

Section 2: LGS Conduct Code

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Preamble

This code is presented to accomplish the following objectives:

1. To acquaint students with the rights and responsibilities of members of the academic community; and
2. Some of the policies that apply to them as members of the academic community at Emory University.

All students, as members of the Laney Graduate School and of the University community, are presumed to know:

- That the University community assumes high standards of courtesy, integrity, and responsibility in all of its members.
- That the requirements of student conduct expressed or implied in this code are in effect and applicable to all students.
- That they are individually responsible for their own conduct and for their violations of the requirements of student conduct.
- That continuation as a student is conditional upon compliance with these requirements.

This code does not pretend to catalog every law or regulation related to the student's life. Rather, it attempts to identify only those whose violation is almost certain to be considered a breach of acceptable conduct. This code further describes in detail the operation of the conduct procedures within the Laney Graduate School.

Article 1. The University and the Public Law

(A) The University campus does not condone violations of, or provide a sanctuary from, public law or its enforcement. Official cooperation with public law enforcement agencies has been exercised traditionally with regard to the interests of the University community.

(B) Students under prosecution for violation of public law may be subject to disciplinary action under institutional regulations. Such University disciplinary action may be initiated before, concurrently with, or after procedures regarding the same conduct.

Article 2. Division of Jurisdiction and Responsibility

(A) Under authorization established in the by-laws of Emory University, the president has delegated to the Dean and faculties of each school of the University primary responsibility for identifying, correcting and/or punishing conduct not in accordance with University standards.

(B) Discretionary responsibility for handling extreme cases, where such action is essential to maintaining the orderly processes of the University, will be retained by the President.

(C) It is contemplated that other officers or agencies of the University must and will promulgate rules and regulations applicable to the conduct of students in particular situations. These include such officers and agencies as have responsibility for: housing, student health, food service, traffic and safety, athletics and other public events, libraries and student organizations and activities.

Students are subject to all such rules and regulations.

Serious violations of such rules and regulations should be reported to the Dean of the school in which the student is enrolled for handling through established conduct procedures.

(D) The Vice President and Dean for Campus Life, or the Dean's delegate acting in this capacity, is the officer of the University charged with the welfare of all students. This charge implies a prima facie responsibility in all matters relating to student discipline and conduct. Accordingly, the Dean for campus life or the Dean's delegate in emergency situations has full authority to deal with student conduct according to the exigencies of the emergency and for its duration. The office of the Vice President and Dean for Campus Life has been delegated responsibility pertaining to the conduct and welfare of all students, irrespective of divisional affiliation. In an emergency, therefore, the Dean for Campus Life shall not hesitate to take necessary and appropriate action with the full understanding that established procedures will be initiated when the emergency has passed.

Article 3. Conduct on Campus

(A) The student should remember that the violation of any public law—city, county, state, or federal—by a student might result in a conduct charge being brought against that student. It is neither possible nor necessary to set forth beforehand every instance of misconduct that could result in disciplinary action against a student. While the following list is not exhaustive, examples of conduct offenses are outlined in items 1-9 below.

- **Dishonesty:** Including knowingly furnishing false information to the University or its agents, counterfeiting, forging, or altering any University document, theft of any property of the University itself or of any property of any member of the University community, or its visitors or guests.

