
**Conduct: Off-Campus Behavior**
Mercer University and its members are subject to all local, state, and federal laws and statutes. Alleged violations of local laws and statutes, which occur on or off campus, are subject to internal University investigation, review, and action, in addition to any action by proper civil authorities. Each student is individually responsible for being informed of the law. Ignorance of federal, state, or local laws will not be accepted as an excuse for prohibited behaviors.

All students residing on or off campus are expected to comply with University regulations set forth in the Mercer University Student Handbook. Alleged violations of University regulations that occur on or off campus may be investigated and appropriate action taken without regard to the status of any civil or criminal proceeding.

**Conduct: University Student Code of Conduct**

**COMMUNITY OF RESPECT**
Mercer University strives to be a _Community of Respect_ where everyone is held in mutual high regard. Because every human being is created in the image of God, each person deserves to be treated with respect and civility. Standards of conduct are based on the values of mutual respect:

*Respect for Academic Integrity*
We value a community that encourages an academic atmosphere. We believe that honesty is important to learning.

*Respect for Other Persons*
We value the worth of every individual in the community and we respect the dignity of each member in the community. We take responsibility for the consideration of the rights of others.

*Respect for the University Community*
We value showing respect for the rights and property of others. We take responsibility to act to maintain University property.

*Respect for Community Authority*
We acknowledge and value our privileges and rights as members of the University community. We take responsibility for acting to uphold community standards.

These values are codified into the following Student Code of Conduct, which includes a general overview of the process, a listing of unacceptable student conduct, possible sanctions, and other key information. This Student Code of Conduct applies to all students on all campuses, including online programs, and supersedes any student conduct policies and procedures previously used by colleges or programs. Program-specific regulations and policies (including professional standards) may apply to students beyond those outlined here and may be found in supplemental handbooks. Nothing in this policy prohibits these academic programs from pursuing additional review and action of professional standards as appropriate to their professions. Students are expected to be aware of and conduct themselves in a manner that is in compliance with all applicable policies found in the University Student Handbook and related campus supplements. Academic violations are handled through a separate process found in the academic Honor Code.

**FORMULATION OF REGULATIONS & CODE OF CONDUCT**
Any student, faculty member, or administrator may initiate any revision of, or addition to, the University standards of conduct. Recommendations should be submitted to the senior student affairs officer on their campus who will evaluate and forward the recommendation to the Vice President for Student Affairs (Macon). The Vice President for Student Affairs, in consultation with appropriate parties, shall ensure discussion of the proposed change. When all parties have had an opportunity to comment on the proposal, it will be presented to the Provost and General Counsel.
RIGHTS OF STUDENTS

Community of Respect ensures certain rights of its members. The University values the following student’s rights:

A. Free inquiry, expression, and assembly as long as conducted in a manner that does not infringe upon the rights of others.

B. Freedom from unreasonable invasion of the privacy of the individual’s person, residence, papers, personal effects, and University records.

C. Right to due process and equal protection under the University’s judicial system.

D. Freedom to pursue educational goals; the right to free exchange of ideas, thoughts, and viewpoints.

E. Freedom of association for students who meet the University’s standards for participation in co-curricular and extracurricular activities.

GENERAL POLICY

Mercer University is dedicated to the advancement of knowledge and learning and to the development of ethically responsible persons. University students are expected to uphold appropriate standards of behavior and to respect the rights and privileges of others. The University invites students to participate in the formulation of behavioral policies and to share in the responsibility for judicial decisions. These standards and procedures have been established to protect the University’s educational purpose, to foster a sense of responsibility to the community, to provide for orderly conduct of its activities, to protect the members of the University from disrespect, and to safeguard the interest of the University community. Student conduct is expected to be lawful and in accordance with all federal, state, and local laws, and University regulations.

In keeping with Mercer University’s values, sanctions imposed on students found to be in violation of the Student Code of Conduct are designed to promote the University’s educational mission, maintain community standards, and promote individual civility and positive growth.

