the conduct process and procedures for higher level (serious) allegations outlined here apply to both a panel hearing and a disciplinary conference before an administrator. An exception is made (this conduct process does not apply) if the accused student at any time after the complaint is filed admits fault/guilt and voluntarily decides to resolve the charge(s) in a disciplinary meeting with a hearing officer.

charge is admitted or denied (a non-response is interpreted as a denial of the charges). In that same written response the alleged violator may outline his or her defense(s) and include his or her facts, witnesses, and documents in support of his or her position. If there is any new evidence in this written response, then the investigator shall conduct further investigation and update the investigation report as warranted by the alleged offender's written response.

5. If there is no written response from the alleged violator within five (5) business days or upon completion of the updated investigation report if the alleged violator submitted new information the alleged violator will be sent the final investigative report. This final report will include a notice of hearing.
6. The notice of hearing will include a date (no sooner than five business days from the day the notice of hearing is sent to the alleged violator's KSU email address), time, and place for an informal administrative disciplinary conference before the director/associate/assistant director for Residence Life or SCAI director/associate director/assistant director, or designee. Notice will also include a statement that the alleged offender may choose to have a formal hearing before a university panel instead of an informal disciplinary conference before an administrator if the alleged violator responds in writing that he or she wants a panel hearing. This request for a panel hearing must be made by three (3) business days from the day the notice of hearing was sent to the student's KSU email address.
7. No student or organizational representative is required to respond to this notice of conduct charges and a lack of response or lack of attendance at any educational/disciplinary conference will not be considered an admission of responsibility for a violation. Nevertheless, the lack of response or nonappearance at the educational/disciplinary conference after notice to the student's KSU email address will not stop the administrator from holding the disciplinary conference, considering the evidence and information available, and making a determination of responsibility if sufficient evidence/information is available. Further, unrelated charges and cases shall be investigated separately, unless the alleged offender consents to having them aggregated. Charges and/or cases that are unrelated include, but are not limited to, situations involving accusations of policy and/or code of conduct violations against different students, or separate accusations lodged by different complainants.
8. Every decision as to whether the responding student or organization violated the Student Codes of Conduct will be based on a preponderance of the evidence/information available. This means that if the administrator (or hearing panel) finds the responding student or organization responsible for serious violation(s) s/he/they must determine that there is evidence and information showing that it is more likely than not that the responding student or organization is in violation. Any decision to suspend or expel a student must also be supported by substantial evidence at the hearing.
9. Formal civil rules of evidence do not apply to the investigatory or resolution process.
10. Panel recommendations are based on a majority vote.
11. The administrator will select appropriate sanctions if the responding student or organization is found responsible for violations and will inform the student or organization in writing sent to his or her University email of the result of the informal disciplinary conference. Alternatively, if there is a panel hearing, the panel will make sanction recommendations which must be confirmed by the director of the Department of Student Conduct and Academic Integrity and the director will inform the student or organization in writing sent to his or her University email of the result of the panel hearing. If there is a victim involved, and the charge is one that allows information to be shared with the victim under federal law, then the victim also will be informed in writing sent to his or her

University email of the results of the hearing. This applies regardless of the format of the hearing (disciplinary hearing before an administrator or panel hearing).

