

# CLARK ATLANTA UNIVERSITY

## Policy 6.2.3 Code for Student Conduct

<b>CLARK ATLANTA UNIVERSITY</b>	
<b>Policy and Procedures</b>	<b>Subject: Code for Student Conduct</b>

**Department:**

Student Services and  
Campus Life



- C. Students also continue to be subject to federal, state, and local laws while at the University. While those laws are separate and independent from the        and impose different standards, violations of them may also constitute violations of the        . In such instances, the University may take action under the        independently of any other legal proceeding involving the same conduct and may impose consequences for a violation of the        even if such other proceeding is not yet resolved or is resolved in the student's favor.

## II. Authority for Student Conduct



D. Interfering with Fire Safety

Misusing, tampering or damaging fire safety equipment, including, but not limited to, fire extinguishers, smoke alarms, sprinkler systems or exit signs is prohibited. Examples of other prohibited conduct under this section include, but are not limited to:

1. Unauthorized burning of any material in any University building, on University property or on areas adjacent to University property.
2. Disregarding a fire alarm signal or refusing to evacuate a building or a section of a building when a fire alarm is activated.
3. Recklessly or intentionally activating an alarm when an emergency situation does not exist.

E. Alcohol

The use, abuse, possession, or distribution of alcohol, except as permitted by law and University policy is prohibited. Also prohibited are the following activities:

1. Possession of containers that previously contained alcoholic beverages by persons under 21 years of age.
2. Possession of common source

regardless of whether the item has been used for illegal purposes, and distribution (any form of exchange, gift, transfer or sale) of drugs.

G. Theft/Unauthorized Possession of Property

Theft of property, services, or possession of stolen property.

K. Interfering with University Events

Interfering with any normal University or University-sponsored events, including, but not limited to, studying, teaching, research, sponsored social programs, and University administration, fire, policy, or emergency services is prohibited.

L. Smoking

Smoking in a building or vehicle that is owned, operated or leased by the University or within 25 feet of an entrance or window of any University building is prohibited.

M. Violating Other University Policies

Any violation of other published University policies and regulations, including, but not limited to, Residence Life policies and procedures, rules published in other University publications, and those available at <https://www.cau.edu/compliance->





romantic, dating, or sexual relationship), by a former spouse or similarly situated person against a victim who is in a subsequent relationship with a former spouse or similarly situated person, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the State of Georgia.

5. Stalking means purposely engaging in a course of conduct directed at a specific individual that would cause a reasonable individual to fear for his or her safety or the safety of another person, feel seriously alarmed, disturbed or frightened, or suffer emotional distress. A student can face significant disciplinary sanctions, including expulsion, as well as criminal prosecution or other legal action, for committing a sexual offense.

S. Solicitation

Unauthorized solicitation, sale or promotion of any goods or services in University owned or operated property, including residence halls, or at University-sponsored events is prohibited.

T. Complicity

Being present or otherwise involved, in such a way as to condone, support or encourage any acts which would violate this in prohibited Students who observe acts in violation of this are expected to remove themselves and are encouraged to report

#### IV. Student Conduct System & Procedures

These guidelines are intended to provide general notice of rights and responsibilities during the student conduct process. This does not, nor is it intended to, afford the specificity or the

3. Administrative action, in lieu of formal student conduct action, may be taken at the discretion of the University, in an appropriate and reasonable manner, to address violations of this .

B. Student Conduct Proceedings

1. A student potentially subject to formal sanctions other than eviction from residence, suspension or expulsion, is entitled to a conference, which will normally consist of an informal meeting between the student responding to allegations ("respondent") and an administrator.
2. A student subject to eviction from residence, suspension or expulsion from the University is entitled to a hearing, which will normally consist of a formal meeting between the respondent and the University Conduct Board ("Conduct Board").

will most often take the form of a letter delivered to a student's University e-mail account and/or residence.