Sanctions are also intended to maintain the safety of the University environment and the integrity of the University community. The processes for adjudicating violations of federal, state and local laws and violations of the Student Code of Conduct are separate and may be pursued independently of one another. The University distinguishes its responsibilities for student conduct from the control functions of the wider community. The conduct of students both on campus and in the wider community is ordinarily of University concern when (a) the conduct interferes with the University’s responsibility for ensuring members of the University full and equal opportunity to obtain their educational objectives, (b) the conduct interferes with the University’s responsibility to protect the health, safety and general welfare of persons in the University community, or (c) the conduct negatively impacts the University’s image and/or academic integrity. The University is not required to postpone disciplinary proceedings pending the outcome of any criminal proceeding.

The Student Code of Conduct applies to all University students in settings, which includes, but is not limited to, study abroad, international travel, online, and off-campus educational opportunities. The Vice President for Student Affairs (or designee) may modify non-substantive procedures in the effort to adjudicate violations.

Cases involving student organizations are adjudicated through this process as well. Student organizations will be held responsible for the behavior of their members, alumni, or guests, when their actions evolve from or are in any way related to their association with activities of the organization on or off campus. Student organizations may be charged and adjudicated in addition to any charges levied against the individual members. Student organizations that condone or encourage behavior that violates University or state regulations may be held responsible for such violations.

Authority for student discipline ultimately rests with the University President. For cases involving non-academic conduct violations, the President delegates this authority to the Vice President for Student Affairs (or designee), who in turn delegates it to the following designees to oversee, review, and pursue violations of the Student Code of Conduct.
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<tr>
<th>Location</th>
<th>Primary Designee(s)</th>
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<tr>
<td>Macon Campus</td>
<td>Associate Dean of Students, Macon</td>
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<tr>
<td>(including Law, Medicine</td>
<td>Office of Judicial Education, Macon</td>
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<td>(Columbus and Savannah),</td>
<td>Residence Life, Macon</td>
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<td>and the Macon Center)</td>
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<td>Atlanta Campus</td>
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<td>Newnan Centers)</td>
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Students enrolled in online courses will be adjudicated in Macon or Atlanta as determined by the educational program in which they are enrolled. Should conflicts arise, that location will be determined by the Vice President for Students Affairs. Modifications to procedures to adapt to the physical location of the student may be implemented as long as the student is notified of the charges against them and provided with an opportunity to respond to the charges.

The Vice President for Student Affairs (or designee) has the authority to notify the person listed as the student’s emergency contact (or other appropriate person) in cases of emergency or life-threatening incidents.

The Vice President for Student Affairs (or designee) may order any student or organization to cease and desist from any activity adjudged to be disruptive to the University. If the student or organization fails to cease and desist from such activity, the Vice President for Student Affairs (or designee) may immediately suspend the student or organization pending a judicial hearing.

### RESPONSIBLE ACTION GUIDELINES

The health and safety of students under the influence of alcohol and/or drugs should always supersede concerns related to conduct violations and/or subsequent University action. The University urges all students to recognize that violations of the law and University policy have consequences, but that these possible consequences should never outweigh or override the decision for providing proper care for the health and wellbeing of a fellow student in crisis.

In a health crisis situation involving alcohol and/or drugs, students are expected to notify appropriate staff to evaluate the situation immediately. Amnesty for minor violations of the student code of conduct will be considered in cases where a student is acting in good faith to rectify a situation, or when the situation involves a more egregious infraction that warrants reporting (for example, sexual misconduct and relationship violence). Amnesty may mean waiving formal judicial action, or imposing less harsh sanctions, and is at the discretion of the Vice President for Student Affairs, Dean of Students or designee.

### DEFINITIONS

**University.** Mercer University includes the main campus, all branch campuses, centers, and University international programs.

**Student.** Includes all persons either registered or taking courses at Mercer University, both full-time and part-time, pursuing undergraduate, graduate, or professional studies and those who attend post-secondary educational institutions other than Mercer University or who may reside in Mercer University residence halls. This includes non-degree seeking students. Persons who are not officially enrolled for a particular term but who have a continuing relationship with Mercer University are considered students (i.e. students enrolled in another college for a term, between semesters, internships, etc.)

