

# Misconduct Resolution Procedures

## KSU Department of Student Conduct and Academic Integrity (SCAI)

### A. Director of SCAI Department

The director of SCAI oversees all aspects of the 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 SCAI director include receiving and processing allegations 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 University SCAI Hearing Panel and the student sexual misconduct hearing panel, and revising SCAI policies and procedures when necessary. An official designee selected by the Dean of students and/or SCAI director may perform and/or assist with any of these duties.

### B. Hearings

The SCAI Department has the authority to resolve allegations of violation(s) of the KSU Student Codes of Conduct made against students and student organizations.

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

1. An informal disciplinary meeting between the student and the instructor (see II.B below), or:
2. A disciplinary hearing before the Director of the SCAI Department, the assistant director

2. 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 when:

- { (i) A SCAI Department staff member or his/her designee provides written notice to the student that 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;
- { (ii) if the student requests a University Panel hearing rather than a disciplinary hearing with the director, assistant director, or designee by stated deadline in the written notice set forth in (i) above

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

1. A disciplinary hearing between the student and a Residence Life professional staff member (e.g. community coordinator, graduate assistant, assistant director, associate director, director). A Residence Life professional staff member may resolve any case where suspension or expulsion from the University is not imposed as a sanction
2. For cases that may result in housing dismissal, Residence Life assistant director, associate director, and/or director are authorized to hold a disciplinary hearing with the student,
3. A disciplinary hearing before the SCAI director/assistant director, or designee in cases that may result in university housing dismissal and/or suspension or expulsion from the University,

4. 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. In cases arising from campus housing areas the accused student may have a hearing before a university hearing panel only when:

- { (i) a SCAI Department staff member or Residence Life staff member, or the designee of either of them, provides written notice to the student that 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
- { (ii) if the student requests a University Panel hearing rather than a disciplinary hearing with the director/assistant director for Residence Life or SCAI director/assistant director, or designee by stated deadline set forth in (i) above

## C. The University SCAI Panels

The University SCAI hearing panel includes students, faculty and staff members who receive training in the University Student Codes of Conduct and SCAI policies and procedures.

### 1. Faculty/Staff Panel Members

Each academic year, a sufficient number of faculty and staff, selected by the Dean of Students or designee in coordination with the Vice President of Academic Affairs and Vice President of Student Affairs, or designees, will serve on the SCAI panel. Faculty and staff panelists will serve a ~~one~~ year

with the option of serving additional terms with permission of the Dean of Students or designee.

## 2. Student Panel Members

Each academic year, a sufficient number of students, selected by the Dean of Students or designee in coordination with the Student Government Association (SGA) President, will serve on the SCAI panel. Applications, personal statements, interviews, and references are considered in the selection process. Student panel members will serve a one year term with the option of serving additional terms with permission of the Dean of Students or designee.

## 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:

1. Proceedings of the University Hearing Panel and the Student Smoking/Tobacco Appeals Panel shall be conducted with fitting dignity and decorum and should reflect the importance and seriousness of the hearing.
2. 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.
3. 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.
4. 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.



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 violation of the Student Codes of Conduct which are not resolved either informally with a professor (for academic misconduct allegations) or through an informal disciplinary hearing before Residence Life or SCAI personnel. Only students who, if found responsible for the 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 these sanctions are possible if the student were to be found responsible for the alleged violation(s) and will notify students in writing of such possibility

b. Composition: The panel will consist of a minimum of three (3) members and at least one 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. Handling Violations of the KSU Student Codes of Conduct

### 1. Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings

This section establishes minimum procedural standards for investigations and resolutions of alleged student conduct violations, which Tennessee State University must incorporate into its respective Q q u>T Q cond q .i9i-3(tiit ine\* n BT /F1 10.98 Tf 12 re )-2(n)]e purpo.000006(al )]TJ