2. The respondent may request a reasonable extension of time to prepare for the proceeding. Requests for an extension will not be granted for a period to exceed two (2) business days except in unusual circumstances where the respondent can demonstrate the necessity for a longer delay. All requests for extension of time should be made in writing at least one business day prior to the scheduled proceeding, except in cases of documented serious illness or emergency.
3. The respondent shall be afforded reasonable access to review the case file related to his or her matter prior to and during the proceeding. "Case file" means the file containing incident and police reports (if applicable), documents and materials maintained pursuant to the Family Educational Rights and Privacy Act (FERPA) of 1974, and any other materials relevant to the matter. If additional information becomes available and is relevant, it will be discussed and reviewed at the proceeding. The notes of University staff members and investigators are not included in the case file and thus are not accessible. Names and other information of students may also be redacted in the incident report as appropriate for confidentiality.
4. The respondent shall have the opportunity to provide Student Conduct with additional and relevant information that is not contained within the case file to be considered during the proceeding. Any such additional information should be submitted in writing at least two business days prior to the proceeding.
5. The respondent may provide the names of witnesses from the University community who have relevant and material information pertaining to the alleged violation. Any additional witnesses must be submitted to Student Conduct in writing at least two business days prior to the proceeding. These individuals may be invited at the discretion of Student Conduct to provide information related to the incident. Ordinarily, witnesses who are not members of the University community will not be invited to serve as a witness in the proceeding, and expert witnesses generally will not be invited.
6. Proceedings will generally be closed to non-participants and to the public, including friends and University personnel without an official or legitimate interest in the matter. However, a respondent may be accompanied to the proceeding by one (1) advisor or advocate of his or her choosing, after providing the University at least three (3) days' advance notice of such selection prior to the proceeding. The advisor will be required to submit a FERPA release form to Student Conduct in order to be permitted to accompany the student to the proceeding. The role of the advisor shall be limited to





campus, as set forth in the notice of suspension, normally for a minimum of one semester. A student who is suspended is not entitled to any tuition or fee refund and is banned from University premises for the duration of the suspension.

8. : Termination of student status, and exclusion from University premises, privileges and activities. A student who is expelled shall not be entitled to any tuition or fee refund and is banned from University premises permanently.
9. : Other sanctions that bear a reasonable relation to the violation for which the student has been sanctioned may be imposed instead of or in addition to those specified above. Discretionary sanctions include, but are not limited to: service hours, fines, educational reflection assignments, and participation in alcohol or drug awareness programs, and trainings, counseling and education regarding sexual assault and misconduct.

## VI. Appeals

The outcome of a student conduct proceeding may be appealed subject to the following guidelines:

- A. A letter of appeal should be submitted to the Office of Student Conduct by the student within three (3) business days of receipt of the outcome of the student conduct proceeding.

  
that it is for lack of proper notice, except in an extraordinary circumstance.

- C. The appeal must specify grounds that would justify consideration. General dissatisfaction with the outcome of the student conduct proceeding or an appeal for mercy are not appropriate grounds for appeal. The written appeal must specifically address at least one of the following criteria:
  1. Significant procedural error that changes the findings of fact of the student conduct proceeding.
  2. New evidence that significantly alters the findings of fact, that was twritg cri(t)5(a.42 T5(i0 g

- E. One appeal is permitted. The decision on the appeal is final and shall be conveyed in writing to the student.
- F. The imposition of sanctions may be deferred while the appeal process is pending unless, in the discretion of the Chief Student Affairs Officer, the continued presence of the student on the campus poses a serious threat to her/himself or to others, or to the stability and continuance of normal University functions.

#### VII. Student Conduct Files and Records

The files of students found responsible for any prohibited conduct will normally be retained as a student conduct record in the Office of Student Conduct, under the authority of the Chief Student Affairs Officer. University officials may use the record as a reference; however, the record will be retained for no more than five (5) calendar years from the student's terminating date from the University, except as provided by law.

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<sup>1</sup> While these definitions are derived from applicable law, the prohibited conduct described in this section encompass more than conduct proscribed by law.