12. There is the possibility of appeal after an educational/disciplinary conference before an administrator or panel hearing based on a higher level (serious) allegation only when a responding student receives a sanction of retraction of a degree or course credit previously awarded, suspension from school, removal from on-campus housing, and/or expulsion from school and certain other criteria are met, or, when an organization receives a sanction of removal from on campus housing, and/or suspension or revocation of the organization's registration with the University and certain other criteria are met. See Appeals (below) for more information.
13. Generally, only a **responding** student or organization may appeal, but whenever there is a formal hearing of any type based on a Title IX allegation of sexual discrimination (including sexual assault) the rules on appeals are modified so that either the responding student or the complainant/victim may appeal in writing the finding and/or sanctions under certain circumstances. See Appeals (below) for more information.
14. Recusal/Challenge for Bias: The alleged offender and/or complainant (if any) may challenge the participation of any institution official, employee or student panel member in the process on the grounds of personal bias by submitting a written statement to the institution's designee setting forth the basis for the challenge. To be a successful challenge for bias the written statement must show that it is more likely than not that the named individual is personally biased for or against one or more of the parties involved. The institution's designee for this purpose will not be the same individual responsible for investigating or adjudicating the conduct allegation at issue. The written challenge should be submitted within a reasonable time of discovering the identity of the institution official, employee, or student panel member whose involvement the alleged offender and/or complainant wishes to challenge. The institution's designee will determine whether to sustain or deny the challenge, and if sustained, the replacement to be appointed. Generally, the institutional designee for this purpose is the director of Student Conduct and Academic Integrity. Only if there is an allegation of bias against the director of Student Conduct and Academic Integrity, then the designee for this purpose is the Dean of Students.
15. Training: Neither the institution's individual(s) tasked with investigating allegations of student misconduct nor any individual tasked with presenting a case to the panel or managing the panel hearing process shall be responsible for training student conduct panel members and/or appellate body members.

B. The SCAI Conduct Process and Procedures for Academic Misconduct Allegations

This overview gives a general idea of how the University's conduct proceedings for academic misconduct allegations work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority.³

³ A KSU student may take courses through the USG eCore (Georgia's College Core Curriculum. . . Online) program. <https://ecore.usg.edu/>

Reporting and Classifying an Alleged Violation

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

It is almost always the faculty member teaching the class in which the violation allegedly occurred who contacts SCAI concerning such offenses and/or a higher-ranking official of the relevant department (e.g. Department Chair). Accordingly, it is strongly recommended that students who learn that a classmate has engaged in such misconduct should report the matter to their professor as soon as possible. Generally, at that point, it is the faculty member who contacts SCAI to report the case. When a student contacts SCAI directly, the appropriate professor is notified.

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

If it is determined that sufficient evidence of academic misconduct exists to warrant disciplinary action, the next step is for the SCAI director, or designee, to check SCAI records for any prior history of academic misconduct by the accused student. The SCAI director, or designee, then communicates this information to any faculty member reporting the alleged violation. When a case is reported by someone other than a KSU professor, the SCAI director, or designee, does not share the accused student's academic misconduct record.

There are two overall methods by which an academic misconduct case that goes forward can proceed. The first and most common is an informal resolution meeting. Only students with no prior history of committing academic misconduct at KSU are eligible to resolve their cases informally. Special exception may be made at the discretion of the director of SCAI (or designee) if multiple cases occur roughly around the same time, allowing informal resolution for each case. However, even if the student is allowed informal resolution for multiple cases, each case is still counted individually for the purposes of record keeping and any future offenses will consider the total number of offenses when determining any sanctions. Any completed informal agreement involving a student who is later discovered to have had a history of academic misconduct prior to agreeing to informal resolution nullifies the agreement and escalates the charges to a formal hearing (unless concurrent offenses have been permitted to be

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

resolved informally as noted above). See **Conduct Process and Guidelines for Informal Resolution** (below) for details on what informal resolution meetings entail.

If a student withdraws from a course before a pending case of academic misconduct against that student can be resolved, the student usually forfeits the opportunity for informal resolution (thereby escalating the case to a formal hearing). However, if the accuser permits, the student may still be given a chance for an informal resolution meeting at which the student may take responsibility and receive the Incident on File sanction (see below).

The second method for resolving academic misconduct charges is a formal hearing, whether adjudicated by a hearing officer (as is the default) or by a panel. Students with any prior record of committing academic misconduct at KSU must resolve any new allegations of academic misconduct formally (unless the offenses are treated as concurrent as noted above).