**Charged Student.** Any student who has been formally charged with an alleged violation of the Student Code of Conduct.

**Complainant.** Individual reporting an alleged violation.

**Respondent.** Individual alleged/ suspected of violating a university policy.

**Faculty Member.** Any person hired by Mercer University to conduct classroom activities.

**Staff Member.** Any person hired by Mercer University in a professional position to conduct University activities.

**Member of the Mercer University Community.** Any person who is a student, faculty member, or employed by Mercer University.

**Mercer University Premises.** Includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by Mercer University (including adjacent streets and sidewalks).
Organization. Any group who has been formally recognized by Mercer University as an organization.

Hearing Body. Any Mercer University official or panel authorized to review and evaluate student conduct charges and to impose sanctions upon students found to have violated the Student Code of Conduct.

Appellate Body. Any person or persons authorized by the Vice President for Student Affairs to consider an appeal from a hearing body’s determination that the student has violated the Student Code of Conduct.

Student Justice. Student members trained and experienced in due process rights, in the procedures of the adjudication process, and in the mechanics of preparing a case. They are assigned cases on a rotational basis.

Shall. Is used in the imperative sense.

May. Is used in the permissive sense.

Preponderance of the Evidence. The weight of evidence used to adjudicate student conduct violations. This standard means that the evidence, taken as a whole, supports that it is more likely than not that the violation occurred or did not occur.

NON-ACADEMIC MISCONDUCT PROCESS

Procedure for Reporting Violations

All students and student organizations are expected to adhere to the standards of the Community of Respect. In affirmation to these standards, every student subscribes to the following pledge:

"Having been accepted as a member of the Community of Respect of Mercer University, I pledge myself: to hold each person in high mutual regard; to uphold, respect, and defend the rights of every individual in the community; and to respect the community as a whole. I further pledge that I will not allow to go unreported any violation of the standards of our community."

Each student is responsible for reporting any and all infractions of the standards valued by the Community of Respect. All students accept this responsibility when they enroll. If a student sees, knows, or hears of a violation, he/she is responsible for reporting the suspected violation to Mercer Police, the Vice President of Student Affairs, or an appropriate faculty/staff member of Mercer University.

Organizations are expected to investigate and self-report any violations of the Student Code of Conduct. Please refer to the Campus Life web page at http://studentaffairs.mercer.edu/campuslife/studentorgs.cfm.

Procedures for Filing Charges

This process for review is initiated by either (1) the filing of a police report with Mercer University Police Department (or other law enforcement agency), (2) providing a signed written statement directly to the Vice President of Student Affairs (or designee), or (3) by filing an incident report or written statement with the Office of Housing and Residence Life. This information will then be reviewed by the designated authority (listed above) to determine the most appropriate action to be taken. This may result in conducting further investigation into the incident, resolving the conflict in an informal manner, referring the case to Housing, or initiating charges in accordance with the procedures contained in this code. Charges should be filed within ten (10) working days after receipt of all available information regarding the complaint. Charges cannot be filed that exceed one (1) year after the discovery of the incident.

In compliance with Title IX and other related federal mandates, cases involving Sexual Misconduct and Relationship Violence (sexual harassment, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence) may require and involve additional investigatory, procedural, and adjudication standards that supersede any listed here. Please refer to the procedures outlined in the Sexual Misconduct and Relationship Violence Policy for complete information on these procedures. Should any policy or procedural guidelines conflict between these two policies, the Vice President for Student Affairs in consultation with the Title IX Coordinator is the final arbiter of procedural decisions.

Charges

When a determination to charge is made, the designated office (primary designee) shall notify the student in writing of the charge(s) and the allegation(s) on which the charge(s) are based. This notice shall inform the student that he or she has five (5) regular business days in which to contact the designated office outlined in their charge letter to schedule an informational session, and to select the type of hearing forum in which to adjudicate the violation (unless pre-selected by the University). The informational session is a courtesy to students. If a student does not
contact the University during this time, the University shall make a determination regarding the choice of hearing and will proceed with adjudication.

