CLARK ATLANTA UNIVERSITY

CODE OF STUDENT CONDUCT

2011-2012
AUTHORITY FOR STUDENT DISCIPLINE

1. Ultimate authority for student discipline is vested in the Board of Trustees of Clark Atlanta University through the President. Disciplinary authority may be delegated to University administrators, faculty members, committees, and organizations, as set forth in this Code, or in other appropriate policies, rules, or regulations adopted by the Board.

STUDENT PARTICIPATION

2. Students are asked to assume positions of responsibility in the University judicial system in order that they might contribute their skills and insights to the resolution of disciplinary cases. Final authority in disciplinary matters, however, is vested in the Board of Trustees and in the University administration.

RATIONALE

3. The primary purpose for the imposition of discipline in the University setting is to protect the campus community. Consistent with that purpose, reasonable efforts also will be made to foster the personal, educational, and social development of those students who are held accountable for violations of University regulations.

DEFINITIONS

4. When used in this Code:
   a. the term “aggravated violation” means a violation which resulted or foreseeably could have resulted in significant damage to persons or property, or which otherwise posed a substantial threat to the stability and continuance of normal University of University-sponsored activities.
   b. the term “cheating” means intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise.
   c. the term “distribution” means any form of sale, exchange or transfer.
   d. the term “fabrication” means intentional and unauthorized falsification or invention of any information or citation in an academic exercise.
   e. the term “facilitating academic dishonesty” means intentionally or knowingly helping or attempting to help another violate any provision of this Code.
   f. the term “group” means a number of persons who are associated with each other, but who have not complied with University requirements for registration as an organization.
   g. the terms “institution” and University” mean Clark Atlanta University and all of its undergraduate, graduate and professional schools, divisions, and programs.
   h. the term “organization” means a number of persons who have complied with University requirements for registration.
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   h. the term “organization” means a number of persons who have complied with University requirements for registration.
   i. the term “plagiarism” means intentionally or knowingly representing the words or ideas of another as one’s own in any academic exercise.
   j. the term “reckless” means conduct which one should reasonably be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in interference with normal University or University-sponsored activities.
   k. the term “student” means any person for whom the institution maintains educational records, as defined by the Family Educational Rights and Privacy Act of 1974, and related regulations.
   l. the term “university premises” means buildings or grounds owned, leased, operated, controlled or supervised by the University.
   m. the term “university-sponsored activity” means any activity on or off University premises that is specifically initiated or supervised by the University.
   n. the term “weapon” means any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, explosives, pellet guns, slingshots, martial arts devices, brass knuckles, knives, and chemicals such as “mace” or tear gas. A harmless instrument designed to look like a firearm, explosive or weapon that is used by a person to cause reasonable apprehension of harm or to assault another person is expressly included within the meaning of “weapon.”
   o. the terms “will” or “shall” are used in the imperative sense.

INTERPRETATION OF REGULATIONS

5. The purpose of publishing disciplinary regulations is to give students general notice of prohibited behavior. This Code is not written with the specificity of a criminal statute.

INHERENT AUTHORITY

6. The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Such action may include taking disciplinary action against those students whose behavior off University premises indicates that they pose a substantial danger to others.

VIOLATIONS OF LAW AND UNIVERSITY REGULATIONS

7. Students may be accountable to both criminal and civil authorities as well as to the University for acts that constitute violations of law and of this Code. Disciplinary action at the University normally will proceed during the pendency of criminal proceedings, and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.
INTERIM SUSPENSION

8. The Dean of Student Affairs may suspend a student from the University for an interim period pending disciplinary or criminal proceedings, or medical evaluation. The interim suspension shall become immediately effective without prior notice whenever there is evidence that the continued presence of the student at the University poses a substantial and immediate threat to himself or herself, or to others.

9. A student suspended on an interim basis shall be given a prompt opportunity to appear personally before the Dean of Student Affairs or a designee in order to discuss the following issues only:

A. the reliability of the information concerning the student’s conduct, including the matter of his or her identity; and

B. whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises poses a substantial and immediate threat to himself or herself, or to others.

STANDARDS OF CLASSROOM BEHAVIOR

10. The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. Longer suspensions from a class, or dismissal on disciplinary grounds, must be preceded by a hearing or disciplinary conference, as set forth in Parts 20 and 29 of this Code, or in accordance with Parts 8 and 9.