Even on a first offense, if the accuser in an academic misconduct case is the accused student's professor for the class in which the alleged academic misconduct case took place, that professor may decide the offense is of such an egregious nature as to warrant a formal hearing. However, the director of SCAI (or designee) must also agree that the case is sufficiently egregious to warrant such escalation. If the director (or designee) does not agree that the case is sufficiently egregious to warrant a formal hearing, the professor must either resolve the matter through an informal resolution meeting or drop charges. When first offense cases are deemed sufficiently egregious by a professor and director of SCAI (or designee) as to warrant a hearing, no informal resolution meeting is held.

If an accuser attempts to resolve a case informally and no consensus is reached with the accused student (i.e. the student says he or she is not responsible, but the accuser still believes the evidence indicates misconduct took place), then the case automatically escalates to a formal hearing.

If a student does not show up for a scheduled informal resolution meeting, the accuser may attempt to reschedule the meeting. Alternately, the accuser may decide to send the case to SCAI for a formal hearing, noting what sanctions the accuser would have imposed had the student attended the meeting and accepted said sanctions. In such cases, the student may contact the director of SCAI (or designee) any time prior to their hearing to accept the proposed sanction, thereby cancelling the hearing and closing the case as informally resolved.

See **Conduct Process and Guidelines for Formal Resolution** (below) for in-depth information on formal hearings.

Conduct Process and Guidelines for Informal Resolution

- 1. Notification:** The faculty accuser (or less commonly, the director of SCAI, or designee) sends the accused student notice via official KSU student email of a mandatory meeting at a particular date, time, and location. Other methods of notification may be used in addition to sending a letter to the student email, but said letter is always required. Informal resolution meetings should be conducted face-to-face, unless the student lives so far away as to make this unreasonable.
- 2. Who Must Attend:** Informal resolution meetings usually bring together the accused student and the accuser, sometimes with a representative from the SCAI Department or another faculty member assisting as a facilitator. However, professors may choose to meet with the student alone without aid of a facilitator, or else ask their department chair (or designee) to serve as a facilitator. If an allegation lacks a professor accuser or the professor cannot reasonably meet

with the accused student (this should be a rare occurrence), a SCAI staff member may meet with the student and conduct the entire informal resolution meeting. Unlike hearings, informal resolution meetings cannot be conducted without an accused student's participation, as the entire point of these meetings is to give eligible students the chance to take responsibility for the alleged offense in exchange for reduced sanctioning.

- 3. Who May Attend:** If the accuser (and facilitator, if present) allows, other parties may be permitted to observe the disciplinary conference as a courtesy to the accused student, such as the student's parents or lawyer. However, the accused must sign a FERPA waiver allowing the observer(s) to be present, and such parties may not participate in the disciplinary conference in any way except at the direct request of the accuser and/or facilitator (such as being permitted to ask questions). Observers who attempt to interject themselves into the meeting despite instructions to refrain from doing so will be ejected from the meeting.
- 4. Informal Resolution Meeting Steps:**
 - a. At the start of the informal resolution meeting, the facilitator and/or accuser explains what the meeting is, why the meeting was scheduled, and the three possible outcomes (see below).
 - b. At some point early in the meeting, the accuser explains the specific allegation(s) of academic misconduct and presents the evidence supporting the charge. Both the accuser and facilitator may ask questions of the accused to obtain the student's perspective and/or explanation.
 - c. In speaking about the purported violation, the facilitator and/or accuser should also speak to the broader ethical implications surrounding the alleged misconduct, particularly when those ethics can be connected with the professional ethics associated with the student's major and/or intended profession.
 - d. At some point early in the hearing, accused students must receive a reasonable opportunity to explain their point of view on the matter and present any relevant information in their own defense.
 - e. After the accused student has had a chance to speak and answer questions, the accuser (or facilitator if no accuser is present) assesses the preponderance of evidence to determine which outcome is most appropriate. A preponderance means that it is more likely than not that the accused is in violation after considering the totality of all evidence.
 - f. The accuser may decide not to resolve the charges at the time of the informal resolution meeting if further investigation is deemed necessary, such as in cases that involve multiple accused students. In such cases, the accuser must follow up with the student after the investigation is complete by notifying the student whether charges are dropped or the professor still believes a violation has taken place. If the professor believes that a violation has taken place after the investigation, he or she must propose academic sanctions to the student by meeting again or sending a letter to the student's KSU email, at which point the student may determine whether to accept the proposed sanctions or reject them (causing the case to escalate to a formal hearing).
 - g. Unless the accuser decides to drop charges (see below), the accuser completes an electronic academic misconduct incident form (found on the SCAI website at <http://scai.kennesaw.edu/forms/academic-misconduct.php>) documenting the specifics of the alleged misconduct. As part of this report, the accuser notes whether the student