Respondent means an individual who is alleged to have engaged in behavior that would violate any Board or other applicable institution policy. Other individuals who report information to an institution regarding alleged policy violations are deemed Reporters. Institutions may establish to what extent the procedures outlined in this Policy may apply to Reporters.

complaints, accusations, or statements, including during a hearing, in violation of applicable Board or institution policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated pursuant to the

4. **Amnesty.** Students should be encouraged to come forward and report violations of the law and/or student code of conduct notwithstanding their choice to consume alcohol or drugs. Information reported by a student during the conduct process concerning their consumption of drugs or alcohol will not be voluntarily reported to law enforcement; nor will information that the individual provides be used against the individual for purposes of conduct violations. Nevertheless, these students may be required to meet with staff members regarding the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this amnesty procedure will not be considered a sanction.

Nothing in this amnesty procedure shall prevent a university staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

### 3. Process for Investigating and Resolving Disputed Student Conduct Reports

Jurisdiction Kennesaw State University shall take necessary and appropriate action to protect the safety and well-being of its community. Accordingly, student conduct should be addressed when such acts occur on institution property, at institution sponsored or affiliated events, or elsewhere as to where such conduct occurs. If the student has admitted responsibility and has voluntarily decided to participate in the informal process, the procedures outlined in this section will not apply.

**Access to Advisors** The Respondent and Complainant (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be an attorney) of the counsel. The advisor may be present during meetings, hearings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The advisor may advise their advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions posed to the advisee, but shall not participate directly during the investigation or hearing process.

**Initial Evaluation of Student Conduct Report** Regardless of how an institution becomes aware of alleged misconduct, the institution shall ensure a prompt, fair, and impartial review and resolution of complaints alleging student misconduct. Where a report of student misconduct has been made to the appropriate department and/or person, the institution shall review the complaint to determine whether the allegation(s) describes conduct in violation of the

dismissed. Otherwise, a prompt, thorough, and impartial investigation, and review shall be conducted into each complaint received to determine whether charges against Respondent

should be brought.

Any report that involves allegation(s) of conduct that could lead to the suspension or expulsion of the Respondent(s) in an initial violation must be promptly reported to the System Director of the institution to determine whether any interim measure(s) are necessary, to assign an investigator and may collaboratively supervise the investigation with the appropriate institutional professional (e.g., the Title IX Coordinator, Dean of Students). If an allegation is not initially identified as one that could lead to suspension or expulsion of the Respondent(s), but facts arise during the course of the investigation that would require notice to the System Director, then the institution shall report that case to the System Director or their designee prior to proceeding.

### Interim Measures



to respond to the interim suspension.

Within three business days of receiving a challenge the institution will determine whether the interim suspension should continue.

## Investigation

Throughout any investigation and resolution proceedings, a party shall receive written notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting. If a party chooses to remain silent or otherwise not participate in an investigation, the investigation may still proceed and policy charges may still result and be resolved. Timely and equal access to information that will be used during the investigation will be provided to the Complainant (where applicable) and Respondent.

## Potential Outcome may be Suspension or Expulsion

Where the potential sanctions for the alleged misconduct may involve a suspension or expulsion ~ À v ]( •µ Z • v š}}v• Á Œ š} Z o ^]v Ç v U\_ •µ Z • %o Œ } Æ %o µ o •}}v• š Z ]v•š]š µ š}}v[• ]vÀ •š]P š}}v v Œ additional}}v %o Œ } minimal safeguards outlined below.

1. The Complainant (where applicable) and Respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice should also include the identity of any investigator(s) involved. Notice should be provided via institution email to the address on file.
2. Upon receipt of the written notice, the Respondent shall have at least three business days to respond in writing. In that response, the Respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A non-response will be considered a general denial of the alleged misconduct. Any Complainant (where applicable) shall also be provided three business days to respond to or to supplement the notice.
3. If the Respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
4. If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of discipline, then the complaint should be dismissed.
5. An investigator shall conduct a thorough investigation and shall retain written notes and/or obtain written or recorded statements from each interview. The investigator shall



other party, by submitting written questions to the Hearing Officer or Hearing Panel for consideration. Advisors may actively assist in drafting questions. The Hearing Officer or Hearing Panel 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(s). In any event, the Hearing Officer or Hearing Panel shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.