PROHIBITED CONDUCT

11. The following misconduct on University premises or at University-sponsored activities is subject to disciplinary action:

a. intentionally or recklessly endangering, threatening, or causing physical harm to any person, or intentionally or recklessly causing reasonable apprehension of such harm.

b. Sexual Assault I: rape, forcible sodomy, forcible sexual penetration of another person’s anal or genital opening with any object. These acts must be committed either by force, threat, intimidation, or through the use of the victim’s mental or physical incapacitation of which the accused was aware, or reasonably should have been aware.

c. Sexual Assault II: the touching of an unwilling person’s intimate parts (defined as genitalia, groin, breast, or buttocks, or clothing covering them) or forcing an unwilling person to touch another’s intimate parts. These acts must be committed either by force, threat, intimidation, or through the victim’s mental or physical incapacitation of which the accused was aware, or reasonably should have been aware.

d. unauthorized use, possession or storage of any weapon or explosive, whether or not a federal or state license to possess the same has been issued to the possessor.

e. intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency.

f. intentionally or recklessly interfering with normal University or University-sponsored activities, including but not limited to studying, teaching, research, University administration, or fire, police or emergency services.

g. knowingly violating the terms of any disciplinary sanction imposed in accordance with this Code.

h. any act of academic dishonesty, including cheating, plagiarism, fabrication, or facilitating academic dishonesty. Intentionally furnishing false information to the University.

i. unauthorized distribution or possession for the purpose of distribution of any alcohol, marijuana, controlled substance or illegal drug.

j. providing or facilitating the consumption of alcohol by any person, without taking reasonable and prudent precautions to ensure that the person is of legal drinking age in Georgia.

k. forgery, unauthorized alteration, or unauthorized use of any University document or instrument of identification.

l. intentionally and substantially interfering with the freedom of expression of others.

m. illegal use or possession of any alcohol, marijuana, controlled substance or illegal drug.

n. theft of property or of services; knowingly possessing stolen property.

o. intentionally or recklessly destroying or damaging University property, or the property of others.

p. failure to comply with the directions of University officials, including campus security officers, acting in performance of their duties.

q. violations of other published University regulations or policies. Such regulations or policies may include those regulations relating to entry and use of University facilities, sale or consumption of alcoholic beverages, use of amplifying equipment, campus demonstrations, parking rules and regulations, regulations governing student organizations, etc.

r. intentionally or recklessly misusing or damaging fire safety equipment.

s. unauthorized use or possession of fireworks on University premises.

t. violations of the University’s policy on hazing, which prohibits activities including, but not limited to, whipping, beating, paddling, branding, calisthenics, running, exposure to the elements, forced consumption of food, liquor, or drugs (legal or illegal) or any other substances, sleep deprivation, forced exclusion from social contact, conduct which could result in any form of embarrassment, nudity, sexual harassment, kidnapping or car drops.

u. Malicious destruction, unwarranted damage or misuse of University property, items rented, leased or placed on the campus at the request of the institution or items belonging to students, faculty, staff, guests of the University or student groups.
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e. intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency.

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The purpose of campus disciplinary proceedings is to provide a fair evaluation of an accused's responsibility for violating University regulations. Formal rules of evidence shall not be applied, nor shall deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to a student or the respondent or the University may result.

v. Intentional harassment of another student. Harassment includes, but is not limited to, threatening, intimidating, verbally abusing, impeding, telephoning, following or persistently bothering or annoying. Harassment may represent, but is not limited to, acts based on gender, race, religion, national origin, handicap, sexual orientation or group/organization affiliation.

12. a) Warning: notice, orally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
   b) Censure: a written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action. Notice of this action may appear on the student’s academic transcript for up to one year.
   c) Disciplinary Probation: exclusion from participation in privileged or extracurricular institutional activities for a specified period of time. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation, or any other violation of this Code during the period of probation, will normally result in suspension or expulsion from the University. Notice of this action may appear on the student’s academic transcript for up to two years.
   d) Restitution: repayment to the University or to an affected party for damages resulting from a violation of this Code.
   e) Suspension: exclusion from University premises, and other privileges or activities, as set forth in the suspension notice. Notice of this action may appear on the student’s academic transcript for up to five years.
   f) Expulsion: permanent termination of student status, and exclusion from University premises, privileges and activities. This action may be permanently recorded on the student’s academic transcript. Expulsion requires review and approval by the President of the University.
   g) Other Sanctions: other sanctions may be imposed instead of, or in addition to, those specified in sections (a) through (f) of this part. For example, students may be subject to removal from University housing for disciplinary violations that occur in the residence halls. Likewise, students may be subject to restrictions upon or denials of University parking privileges for violations involving the use of registration of motor vehicles on campus. Service or research projects may also be assigned.