HEARING BOARD OPTIONS
The charged student or organization may have charges heard by a University Hearing Board or by a designated University Administrator selected and trained by the Associate/Assistant Dean of Students in Macon or Atlanta. The Hearing Board or Administrator will review the case and make a recommendation to the Associate/Assistant Dean of Students on the Macon and/or Atlanta (depending on primary location of the academic program related to the charged student) with regard to responsibility and sanctioning. (The Associate/Assistant Dean of Students may hear cases directly if they choose to and do not have any clear conflicts of interest.) In electing one hearing forum, the student waives the right to the other. The University retains the right to pre-select the hearing forum at any point in the process. University Hearing Boards consist of two faculty/staff and one student trained in university judicial proceedings. However, in cases involving especially serious charges that potentially could result in expulsion or suspension, the University may in its discretion require the charges to be heard at a specific campus location, and by a University panel that includes two faculty/staff, one student, and at least one representative from outside the University, to be selected by the University, with experience in contested adversarial hearings.

When two or more individual cases stem from the same incident, the same hearing body shall hear all cases, when possible. Procedural modifications are permitted when incidents involve more than one individual or corresponding organizational charges. In such cases, the University may either pre-select the hearing body or consult with the students involved before making the determination. This hearing body will hear individual cases separately. In cases involving multiple students or organizations charged from the same incident, information obtained at one hearing may be used at another hearing provided that the charged student or organization involved has the opportunity to review and to respond to any information that will be used against them, when possible.

For cases handled by the University’s Office of Judicial Education in Macon, a board consisting of all students is an additional option for adjudicating student and organizational cases. This Student Hearing Board primarily adjudicates organizational violations and minor student violations as determined by the Associate Dean of Students.

Decisions of all hearing bodies (University Hearing Boards and University Administrator) are recommendations to the Associate/Assistant Dean of Students on the corresponding Macon and Atlanta campus, who in the interest of fairness, clarity, or consistency may choose to accept or modify the recommendations as necessary or refer a case back to the hearing body for further review. The Associate/Assistant Dean of Students may consult with appropriate staff or the academic dean of a particular academic program before accepting or modifying the recommendation of a student in that program.

RIGHTS OF THE CHARGED STUDENTS
1. **Notice**. Students or organizations charged with violations of the Student Code of Conduct will be provided notice via their official university e-mail address of the charge(s) against them and the allegations upon which the charge is based.
2. **Hearing**. Students or organizations shall be entitled to a prompt hearing. Students will be given an opportunity to present information, including witnesses during a fair and impartial hearing. The student may inspect all documentary evidence presented at the hearing, may hear and question all available adverse witnesses testifying at the hearing, and may present evidence and call witnesses. If a called witness does not appear, the hearing body may consider their written or taped statements. However, the statement shall be weighted accordingly by the hearing body as the charged student has no opportunity to cross examine the witness making the written or recorded statement. Student questioning of witnesses may be modified in cases involving violations of the Sexual Misconduct and Relationship Violence Policy (see next section). Witnesses for the hearing will be required to wait outside of the hearing until their point of participation. The University may require any student or employee with information relevant to the charges to attend the hearing and present that information to the hearing panel for consideration.
In compliance with Title IX and related federal mandates, additional procedural rights for student complainants and respondents involving violations of the Sexual Misconduct and Relationship Violence Policy apply and are outlined below.

(SUPPLEMENTAL) RIGHTS FOR CASES INVOLVING SEXUAL MISCONDUCT AND RELATIONSHIP VIOLENCE

When complaints are resolved through the University student judicial process related to sexual harassment, sexual assault, sexual exploitation, stalking, dating violation and domestic violence, the following rights will apply to both the complainant and to the respondent:

1. To be accompanied by an advisor or person of support of their choice. (See additional advisement information in the “Conduct Hearing Guidelines” in the Student Code of Conduct).
2. To have an equal opportunity to present witnesses and evidence, as well as to speak on one’s behalf.
3. To be made aware that responsibility for charges is determined using the “preponderance of the evidence” standard.
4. To have similar and timely access to information. All information is subject to FERPA protection and stipulations.
5. To submit questions to the hearing body to consider posing to the complainant, respondent, and/or witnesses.
6. For the complainant to be able to request alternative methods of inquiry (e.g. written questions or video conferencing) if needed when presenting testimony.
7. To have any non-relevant sexual history exempt from review. Decisions regarding relevancy issues will be determined by the hearing body.
8. To be notified in writing regarding the outcome of the complaint at every step of the process (i.e. Initial hearing and any appeals). The University will not impose any "non-disclosure requirement" on either party as a condition for sharing this information.
9. To have the right to appeal the outcome as outlined in the appeal process. Both the complainant and respondent are permitted one appeal.
10. To be free from harassment and/or retaliation during the process. This includes harassment and retaliation through third parties.
11. To submit an impact statement to be considered by the hearing body before the sanctioning phase to be used if the Respondent is found responsible.