1. Where the Hearing Officer or Hearing Panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the Hearing Officer or Hearing Panel may establish special procedures for providing testimony from a separate location. In doing so, the Hearing Officer or Hearing Panel must determine whether there is a valid basis for the unavailability, ensure proper sequestration in a manner that ensures testimony has not been tainted, and make a determination that such an arrangement will not unfairly disadvantage any party. Should it be reasonably believed that a party or witness who is not physically present has presented tainted testimony, the Hearing Officer or Hearing Panel will disregard or discount the testimony.
2. Formal judicial rules of evidence do not apply to the investigatory or resolution process
3. The standard of review shall be a preponderance of the evidence.
4. Institutions should maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings, and/or video recordings.
5. Following a hearing, both the Respondent and Complainant (where applicable) shall be simultaneously provided a written decision via institution email (where applicable) of the outcome and any resulting sanctions. The decision should include details on how to appeal, as outlined below. Additionally, the written decision must summarize the evidence relied on in support of the outcome and the rationale for the resulting sanction. The same form will be completed, regardless of whether the student opts for a hearing panel or an administrative proceeding.

Potential Outcome is NOT Suspension or Expulsion

Where the potential sanctions for the alleged misconduct will result in suspension or dismissal (suspension), the institution will provide an informal resolution procedure with the following minimal safeguards outlined below.

1. The Respondent shall be provided with written notice of the alleged policy violations (charges) and a pre-scheduled appointment to meet with a university official from Residence Life or Student Conduct and Academic Integrity. Notice should be provided via institution email to the address on file.

2. In that notice, the Respondent will have the option to accept responsibility for the alleged violations and have an Informal Resolution hearing with an assigned university official to discuss sanctions, or the Respondent may contest the alleged violations and have an Administrative Hearing with said university official.
3. Respondents retain their rights to review the report(s) and evidence, submit additional evidence (including, but not limited to, witness statements, photographs, screenshots, etc.), and have an advisor present, as outlined in this procedures document. Formal judicial rules of evidence do not apply to the informal resolution processes.
4. The standard of review shall be a preponderance of the evidence.
5. The respondent will receive a written decision via institution email of the outcome and any resulting sanctions following the Informal Resolution hearing or Administrative Hearing. A written decision notification will be sent to the respondent regardless of whether the student opts for an Informal Resolution or an Administrative Hearing.

#### Possible Sanctions

In determining the severity of sanctions or corrections the following should be considered: the frequency, severity, and/or nature of the offense; history of past conduct; an individual's conduct; strength of the evidence; and the wellbeing of the university community. The institution will determine sanctions and issue notice of the same, as outlined above.

The broad range of sanctions includes, without limitation: expulsion; suspension for an identified time frame until satisfaction of certain conditions or both; temporary or permanent separation of the parties (e.g., change in classes, reassignment of residence, no contact orders, limiting geography of where parties can go on campus) with additional sanctions for violating no-contact orders; required participation in sensitivity training/awareness education programs; required participation in alcohol and other drug awareness and abuse prevention programs; counseling or mentoring; volunteering/community service; loss of institutional privileges; delays in obtaining administrative services and benefits from the institution (e.g., holding transcripts, delaying registration, graduation, diplomas); additional academic requirements relating to scholarly work or research; financial restitution; or any other discretionary sanctions directly related to the violation or conduct.