13. Violations of Part 11 (a) through (t) of this Code may result in expulsion or suspension from the University depending on the circumstances of each offense and the history of the offender. Significant mitigating factors shall be considered when sanctions are imposed, including the present demeanor and past disciplinary record of the offender, as well as the nature of the offense, and the severity of any damage, injury or harm resulting from it.

14. Repeated or aggravated violations of any part of this Code may also result in expulsion or suspension from the University.
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SANCTIONS

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15. Attempts to commit acts prohibited by this Code may be punished to the same extent as completed violations.

STANDARDS OF DUE PROCESS

16. Students subject to expulsion or suspension from the University will be entitled to a judicial board hearing, as provided in Part 20 of this Code. Students subject to lesser sanctions will be entitled to a formal conference, as set forth in Part 29 of this Code.

16a. Students may also have their cases resolved informally through mediation. Cases are referred to mediation with the understanding that decisions made there are binding and final. Cases handled through mediation will not be reheard in a Conference or hearing, unless another incident occurs.

17. The purpose of campus disciplinary proceedings is to provide a fair evaluation of an accused’s responsibility for violating University regulations. Formal rules of evidence shall not be applied, nor shall deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to a student respondent or the University may result.

CASE REFERRALS

18. Any person may refer a student or a student group or organization suspected of violating this Code to the Associate Dean of Student Affairs.

19. Those referring cases are normally expected to serve as the complainant, and to present relevant evidence in disciplinary hearings or conferences. The complainant may request the assistance of a Campus Advocate, as set forth in Part 31 of this Code.

HEARING REFERRALS

20. The Associate Dean of Student Affairs will conduct a preliminary review to determine whether the alleged misconduct might result in expulsion or suspension from the University. Students subject to those sanctions will be entitled to a hearing before the University Hearing Board. All other cases will be resolved after a formal disciplinary conference with the Associate Dean or a designee, as set forth in Part 29 of this Code.

21. Students referred for a hearing before the University Hearing Board may elect to have their cases resolved in accordance with Part 29 of this Code. The full range of sanctions may be imposed, including suspension or expulsion from the University.

22. The Associate Dean of Student Affairs may defer disciplinary proceedings for alleged minor violations of this Code for a period not to exceed ninety days. Pending charges may be withdrawn thereafter, at the discretion of the Associate Dean or designee.
UNIVERSITY HEARING BOARD

23. A University Hearing Board shall hear cases referred in accordance with Part 20 of this Code.

24. The Associate Dean of Student Affairs shall be responsible for soliciting nominations, screening, appointing and training the University Hearing Board. The Board shall consist of six students, two faculty members, and two administrators, divided into two panels of three students, one faculty member, and one administrator. No member of the Board shall take part in any hearing where he/she has a conflict of interest which may include, but not be limited to, personal, monetary, teacher-student, supervisor-supervisee interests or relationships.

25. An Ad Hoc Hearing Board may be appointed by the Associate Dean of Student Affairs whenever any panel of the University Hearing Board is not constituted, is unable to obtain a quorum, or is otherwise unable to hear a case. Ad Hoc Boards shall be composed of three persons, including at least one student.

26. Both the findings and the sanctions determined by University Hearing Boards or Ad Hoc Boards shall be regarded as recommendations to the Dean of Student Affairs.

27. Members of any hearing or Ad Hoc Board who are charged with any violation of this Code or with a criminal offense may be suspended from their judicial positions by the Associate Dean of Student Affairs. Members found guilty of any such violation or offense may be disqualified from any further participation in the University judicial system. Additional grounds and procedures for removal may be established by the Associate Dean of Student Affairs.