CONDUCT HEARING GUIDELINES

All hearings are governed by the following guidelines. Procedures may be modified to expedite the proceeding as long as they do not jeopardize the charged student’s fundamental rights or the fairness of the hearing.

1. **Burden of Proof**: The burden of proof rests with the University. The standard of proof shall be the “preponderance of the evidence.” This standard means that the evidence, taken as a whole, supports that it is more likely than not that the violation occurred.
2. **Pre-hearing informational session**: To assist the student in preparing for the hearing, a pre-hearing informational session will be available for the student. The informational session is a courtesy to students and not a requirement. This informational session will discuss the hearing procedures, inform the student of their rights and responsibilities, and allow the student the opportunity to review the available written information that will be presented at the hearing by the University. The student and his or her advisor shall have the opportunity to inspect the information at least three (3) regular business days in advance of the hearing whenever possible. Upon notification of the student’s choice for a hearing body, the university shall schedule a hearing and notify the student in writing of the date, time, and location of the hearing at least three (3) regular business days in advance. A student may choose to waive, in writing, the three (3) regular business day notice and proceed with a hearing.
3. **Decisions**: Decisions of “responsible” or “not responsible” on the charge(s) shall be based solely on the evidence presented at the hearing. When multiple students are charged with the same violation and it is determined that an individual identified was not responsible for that specific violation, but was present and/or had knowledge that the violation was occurring, the hearing board/officer has the authority to find that student responsible for the lesser charge of “failure to report” without recharging the student and having a separate hearing. Information can be conveyed from one hearing to the other in cases where multiple students are charged.
4. **Confidentiality.** All hearings shall be closed and confidential unless specifically requested otherwise by the charged student in writing. This request must be received three regular business days in advance of the hearing and cannot impede the university’s ability to comply with state and federal laws regarding confidential information. In cases involving violations of the Sexual Misconduct and Relationship Violence Policy and/or with competing interest, the Associate/Assistant Dean of Students will make the final determination regarding open and closed hearings in consultation with Vice President for Student Affairs and the Title IX Coordinator.

5. **Failure to Appear.** If the charged student fails to appear at the hearing, the hearing may proceed in the student’s absence and a decision rendered provided that the student has been properly notified of the hearing.

6. **Official Record.** An official record of the hearing shall be made by the presiding hearing officer for internal University use only. The record of the hearing may exist in written or audible form. No transcript is made. Students may request to inspect their record of testimony and case file after the hearing is closed. Records will be redacted to protect other students’ FERPA rights. Written records are kept on file for 7 years.

7. **Deliberations.** Deliberations are closed and shall include only those members involved in the decision making process.

8. **Notice of Decision.** A written decision shall be available to the student or organization within seven (7) regular business days following the hearing. This time may be extended in cases in which additional time is necessary for deliberations. If additional time is necessary, the charged student or organization shall be notified. The decision letter shall contain a decision on each charge, the finding of fact and any recommended sanctions (if applicable).

9. **Hold on Student’s Records.** The university may place a hold on the transcripts and/or registration of any student who fails to respond to a judicial notice or to ensure resolution of the case prior to transfer or graduation. All pending judicial matters must be resolved prior to a student’s graduation, transfer from, or continued education at Mercer University.

10. **Withholding Degree.** The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Conduct Code, including the completion of all sanctions, if any.

11. **Disabilities.** Any student with a documented disability may request that reasonable accommodations be provided during the judicial process. This request must be made at least three (3) regular business days in advance of the hearing, and the accommodations must be approved by the Office of ACCESS and Accommodation and the Associate Dean of Students.

12. **Advisement.** Students and organizations are permitted to bring one advisor of their choice to the hearing. The advisor shall serve as a consultant, and cannot speak on behalf of the student or organization during the proceedings. Students are required to address the hearing body in person on their own behalf. Consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not serve as a witness or be charged in the case. Students must notify the Associate/Assistant Dean of Students on the applicable campus at least five class days prior to the hearing if they will be bringing an attorney as an advisor.