accepted the proposed sanction (see below), rejected the proposed sanctions, or failed to show up for the meeting. If the student accepts the resolution proposed by the instructor (regardless of whether the student agrees or disagrees that he or she has engaged in wrongdoing), this sanction is also documented on the electronic report form. The completed form creates a disciplinary record and/or initiates a formal hearing process, as appropriate to the case. The facilitator or adviser should explain how SCAI will maintain this record and under what circumstances it can be shared with others.

5. Possible Outcomes for an Informal Resolution Meeting:

- a. **Charges Dropped:** If the student denies engaging in academic misconduct and convinces the accuser that there is not a preponderance of evidence to support the allegation, then charges should be dropped and the informal resolution meeting ends. No further action should be taken against the student pertaining to a dismissed allegation, but professors may still choose to penalize a student's grade for failing to adhere to assignment directions even if they decide that the problem doesn't rise to the level of academic misconduct (e.g. a citation error that isn't serious enough to count as plagiarism).
- b. **No Resolution Achieved:** If the student refuses to accept the resolution proposed by the accuser, but the accuser still believes a preponderance of evidence still supports the allegation, the informal resolution meeting ends. The facilitator or accuser explains that the case cannot be resolved informally, and that it will be referred to SCAI for a formal hearing. See **Conduct Process and Guidelines for Formal Resolution** for more details. The accused should be reminded to check KSU student email regularly for a notification of hearing letter from SCAI.
- c. **Resolution Achieved:** If the student accepts the resolution proposed by the accusing professor, then informal resolution may proceed successfully. The accuser chooses an academic sanction appropriate to the offense from the options below. It is common to solicit the student's input on what constitutes fair sanctioning, especially as the student has already acknowledged wrongdoing and is thus a partner in the educational outcome. However, the final determination of sanctions still rests entirely with the accuser. A SCAI staff member acting as facilitator should also provide the accuser with any relevant and known information regarding the precedent of how similar violations have been sanctioned by other professors, but again, this is meant to help inform the accuser rather than constrain the accuser's choices. Although individual professors may differ from one another in how they sanction particular offenses, they are expected to demonstrate internal consistency and thus be able to articulate any substantial deviation from their own precedent of similar cases. More detailed sanctioning guideline suggestions can be found on the SCAI website.

If the academic misconduct report form sent to SCAI indicates that the student accepted the proposed resolution, the director of SCAI (or designee) sends a letter to the student's KSU email stating which portion of the KSU Code of Academic Integrity the student violated (e.g. cheating, plagiarism) and the sanction that the accuser states the student has accepted. If the student does not respond within 10 business days, the case is considered closed. The deadline may be extended beyond 10 business days if the director of SCAI (or designee) determines that unusual extenuating factors warrant such extension. If the student believes that no resolution has been achieved as the accuser

alleged, he or she should contact SCAI within the 10 business day limit so that the case may be further investigated and any appropriate action taken.