UNIVERSITY HEARING BOARD PROCEDURES

28. The following procedural guidelines shall be applicable in disciplinary hearings:

a) The Associate Dean of Student Affairs will appoint a hearing officer. The hearing officer shall conduct the hearing. He or she may participate in board deliberations and discussions, but shall not vote.

b) The Associate Dean of Student Affairs shall give respondents notice of the hearing date and the specific charges against them at least five days in advance. Respondents shall be accorded reasonable access to the case file, which will be retained in the Office of the Associate Dean of Student Affairs.

c) The hearing officer may subpoena witnesses upon the motion of any board member or of either party and shall subpoena witnesses upon request of the Associate Dean of Student Affairs. Subpoenas must be approved by the Associate Dean and shall be personally delivered or sent by certified mail, return receipt requested. University students and employees are expected to comply with subpoenas issued pursuant to this procedure, unless compliance would result in significant and unavoidable personal hardship, or substantial interference with normal University activities.

d) Except for extenuating circumstances, respondents who fail to appear after proper notice, will be deemed to have pled no contest to the charges pending against them. Nonetheless, the complainant will be required to present a prima facie case.

e) Hearings will be closed to the public, except for the immediate members of the respondent’s family. An open hearing may be held, at the discretion of the hearing officer, if requested by the respondent.

f) The hearing officer shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the respondent, who disrupts a hearing may be excluded by the hearing officer.

g) Hearings may be tape-recorded or transcribed. If a tape recording or transcription is not made, the decision of the board must include a summary of the testimony and shall be sufficiently detailed to permit review by the Dean of Student Affairs.

h) Any party may challenge a board member on the ground of personal bias. Upon raising a concern of personal bias, the challenging party must present evidence to substantiate the charge. Board members may be disqualified by the hearing officer, or upon majority vote of the voting members of the board, conducted by secret ballot.

i) Witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of intentionally providing false information to the University, pursuant to Part 11 (h) of this Code.

j) Prospective witnesses, other than the complainant and the respondent, may be excluded from the hearing during the testimony of other witnesses. All parties, the witnesses, and the public shall be excluded during board deliberations, which shall not be recorded or transcribed.

k) The charges against the respondent must be established by a majority decision given a preponderance of the evidence. “Preponderance of the evidence” is that evidence which, when fairly considered, produces the stronger impression, and has the greater weight, and is more convincing than evidence to the contrary.

l) Formal rules of evidence shall not be applicable in disciplinary proceedings conducted pursuant to this Code. The hearing officer shall give effect to the rules of confidentiality and privilege, but shall otherwise admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

m) Complainants and respondents shall be accorded an opportunity to question those witnesses who testify at the hearing.

n) Affidavits normally shall not be admitted into evidence. The hearing officer may admit testimony by affidavit into evidence if signed by the affiant and witnessed by a notary public. Compelling reasons must be given by the moving party to allow testimony by affidavit.

o) Board members may take judicial notice of matters which would be within the general experience of University students, faculty members, and administrators.
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m) Complainants and respondents shall be accorded an opportunity to question those witnesses who testify at the hearing.

n) Affidavits normally shall not be admitted into evidence. The hearing officer may admit testimony by affidavit into evidence if signed by the affiant and witnessed by a notary public. Compelling reasons must be given by the moving party to allow testimony by affidavit.

o) Board members may take judicial notice of matters which would be within the general experience of University students, faculty members, and administrators.
p) A determination of guilt shall be followed by a supplemental proceeding in which either party may submit evidence or make statements concerning the appropriate sanction to be imposed. The past disciplinary record of the respondent will be supplied to the board only during the supplementary proceeding.

q) Any determination of guilt will be supported by written findings which will be placed in the case file and made available to the respondent.

PROCEDURAL PROTECTIONS

DISCIPLINARY CONFERENCES/UNIVERSITY HEARING BOARDS

29. Students accused of offenses that may result in penalties less than expulsion or suspension are subject to a disciplinary conference with the Associate Dean of Student Affairs, or designee. The following procedural protections are provided to respondents in disciplinary conferences and University hearings:

a) Written notice of the specific charges at least three days prior to the scheduled conference or five days prior to the hearing.

b) Reasonable access to the case file prior to and during the conference. The case file consists of materials which would be considered “educational records,” pursuant to the Family Educational Rights and Privacy Act of 1974; personal notes of University staff members or complainants will not be included.

c) An opportunity to respond to the evidence and to call appropriate and relevant witnesses.

d) A right to be accompanied by an advisor, as provided in Part 30 of this Code.

e) See Part 17 of this Code.

LAWYERS AND ADVOCATES

30. Both complainants and respondents may be advised by legal counsel. The role of legal counsel shall be limited to consultation prior to the hearing or disciplinary conference. Lawyers may not be present during hearings or disciplinary conferences.