For suspension and expulsion, the institution must articulate, in its written decision, the substantial evidence relied upon in determining that suspension or expulsion were appropriate. For purposes of this Policy substantial evidence means evidence that a

Any party may challenge the participation of any institutional official, employee or student panel member in the process on the grounds of personal bias by submitting a written statement to the



- a. At the start of the informal disciplinary meeting, the accuser and/or facilitator 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 evidence supporting the charge. Both the accuser and/or facilitator may ask the accused student for an 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 major.
- d. At some point early in the meeting, 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. At some point during the meeting, the accuser and/or facilitator should share specifics on the informal resolution (sanction) they are seeking to remedy the academic misconduct. The accuser chooses an academic sanction appropriate to the offense from the option below.
- f. After the accused student has had a chance to speak and answer questions, the accuser should ask the student if they take responsibility for the academic misconduct as discussed by accepting the proposed informal resolution. After noting their answer, the informal disciplinary meeting is over. If the student has questions on record retention those questions can be forwarded to SCAI.
- g. Unless the accuser decides to drop charges (see below), the accuser now completes an online academic misconduct incident form documenting the specifics of the alleged misconduct. Whether the student accepted the informal resolution or not is also captured on the incident form as are the specifics of the informal resolution. The completed form, along with an attached copy of any supporting evidence the accuser has gathered, must be sent to SCAI, by hitting submit at the bottom of the incident form, in order to create a formal disciplinary record and/or initiate a formal hearing process, as appropriate to the case. The academic misconduct incident form can be found on the SCAI website [http://scai.ken92.r02mct-4\(k\)ed3\(st/f 1a912 0 612W\\* n B3n BT /](http://scai.ken92.r02mct-4(k)ed3(st/f 1a912 0 612W* n B3n BT /)

- plagiarism).
- b. If the student refuses to accept the resolution proposed by the accuser, but the accuser still believes a preponderance of evidence exists to support the allegation, the informal disciplinary meeting ends. The accuser or facilitator 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 student should be reminded to check their KSU student email regularly for a notification of hearing letter from SCAI.
  - c. If the student takes responsibility for the academic misconduct by accepting the informal resolution proposed by the accusing professor, then the accuser can move forward with documenting the informal disciplinary meeting on the SCAI academic misconduct incident report.

**Academic Sanctions** When professors select academic sanctions, they may include any combination of the following options. It is common to solicit the determination of sanctions still rests entirely with the accuser. 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. Professors may consult with SCAI staff ahead of or during informal disciplinary meetings for assistance in crafting appropriate sanctions that align with university precedent.

- a. **Assignment Grade Penalty** Reduce the student's grade for the assignment.
- b. **Course Grade Penalty** Reduce the student's grade for the course, which the violation took place (to a maximum penalty of automatic failure for the course).
- c. **Re-Do Assignment** Require the student to redo the assignment containing academic misconduct (in full or in part), likely with either a grade penalty or a course grade penalty. Any opportunity to revise an assignment should have a



- The student learn from the violation as an educational experience and thereby improve overall as a student.

f. Incident on File: When students admit responsibility at a disciplinary conference, 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 informal disciplinary meeting facilitator upon the accused. However, the accused student may still bear 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 to that course normally escalate the case to a formal hearing, but may be accorded the opportunity for an informal disciplinary meeting at the discretion of the

- The 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.

g. 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.

No Appeal: Students cannot appeal the sanctions of an informal disciplinary meeting. Once a student accepts responsibility for the academic misconduct incident by agreeing to an informal resolution, the agreement is binding and the student cannot recant their agreement without triggering an automatic escalation to a formal administrative hearing with SCAI.

### Conduct Process and Guidelines for Formal Resolution

1. Upon receiving a completed 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 hearing with an administrator if the accused notifies the appropriate administrator by a deadline stated in the notice. This notice will only be included if the sanction of suspension, expulsion, or revocation of degree is a potential outcome for being found responsible.

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.
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.
5. If suspension, expulsion, or revocation of degree are sanctioned, there is the possibility of appeal. Information on how to appeal will be included in the decision letter sent to the accused student. The appeal must still meet all the grounds for appeal. Details on appealing can be found below.





following appellate procedures must be provided.

The Respondent shall have the right to appeal the outcome on any of the following grounds: (1)