- **Personal Abuse:** The intentional, wanton, or reckless physical abuse or serious verbal abuse of any person by a student on the campus or on property owned or controlled by the University, or at a function under the University's supervision or sponsorship or such abuse of a member of the Emory community at any location.
- **Malicious Damage/Breaking and Entering:** Malicious damage by a student to the property of another member of the University community (student, faculty, or staff) or the property of the University itself, or to the property of any visitor or guest of the University or a member of the University community. Breaking into a locked room, office, or facility of the University, or entering a room, office, or facility of the University clearly marked or understood to be a prohibited or restricted area without authorization.
- **Disorderly Conduct and Disruption of Class:** Interference by a student by violence, force, disorder, obstruction, or vocal disruption of University activity, or activity authorized or sponsored by the University or by any school, program, division or authorized student body, including disciplinary proceedings. Interference by a student with the instructor's right to conduct class as the instructor sees fit within the bounds of academic freedom and responsibility. If a person other than the instructor brings charges of interference with an instructor's rights as defined above, the Dean or assistant/associate Dean shall confer with the instructor before any formal charges are brought.
- **Improper and/or Unauthorized Use of University Facilities:** The refusal by a student to vacate a room, classroom, office or facility of the University at a time when it is not open or not available to the use of students generally, or the student or groups of students in particular.
- **Drugs and Alcohol:** Emory University does not permit the use of illicit drugs or the unauthorized use of drugs sometimes prescribed for medical purposes. Users, possessors, and/or providers of such drugs violate federal laws and state laws. Students who possess or use illicit drugs or who furnish drugs to others while on property owned or controlled by the University are committing a serious conduct offense. Emory University does not permit drunkenness or furnishing alcoholic beverages to underage persons (under 21) or noticeably intoxicated persons. The full text of both the Emory Drug Policy and the Division of Campus Life Alcohol Policy may be found in this handbook.
- **Stalking:** Behavior where a person follows, places under surveillance, or contacts another person without the consent of the other person for the purpose of harassing and intimidating the other person. The term "contact" means to make or attempt to make any communication, including, but not limited to, communication in person, by telephone, by mail, by broadcast, by computer or computer network, or by any other electronic device. "Harassing and intimidating" refers to communication directed at a person that causes emotional distress because of a reasonable fear for the person's safety or safety of others, and which serves no legitimate purpose. It does not require that an overt threat of death or bodily injury be made.
- **Sexual Harassment:** Unwelcome conduct, based on sex or on gender stereotypes, which is so severe or pervasive that it unreasonably interferes with a person's University employment, academic performance or participation in University programs or activities or creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile

or offensive. Sexual harassment may include, for example, an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention or advances; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence or sexual assault; intimate partner violence; stalking; gender-based bullying.

- **Other Conduct Offenses:** Refusal to comply with the directions of Emory officials acting in proper performance of their duties. Other conduct offenses include lewd, indecent, or obscene conduct, or sexual misconduct on property owned or controlled by the University, violating Emory University Policies on Discriminatory Harassment and Sexual Assault.

(B) Emory University's Sexual Misconduct Policy, Policy 8.2 (<http://policies.emory.edu/8.2>) applies to each of Emory's schools, including to the students of the Laney Graduate School. Policy 8.2 sets forth a centralized reporting, investigation and grievance/conduct process for allegations of sexual misconduct pursuant to Title IX of the Education Amendments of 1972 (Title IX). Policy 8.2, which is administered through the office of Emory's *Title IX Coordinator for Students*, shall apply in the principal instance to address sexual misconduct allegation(s) in matters where the respondent is a student.

Although each student is also bound by the provisions of the Laney Graduate School's conduct code, any investigation and adjudication pursued under Policy 8.2 shall take precedence over the Laney Graduate School's separate conduct code or honor code provisions. If there are multiple violations implicated by a reported incident (e.g., a violation of Policy 8.2 in addition to a violation of Laney Graduate School policy), the student/respondent may either be subject to multiple conduct proceedings, depending on the particular facts involved, or, upon the student's request or request by the Title IX Coordinator for students, consent to a single proceeding under Policy 8.2, wherein all charges are adjudicated in one forum. At all times, however, the Laney Graduate School shall retain jurisdiction over any alleged violations of the Laney Graduate School's conduct and honor codes, even if a conduct process is initially pursued against the responding student under Policy 8.2. Moreover, if a student is ultimately found not to have violated Policy 8.2, the student may still be subject to separate disciplinary proceedings under the Laney Graduate School's policy. To the extent that there may be any conflicts between the Laney Graduate School's policies and Policy 8.2, the provisions of 8.2 shall govern allegations of sexual misconduct.