31. The Associate Dean of Student Affairs shall be responsible for soliciting nominations, screening, appointing, and training students who will serve as Campus Advocates. Campus Advocates are supervised by the Associate Dean, and may be assigned to assist complainants or respondents in disciplinary conferences or hearings. Campus Advocates normally will be allowed to speak in disciplinary conferences or hearings, make procedural objections, question witnesses, and make closing statements, at the discretion of the person conducting the conference or hearing.

STUDENT GROUPS AND ORGANIZATIONS

32. Student groups and organizations may be charged with violations of this Code.

33. A student group or organization and its officers may be held responsible collectively and individually for violation of this Code when those associated with the group or organization have received the consent or encouragement of the group or organization or of the group’s or organization’s leaders or officers.

34. The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by the Associate Dean of Student Affairs or a designee to take appropriate action designed to prevent or end violations of this Code by the group or organization. Failure to make reasonable efforts to comply with the Associate Dean's directive shall be considered a violation of Part 11 (p) of this Code, both by the officers, leaders or spokespersons for the group or organization and by the group or organization itself.

35. Sanctions for group or organization misconduct may include revocation or denial of registration, as well as other appropriate sanctions, pursuant to Part 12 (g) of this Code.

POLICY ON HAZING

36. Clark Atlanta University prohibits any student-chartered organizations, fraternities, sororities, athletic teams, other recognized student organizations, persons or groups using University facilities, and individuals who are members of any such groups or organizations or who attend events or activities sponsored, organized or supported in any way by those organizations from hazing members, prospective members, or other persons seeking to obtain benefits for services from any of those organizations.

Hazing is any action or activity, whether conducted on or off University property, which is designed to, or has the reasonably foreseeable effect of humiliating, denigrating, offending, physically or mentally abusing, or exposing to danger a person, as a condition, directly or indirectly, of the person’s consideration for admission to, or continuation of membership in, participation in activities of, receipt of benefits or services from an organization or group. No person may consent to participation in hazing activities nor release a group or any of its members, officers, employees, agents, coparticipants, parents, organizations, or insurers from liability for injuries or damages sustained as a result of participation in hazing activities. Furthermore, a person’s consent shall not release or minimize an organization’s or person’s liability to discipline due to violation of this regulation.

Hazing activities include, but are not limited to, the following: whipping, beating, paddling, branding, calisthenics, running, exposure to the elements, forced consumption of food, liquor, or drugs (legal or illegal), or any other substances, sleep deprivation, forced exclusion from social contact, conduct which could result in any form of embarrassment, nudity, sexual harassment, kidnapping, or car drops.

Recognized student organizations have an obligation to protect the welfare of their prospective and initiated members, guests and the University during initiation activities. Every precaution must be taken to protect against University, individual and organizational liability.
A determination of guilt shall be followed by a supplemental proceeding in which either party may submit evidence or make statements concerning the appropriate sanction to be imposed. The past disciplinary record of the respondent will be supplied to the board only during the supplementary proceeding.

Any determination of guilt will be supported by written findings which will be placed in the case file and made available to the respondent.

PROCEDURAL PROTECTIONS

DISCIPLINARY CONFERENCES/UNIVERSITY HEARING BOARDS

29. Students accused of offenses that may result in penalties less than expulsion or suspension are subject to a disciplinary conference with the Associate Dean of Student Affairs, or designee. The following procedural protections are provided to respondents in disciplinary conferences and University hearings:
   a) Written notice of the specific charges at least three days prior to the scheduled conference or five days prior to the hearing.
   b) Reasonable access to the case file prior to and during the conference. The case file consists of materials which would be considered "educational records," pursuant to the Family Educational Rights and Privacy Act of 1974; personal notes of University staff members or complainants will not be included.
   c) An opportunity to respond to the evidence and to call appropriate and relevant witnesses.
   d) A right to be accompanied by an advisor, as provided in Part 30 of this Code.
   e) See Part 17 of this Code.

LAWYERS AND ADVOCATES

30. Both complainants and respondents may be advised by legal counsel. The role of legal counsel shall be limited to consultation prior to the hearing or disciplinary conference. Lawyers may not be present during hearings or disciplinary conferences.

31. The Associate Dean of Student Affairs shall be responsible for soliciting nominations, screening, appointing, and training students who will serve as Campus Advocates. Campus Advocates are supervised by the Associate Dean, and may be assigned to assist complainants or respondents in disciplinary conferences or hearings. Campus Advocates normally will be allowed to speak in disciplinary conferences or hearings, make procedural objections, question witnesses, and make closing statements, at the discretion of the person conducting the conference or hearing.