6. **Academic Sanctions:** When professors select academic sanctions, they may include any combination of the following options. Professors may consult with SCAI staff ahead of or during disciplinary conferences informal resolution meetings for assistance in crafting appropriate sanctions that align with precedent.
- a. **Assignment Grade Penalty:** Penalize the student's grade for the specific assignment containing academic misconduct (to a maximum penalty of a "0" grade for the assignment).
 - b. **Course Grade Penalty:** Penalize the student's course grade for the course in which the violation took place (to a maximum penalty of automatic failure for the course).
 - c. **Re-Do Assignment:** Require the student to re-do the assignment containing academic misconduct (in full or in part), likely with either a grade penalty or capped maximum grade assessed to be fair to students who didn't engage in academic misconduct. Any opportunity to revise an assignment should have a clear due date and should list a consequence for failing to provide a corrected work (usually a "0" grade for the assignment).
 - d. **New Assignment:** Require a new assignment of some kind. This can take the form of an ethics paper, reflection paper, etc. However, it can also be a new course content focused assignment that replaces the assignment in which academic misconduct occurred. Any opportunity to revise an assignment should have a clear due date and should list a consequence for failing to provide a corrected work (usually a "0" grade for the assignment).
 - e. **No Withdrawal:** Require that the student not withdraw from the course, ensuring that any academic penalties assessed as sanctions constitute meaningful consequences. If the student then withdraws anyway, the informal agreement becomes void and the matter automatically escalates to a formal hearing. Unless no withdrawal is stipulated, students may withdraw normally from classes in which they engaged in academic misconduct, removing the net consequences of any academic penalties while continuing to keep the incident on file for record-keeping purposes.
 - f. **Other Academic Sanction:** A professor may construct any other genuinely academic sanction deemed appropriate to the offense. The sanction must serve to remove a student's unfair advantage and/or otherwise clearly help the student learn from the violation as an educational experience and thereby improve overall as a student.
 - g. **Incident on File:** When students admit responsibility at an informal resolution meeting, but there is no course associated with the violation (e.g. if the student is not enrolled in a class but provides unauthorized assistance to another student who is enrolled in a course), no real academic sanctions may be imposed by the facilitator upon the accused. However, the accused student may still take responsibility to have the incident go on file as a first offense case of academic misconduct, hopefully deterring repeat offenses. As noted previously, students who withdraw from a course before resolving a pending allegation of academic misconduct related to that course normally escalate the case to a formal hearing, but may be accorded the opportunity for a disciplinary conference at the discretion of the accuser, in which case "Incident on File" is the only possible sanction.

- h. **Ethics Training:** With the permission of the director of SCAI (or designee), a student may be required to complete a workshop, seminar, or other educational experience focused on academic integrity. The guidelines, deadline for completion, and any follow-up action will be determined by SCAI. Most commonly, this sanction takes the form of the Academic Integrity Seminar (conducted by an external organization with whom KSU has an established relationship); note that this seminar does have a monetary cost paid directly to the Academic Integrity Seminar organization.
- 7. **No Appeal:** Students cannot appeal the sanctions of an informal resolution meeting, as the only way to be found responsible and face those sanctions is by their own admission of responsibility. Once the electronic academic misconduct incident form has been sent to SCAI asserting that resolution was achieved and a SCAI official has sent the student a confirmation letter of this resolution, the case is considered resolved unless the student contacts SCAI within 10 business days stating that resolution was not achieved (which triggers further review of the case and appropriate follow-up action).
- 8. **Expungement:** Former KSU students may contact SCAI and submit a written petition requesting to have their academic misconduct record expunged. Once a case has been expunged, SCAI will not report the incident as a disciplinary record. For a petition of expungement to be granted, all of the following criteria must be true:
 - a. It must have been at least five years since the former student last attended KSU.
 - b. The former student must have only one academic misconduct record on file with SCAI.
 - c. The student must have taken responsibility for the sole offense on record, rather than denying the misconduct and still being found responsible at a formal hearing.