Article 4. Suspension

A student may be summarily suspended for a temporary period for failure to comply with a specific and proper directive from an officer of the Laney Graduate School or the University acting in an official capacity, or if, in the opinion of the Dean of the Laney Graduate School, the student's presence on the campus would be detrimental to the safety or security of persons or property of the institution. Such suspension shall be for a stated period of time during which conduct charges must be completed and a final decision of the Dean rendered. The duration and conditions of suspension shall be communicated to the student in writing except under extraordinary circumstances.

Article 5. Pre-hearing Procedures

(A) Alleged or suspected cases of student misconduct shall be reported promptly to the Dean of the Laney Graduate School. Wherever “Dean” appears in this code, it shall include any person designated by the Dean of the Laney Graduate School to act in his or her stead. The Dean shall have the responsibility for gathering relevant evidence in the case. This investigation shall be completed within a reasonable length of time.

(B) Cases identified by the any office or on-campus agencies that involve students of the Laney Graduate School shall be referred to the Dean of the Laney Graduate School for investigation. Any available evidence shall be transmitted from the office of campus life to the Laney Graduate School.

(C) Following the compilation of relevant information, the accused student shall meet with the Dean of the Laney Graduate School at a time that is mutually convenient. The student shall have outlined the circumstances surrounding the alleged instance of violation of the code. At this meeting the student will be advised of his/her rights, and informed of the procedures of the Laney Graduate School in such matters.

(D) At the end of this meeting, or shortly following this meeting, a written statement of charges will be made available to the student, informing the student of the alleged violation, describing the conduct alleged to constitute the violation, and the student’s right to a hearing. This letter shall include the date, time, and place of the hearing and shall inform the student of the names of known persons who might appear as witnesses. This letter shall also inform the student of the right to select an adviser.

Article 6. Hearing Procedure

(A) These hearings will not be conducted according to the procedures or rules of evidence of a court of law. The student shall have the right to have an adviser at the hearing that may, but need not, be a faculty member. The adviser shall be any member of the Laney Graduate School – student, faculty, or staff. In cases where this restriction poses a hardship in the view of the Dean, the student may, upon the approval of the Dean, select any non-attorney from within the University community as adviser. If the student is unable to secure an adviser, the Dean will attempt to secure one for the student. There will be a minimum of a week, except for special circumstances, between the time the statement of charges is issued and the hearing, in order that the student may confer with his/her adviser and generally prepare for the hearing. If the student wishes, he or she may request a hearing at any earlier time, which request may be granted or denied at the discretion of the Dean.

(B) The committee will consist of the following:

- Vice president of the GSC, or the Vice President’s delegate who will act as Chair;
- A member of the GSC not from the student’s program or the program of the Vice President or the Vice President’s delegate, appointed by the Vice President of the GSC;
- Two members of the graduate faculty, to be appointed by the Dean.

(C) The student shall have the right to testify and the right to be present at the hearing. The student or the adviser shall have the right to question witnesses, to call a reasonable number of witnesses on the student’s behalf, to present documentary and

physical evidence, and to make a closing statement. Members of the committee may question witnesses as well. The Chair of the committee may exclude any question that he or she finds inappropriate.

(D) Should the accused, after proper notification, not appear at the time and place specified, the hearing might be conducted with the accused in absentia. In this event, the committee shall render its decision and recommendations based upon such evidence as it has before it.

(E) Hearings shall be fair and impartial. The rules of evidence of courts of law shall not apply. Evidence that, in the opinion of the Chair, is relevant and appropriate may be presented. Witnesses shall testify without oath, and signed statements may be submitted from witnesses who do not attend the hearing. Other than the witness testifying, only the members of the Hearing Committee, the adviser, a member of the decanal staff of the Laney Graduate School designated by the Dean, and the accused may be present during the hearing. A tape recording will be made of the hearing, except for the final deliberations of the committee. The Hearing Committee shall determine the weight and pertinence of the evidence.

(F) At the conclusion of the presentation of evidence, the Hearing Committee shall retire to deliberate in secret. A three-fourths vote shall be required for a finding of a Conduct Code violation.