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Hazing is any action or activity, whether conducted on or off University property, which is designed to, or has the reasonably foreseeable effect of humiliating, denigrating, offending, physically or mentally abusing, or exposing to danger a person, as a condition, directly or indirectly, of the person's consideration for admission to, or continuation of membership in, participation in activities of, receipt of benefits or services from an organization or group. No person may consent to participation in hazing activities nor release a group or any of its members, officers, employees, agents, coparticipants, parents, organizations, or insurers from liability for injuries or damages sustained as a result of participation in hazing activities. Furthermore, a person's consent shall not release or minimize an organization's or person's liability to discipline due to violation of this regulation.

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Recognized student organizations have an obligation to protect the welfare of their prospective and initiated members, guests and the University during initiation activities. Every precaution must be taken to protect against University, individual and organizational liability.
Violation of this regulation shall subject a group or individual to the full range of disciplinary sanctions pursuant to University policies. The Panhellenic Council, and other recognized student governance bodies with jurisdiction over recognized student organizations may establish self-regulating procedures with respect to complaints of violations of this Regulation brought against their members. Such processes shall be independent of University disciplinary processes.

A recognized national/international fraternity or sorority must also comply, and its members must comply and adhere to regulations from their respective national/international organizations and the Panhellenic Council. Each fraternity and sorority must submit its national/international organization’s hazing policy to the Office of Student Activities.

This Hazing Regulation must be presented by all fraternities, sororities, athletic teams, and other recognized student organizations, to all members during each membership solicitation or acceptance period but not less than once each semester. The chief officer and the governing board of each such organization shall file with the Office of Student Affairs a form approved by the Office certifying compliance with this regulation. Failure to have been presented with the regulation or to file such certificate shall not release any group or individual from responsibility and/or disciplinary action under this regulation.

The organization’s President and his/her Executive Board shall sign a Statement of Compliance each semester, in a form approved by the University certifying compliance with this Regulation.

DRUG-FREE SCHOOLS POLICY

37. In accordance with the federal Drug-Free Schools and Communities Act, Clark Atlanta University has adopted the following standard of conduct: All students are prohibited from engaging in the possession, use or distribution of illicit drugs and alcohol on University-owned or University-controlled property, or at any University-sponsored event.

Any student who violates the above standard of conduct will be subject to disciplinary sanctions according to the following guidelines:

**Unlawful possession of alcohol:**
- Official Reprimand and Disciplinary Probation

**Unlawful use of alcohol:**
- Official Reprimand and Disciplinary Probation

**Unlawful sale or distribution of alcohol**
- Official Reprimand and Disciplinary Probation

**Possession of illicit drugs:**
- Disciplinary Probation and Suspension up to three semesters

**Sale of illicit drugs:**
- Suspension up to six semesters and Expulsion

The actual sanction to be imposed will depend on the type and amount of unlawful substance or any other aggravating or mitigating circumstances. The above ranges of disciplinary sanctions apply to first offenses only; multiple offenses will result in more severe sanctions, including possible expulsion. The University may combine other sanctions (such as completion of a rehabilitation program and/or community service) with those listed above. In addition to imposing appropriate sanctions, the University may notify local and federal authorities when criminal activity has occurred.

The disciplinary procedures for resolving alleged violations of these standards of conduct and the rights of students subject to discipline will be governed by the Code of Student Conduct in the Student Handbook and General University Regulations as adopted or amended by the University from time to time. These regulations will be made available to students through the Office of the Associate Dean of Student Affairs.