Conduct Process and Guidelines for Formal Resolution

1. Upon receiving a completed electronic academic misconduct incident form, the director of SCAI (or designee) shall determine whether enough evidence exists to proceed with the case. If so, a notice of hearing will be sent by KSU student email to the accused student, containing the information below.
 - a. Date, time, and place of the hearing.
 - b. The section(s) of the Code of Academic Integrity allegedly violated and information about the circumstances of the allegation.
 - c. Information on how the responding student may review the case information/evidence before the hearing.
 - d. A statement that the accused student may choose to have a hearing before a panel instead of a one-on-one hearing with an administrator if the accused notifies the appropriate administrator by a deadline stated in the notice.
2. The administrator conducting the hearing (or the person bringing the charge when there is a hearing panel) will review the information and evidence supporting the allegation of academic misconduct against the student and then allow the accused student to give an explanation of the incident and present witnesses if they have information relevant to the issue of whether or not the accused student violated the Code of Academic Integrity.
3. Every decision as to whether the accused student violated the Code of Academic Integrity will be based on a preponderance of the evidence/information available. This means that if the

administrator (or hearing panel) finds the accused responsible for violations s/he/they must have determined that it is more likely than not that the accused is in violation. Panel recommendations are based on a majority vote.

4. The SCAI administrator will select appropriate sanctions if the accused student is found responsible for violations and will inform the accused in writing sent to his or her University email of the result of the hearing. Alternatively, if there is a panel hearing, the panel will make sanction recommendations which must be confirmed by the director of SCAI and the director will inform the accused student in writing sent to his or her University email of the result of the panel hearing. Because formal hearings for academic misconduct only involve repeat offenders and students unwilling to take responsibility in the face of evidence or who are accused of particularly egregious misconduct, all such offenses are considered extremely serious and sanctioned accordingly, often by suspension or expulsion. A repeat academic misconduct offense usually results in a suspension or expulsion, and may also result in credits revoked or retraction of a degree for extraordinarily severe and/or extensively ongoing violations.
5. There is almost always the possibility of appeal after a formal resolution before a hearing officer or panel hearing based on a finding of responsibility for academic misconduct, provided that the student was suspended, expelled, had credits revoked, or had a degree retracted. No appeal is possible if the student does not receive one of these sanctions. The appeal must still meet all other grounds for appeal. See Appeals in the KSU Student Codes of Conduct for more information.

III. Guidelines for Conducting a Panel Hearing

A responding student or organization may choose (by the deadline given in their notice letter) to request a panel hearing instead of a one-on-one informal disciplinary conference to resolve serious Student Codes of Conduct allegations. See **Conduct Process for Higher Level (Serious) Allegation** (above) for a definition of serious or higher level allegations.

The following hearing procedures shall be followed in all panel cases addressing alleged violation(s) of the KSU Codes of Conduct with the exception that cases involving alleged student sexual misconduct will be investigated by the KSU Title IX office and resolved in accordance with their procedures. 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 panel. Upon permission by the parties and/or the SCAI director, additional measures, as necessary and appropriate, may be implemented.

A. Rules Followed by the Panel

All charges presented to the panel will be based on alleged violations of the Kennesaw State University Student Code of Conduct, Residential Code of Conduct, or Code of Academic Integrity. The panel 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. Confidentiality

Federal and state laws govern the confidentiality of conduct hearings.

C. Burden of Proof/Standard of Evidence

The responding student/organization shall be presumed not responsible for a violation until it is proven that he/she/it is responsible. The complainant/accuser has the burden of proof to establish responsibility for the violation by a preponderance of the evidence presented that the responding student or organization has violated the Student Codes of Conduct. This means there is evidence and information showing that it is more likely than not the Student Codes of Conduct were violated. Additionally, any decision to suspend or expel a student based on an allegation of a violation of the Residential Code of Conduct or Student Code of Conduct (non-academic misconduct) must also be supported by substantial evidence at the hearing.