(G) If the committee determines that there was a violation on the part of the accused student, the committee shall secure from the Dean the record of any previous University discipline proceedings where the student was found to have engaged in misconduct. On the basis of its findings in the case and the student's previous record, the committee shall render a recommendation by a plurality vote as to the proper sanction(s). The Dean, however, may impose a different sanction than that recommended by the Hearing Committee.

Article 7. Sanctions

If a student is found to have violated the Conduct Code, one or more of the following sanctions may be imposed:

(A) Warning. The student shall be notified by letter, or by both letter and appointment with the Dean, that his or her conduct as violated Laney Graduate School standards for a specified period of time.

(B) Probation for a specified period of time. The student shall be notified as under (A) that his/her conduct has violated Laney Graduate School standards and that another conduct offense will most likely bring harsher disciplinary action.

(C) Dismissal. The student shall be notified as under (A) that the student's conduct has violated graduate Laney Graduate School standards and that she/he should vacate the campus, and all buildings and property owned by the University, by a certain date. Dismissal generally will be for a specified time, after which the student may go through the standard application procedure for readmission. This sanction automatically invokes Sanction D below.

(D) Revocation of financial support. A serious conduct offense may result in the revocation of financial support received from the University. This sanction may also be used in conjunction with other sanctions. Revocation of financial support is automatically applied with the recording of sanction C, "Dismissal."

(E) A recommendation different from those listed above, yet specific to the particular conduct issues involved.

Article 8: Post-hearing Procedure

In the case of a finding of a Conduct Code violation, the Hearing Committee shall promptly prepare a concise, but thorough, written summary of pertinent evidence and facts that shall be transmitted to the Dean with the accompanying recommendation for sanction. After receipt of the summary, the Dean shall promptly transmit to the accused, in writing, his/her decision on the charge. The Dean may increase or decrease the severity of the recommended sanction. The student shall be notified by the Dean, in writing, of the decision and the sanction imposed.

Article 9: Appeal

(A) The judgment of the Dean shall be final unless, within seven (7) days of that notification of the student, the Dean receives a written notice of appeal from the student. The notice shall state the grounds of the appeal. The only basis for an appeal will be new evidence or a documented demonstration of procedural irregularities in the hearing.

(B) On receipt of the appeal, the Dean shall form an Appeal Committee to advise him/her concerning the case. The Appeal Committee shall consist of:

- Two members of the executive council of the Laney Graduate School appointed by the Dean, one of whom shall be appointed Chair of the Appeal Committee; and two
- Two members of the GSC, not from the student's program, appointed by the GSC president.

No member shall be appointed who has served on the Hearing Committee in that case or who was a participant in the proceedings before that committee.

(C) The Appeal Committee may review the records in the case, may consult with members of the original Hearing Committee and confer with the Dean, or may decide to rehear the case.

(D) In the case of a new hearing, the Appeal Committee shall notify the student in writing of the date, time, and location of the appeal hearing. The student and adviser shall have the rights specified in VI.C above and the hearing shall be conducted in accordance with VI.D and VI.E above.

(E) The Appeal Committee shall promptly transmit to the Dean a written summary of its findings and its recommendations on whether to affirm, reverse, or modify the previous decision.

(F) The Dean shall promptly notify the student in writing of his/her final decision on the appeal.

Article 10: Miscellaneous

(A) Confidentiality: Because alleged instances of misconduct can have serious impact on a student's professional career and relations, all proceedings of the Hearing Committee and reviews of the Appeal Committee shall be carried out with due regard

for privacy. It shall be the responsibility of the Chairs of the Hearing Committee and the Appeal Committee to take reasonable steps to see that this privacy is maintained. All evidence shall be considered confidential prior to, during, and after the proceedings here described.

This Conduct Code is effective July 1, 1992, and supersedes the Laney Graduate School Conduct Code that was revised in February 1984. The 1984 Laney Graduate School Conduct Code is hereby repealed.

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