ABUSE, MISUSE OR THEFT OF COLLEGE COMPUTER DATA, PROGRAMS, TIME, COMPUTER AND/OR NETWORK EQUIPMENT

a. Unauthorized use of computing and/or networking resources
b. Unauthorized accessing and/or copying of programs, records, or data belonging to the College and/or other user, or copyrighted software, without permission
c. Use of computing and/or networking resources for unauthorized or nonacademic purposes
d. Attempted or actual breach of the security of another user's account and/or computing system
e. Attempted or actual use of the College computing and/or networking resources for personal or financial gain
f. Attempted or actual transport of copies of College programs, records, or data to another person or computer without written permission
g. Attempted or actual destruction of the integrity of computer-based information
h. Attempted or actual use of the computing and/or networking systems; or through such actions, causing a waste of such resources (people, capacity, computer)
i. Allowing another person, either through one's personal computer account, or by other means, to accomplish any violation
j. “Spamming” defined as the sending of unsolicited e-mails to parties with whom you have no existing business, professional, or personal acquaintance
Violation of this regulation shall subject a group or individual to the full range of disciplinary sanctions pursuant to University policies. The Panhellenic Council, and other recognized student governance bodies with jurisdiction over recognized student organizations may establish self-regulating procedures with respect to complaints of violations of this Regulation brought against their members. Such processes shall be independent of University disciplinary processes.

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Unlawful use of alcohol:
• Official Reprimand and Disciplinary Probation

Unlawful sale or distribution of alcohol
• Official Reprimand and Disciplinary Probation

Possession of illicit drugs:
• Disciplinary Probation and Suspension up to three semesters

Use of illicit drugs:
• Disciplinary Probation and Suspension up to three semesters

Gratuitous distribution of illicit drugs:
• Disciplinary Probation and Suspension up to six semesters

Sale of illicit drugs:
• Suspension up to six semesters and Expulsion

The actual sanction to be imposed will depend on the type and amount of unlawful substance or any other aggravating or mitigating circumstances. The above ranges of disciplinary sanctions apply to first offenses only; multiple offenses will result in more severe sanctions, including possible expulsion. The University may combine other sanctions (such as completion of a rehabilitation program and/or community service) with those listed above. In addition to imposing appropriate sanctions, the University may notify local and federal authorities when criminal activity has occurred.

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d. Attempted or actual breach of the security of another user's account and/or computing system
e. Attempted or actual use of the College computing and/or networking resources for personal or financial gain
f. Attempted or actual transport of copies of College programs, records, or data to another person or computer without written permission
g. Attempted or actual destruction of the integrity of computer-based information
h. Attempted or actual use of the computing and/or networking systems; or through such actions, causing a waste of such resources (people, capacity, computer)
i. Allowing another person, either through one's personal computer account, or by other means, to accomplish any violation
j. "Spamming" defined as the sending of unsolicited e-mails to parties with whom you have no existing business, professional, or personal acquaintance
APPEALS

38. Decisions made in disciplinary conferences are final and not subject to appeal.
39. Both the findings and any penalties specified by University Hearing Boards are recommendations to the Associate Dean of Student Affairs. The Associate Dean will provide the respondent a copy of a hearing board’s recommendations, by personal delivery or certified mail. The respondent may then submit a written appeal, based on: 1) denial of procedural protections or 2) excessively harsh sanction, to the Associate Dean within ten days. The respondent will be deemed to have received the recommendations on the date of personal delivery, or, if certified mail is used, on the date of delivery at the last address provided to the University by the respondent. If the Associate Dean is a party in a case, the appeal will be made to the next higher administrative officer.

TEMPORARY ENCUMBRANCES

40. A temporary encumbrance may be placed on a student’s University records by the Associate Dean of Student Affairs while disciplinary proceedings are pending.

DISCIPLINARY FILES AND RECORDS

41. Case referrals may result in the development of a disciplinary file in the name of the respondent, which shall be voided if the respondent is found innocent of the charges. Voided files will be so marked, shall not be kept with active disciplinary records, and shall not leave any student with a disciplinary record.
42. The files of respondents found guilty of any charges against them will be retained as a disciplinary record for three years from the date of the letter providing notice of final disciplinary action. Disciplinary records may be reported to third parties in accordance with University regulations.
43. Disciplinary records may be voided for good cause upon written petition of respondents. Petitions will be considered by a committee composed of the Associate Dean of Student Affairs, and Graduate and Undergraduate Presidents of the Student Government Association. Factors to be considered in review of such petitions shall include:
A. the present demeanor of the respondent;
B. the conduct of the respondent subsequent to the violation; and
C. the nature of the violation and the severity of any damage, injury, or harm resulting from it.

RECIROCITY WITH AUC

As a member of the Atlanta University Center, Spelman has a reciprocal agreement with the other member institutions regarding student behavior and discipline. When a Spelman student is accused of misconduct on one of the other AUC campuses, Spelman has the right to handle the case as though it occurred at Spelman. Likewise, students from other AUC institutions who engage in misconduct on the Spelman campus may be dealt with by their own institution.