D. Evidence, Information and Witnesses

All parties should be aware that the SCAI office cannot compel any person to appear as a witness. Each person who wants a witness to speak is responsible for getting that witness to appear at the hearing.

The person presenting the case against the responding student/organization and the responding student/organization have the following rights:

- The right to present evidence and witnesses on his/her or its behalf.
- The right to question all witnesses who are present. The panel (or hearing officer in an informal educational/disciplinary conference) has the option of requiring witness questions to be submitted in writing. The panel (or hearing officer) shall ask the questions as written, and will limit questions only if they are unrelated to determining the veracity of the charge leveled against the respondent or if they have already been asked and answered (unduly repetitive). In any event, the panel shall err on the side of asking all submitted questions, and must document the reason for not asking any particular questions.
- The right to remain silent with no inference of responsibility drawn from such silence.

The panel 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 using the following methods:

- Alternative live testimony-If approved by the panel, a witness may arrange to testify via speakerphone, or other technologically feasible means for that witness to communicate during the actual hearing.
- Signed written statement-A signed written statement will be admissible if it meets all of the following conditions:
 - o The statement pertains to the charges pending before the panel.
 - o The statement can be verified by the SCAI director or investigator as having been written by the witness.

The panel reserves the right to call any witnesses it deems necessary for the performance of its duties.

For non-academic misconduct hearings, a final investigative report will be provided to the panel (or the administrator when there is an administrative hearing) for their consideration when suspension or expulsion from school is a possible sanction. This may take place ahead of the hearing to assure adequate time for the panel or administrator to review it and prepare for the hearing. A copy of this report will also be provided to the alleged offender and complainant (if any) before any hearing. The investigator may testify as a witness regarding the investigation and findings, but otherwise will have no part in the hearing process and shall not attempt to otherwise influence the panel outside of providing testimony during the hearing.

The panel shall consider only evidence presented as part of the hearing. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

E. Prior Record of the Responding Student/Organization

During a panel hearing, evidence of previous findings of violations of the Kennesaw State University Student Codes of Conduct by the responding student or organization should be excluded from evidentiary phase of the hearing unless the previous misconduct shows a pattern of similar behavior related to the current charge.

In general, in cases where the responding student or organization has a prior campus record, the panel will first determine whether the student/organization has violated the Codes of Conduct regarding the current charges. If a violation has occurred, the panel will proceed to the sanctioning phase of the hearing.

Once the panel finds a responding student or organization in violation of the KSU Student Codes of Conduct, the panel may consider the responding student/organization's prior record when recommending appropriate sanctions.

When the panel engages in a sanctioning recommendation that includes evidence of a student's or organization's prior conduct record, the responding student or organization may present a written statement to the panel, regarding that prior record. This written statement will be given to the SCAI director at some point before the panel deliberations and only presented to the panel if the panel finds the responding student responsible for the allegation(s).

F. Adjournments

At its discretion, the panel may grant an adjournment when in the opinion of the panel an interruption in the hearing would be desirable.

G. Record of Proceedings / Recommended Decision of the Panel

An audio recording of the proceedings shall be made and maintained in some format by the SCAI Department as the official record of the hearing. The decision of the panel will be based solely on the evidence presented at the hearing, will be in writing, and will state each charge of alleged misconduct, the panel's recommended finding, a brief explanation of the information and evidence the panel relied upon when it finds a responding student or organization responsible for a violation, as well as any recommended sanctions. The SCAI director (or designee) will review and may accept or modify the panel's recommended findings and confirm or modify the recommended sanctions. If there is any modification there will be a written explanation for the change.

IV. Appeals

A. Sanctions Take Effect Immediately

Generally, 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. If the responding student or organization qualifies for and pursues an appeal he, she, or it may make a request in writing to the appeals officer that the sanction(s) not go into effect immediately, but be held in abeyance until the first level appeal is decided. The decision on whether or not to delay implementation of sanctions is solely within the discretion of the appeals officer.

B. Who may Appeal?

A responding student may appeal a recommendation of the panel as confirmed by the director of SCAI or his or her designee or the decision of an administrator in an informal educational/disciplinary conference only when that decision resulted in a sanction of retraction of a degree or previously awarded course credit, suspension or expulsion from the University, and/or removal from University housing.

An organization may appeal a recommendation of the SCAI panel as confirmed by the Director of SCAI or his or her designee or the decision of an administrator in an informal educational/disciplinary conference only when that decision resulted in a recommendation of a sanction of removal from University housing, and/or suspension or revocation of the organization's registration with the University.

Any allegation of student sexual misconduct will be investigated, resolved, and be eligible for appeal in accordance with the KSU Sexual Misconduct Policy.

https://policy.kennesaw.edu/sites/web.kennesaw.edu.policy/files/sexualmisconductpolicy_10012014.pdf

C. Decision Letter Contents

Every decision letter to a student who has been suspended or expelled from the University or removed from housing, or had a degree or previously awarded course credit retracted, or to an organization whose registration has been suspended or revoked with the University or who has been removed from university housing, 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 D (below) exist, and
- 2) A statement that such an appeal must be submitted in writing within five (5) business days of the receipt of the decision letter to the director of the Department of Student Conduct and Academic Integrity, and
- 3) It must provide information on how to contact the director of SCAI.

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 above was imposed, **and**

- 1) There were procedural errors in the process (a procedural error occurs when there is not substantial compliance with the SCAI policies and procedures as published on the KSU SCAI website including, but not limited to, whether any hearing questions were improperly excluded or whether the decision was tainted by bias) and the procedural error may have impacted the fairness of the hearing; or
- 2) Significant new information or evidence becomes available that was not brought out, 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 finding of responsibility for the violation was inconsistent with the weight of the information and evidence) and/or on an assertion that the sanctions imposed were 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 SCAI within five (5) business days of the student or student organization's receipt of the sanctioning decision in writing. The sanctioning decision is received when it is posted to the student's KSU email address. The director of SCAI 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.

F. Information Needed by Person Deciding Appeal

The person deciding the appeal or his or her designee will receive or be granted access to the following information:

- 1) Any recording that may have been made of the hearing (panel hearing only).

- 2) All documents and evidence presented as part of 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. Who Will Hear the First-Level Appeal?

When a student or student organization qualifies for an appeal, completes the appeal request in writing, and submits the appeal to the SCAI director within the five (5) business day deadline, the Vice President for Student Affairs or his or her designee (generally the Dean of Students) shall decide the first level of appeal.

The person deciding the first level of appeal typically will make one of the following determinations in writing within a reasonable period of time, but generally within thirty (30) calendar days of the receipt of the appeal in his or her office. The Vice President, or his/her designee, may affirm the original finding and sanction; affirm the original finding but issue a new sanction of lesser severity; remand the case back to the decision-maker to correct a procedural or factual defect; or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

H. 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 of the first-level appeal may complete a second level of 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 (above).
- 2) The appeal to the President must be in writing and submitted to the director of SCAI within five (5) business days from his/her/its receipt of the Vice President of Student Affairs' (or designee's) appeal decision in writing.
- 3) The presidential appeal is not a new hearing and a student or organization does not meet with or make oral presentations to the President.
- 4) The President in deciding the second level of appeal will make one of the following determinations in writing within a reasonable period of time, but generally within thirty (30) calendar days of the receipt of the appeal in his or her office. The President may affirm the original finding and sanction; affirm the original finding but issue a new sanction of lesser severity, remand the case back to the decision maker to correct a procedural or factual defect; or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.
- 5) The President may choose to seek advice before rendering a decision on the appeal.

6) The President's decision is the final decision of the institution.

I. Additional Appeal to Georgia Board of Regents

Any possible appeal of the President's decision is governed by the policies and bylaws of the Board of Regents of the University System of Georgia.