13. **Testimony.** Students shall not be forced to present self-incriminating testimony. Testimony that is provided during a hearing can be used in another hearing if those details are relevant to clarifying details in those proceedings and only if the cases are connected to the same incident.

**VIOLATIONS OF THE VALUES OF THE COMMUNITY OF RESPECT**

Violation of any of the following, or the aiding, abetting, condoning, or attempting to commit these offenses by a student constitutes an offense that will result in disciplinary action. **Please consult with the on-line University Student Handbook found at [http://provost.mercer.edu/handbooks/studenthandbook.cfm](http://provost.mercer.edu/handbooks/studenthandbook.cfm) for the most up-to-date and applicable definitions.**

1. **Forgery.** Alteration or misuse of documents or records.
2. **Alcohol Misconduct.**
   A. Possession and/or consumption of alcoholic beverages including empty containers or alcohol paraphernalia on Mercer University property or at University-sponsored events. (Professional and graduate programs may adopt polices related to alcohol that are more in line with the profile
of their student body, as long as these policies are reviewed and approved in advance by the Provost).
B. Any conduct taken under the influence of alcohol that endangers one’s own health or safety or the safety of others.
C. Buying, selling or distributing alcohol beverages to individuals under the age of 21.
D. Possession and/or consumption of alcohol or alcohol paraphernalia by individuals under the age of 21.

3. Threatening and Harassing behavior.
   A. Threatening Behavior. Intimidation, hostility, coercion, or threats of physical abuse.
   B. Harassment. Language and/or physical acts which degrade, insult, taunt, or challenge another person by any means of communication, so as to provoke a violent response, communication of threat, defamation of character, use of profanity, verbal assaults, derogatory comments, racist remarks or any behavior that places another member of the university community in a state of fear, anxiety or emotional distress.
   C. Bullying. Repeated aggressive behavior where one person (or group of people) deliberately intimidates, abuses, or coerces an individual with the intention to hurt that person physically or emotionally. Acts of bullying can be physical, verbal, or relational.
   D. Cyberbullying. Bullying that occurs through digital technology, such as text messages, e-mail, and material posted on social media sites.

4. Physical Assault. An intentional attempt to injure or harm another person using violence or force (which includes fighting).

5. Endangerment. Actions that endanger one’s own health or safety, the health or safety of another person, or the community.

6. Sexual Misconduct and Relationship Violence
   A. Sexual Harassment: Unwelcome sexual advances, requests for sexual favors and other gender-based verbal, non-verbal or physical conduct of a sexual nature when:
      • Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or status in a course, program or activity; or submission to or rejection of such conduct is used as a basis for an academic, employment or placement decision affecting the individual; or
      • Such conduct is objectively offensive and sufficiently severe, persistent, or pervasive that it has the effect of unreasonably interfering with an individual’s work performance or educational experience, creates an intimidating, hostile environment, or involves retaliation.
   Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to unwelcome sexual attention; to punish a refusal to comply with a sexual-based request; to condition a benefit on submitting to sexual advances; or gender-based bullying. Sexual harassment can occur regardless of the relationship, position or respective sex and/or gender of the parties. Same-sex harassment violates this policy, as does harassment by a student of a faculty member or a subordinate employee of his/her supervisor.
   B. Sexual Assault: Non-Consensual Sexual Intercourse: Any sexual intercourse
      • however slight,
      • with any part of a person’s body or an object,
      • by a man or woman upon a man or woman,
      • that is without consent and/or by force.
   Intercourse includes: vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; or oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.
   C. Sexual Assault: Non-Consensual Sexual Contact: Any intentional sexual touching
      • however slight,
      • of any part of one person’s body with any part of another person’s body or an object,
      • by a man or a woman upon a man or a woman,
      • that is without consent and/or by force.
   Examples include: intentional sexual contact with the breasts, buttocks, groin, or genitals, or sexually touching another with any of these body parts, or making one person sexually touch
another person or themselves with or on any of these body parts; or any intentional bodily contact in a sexual manner.

D. **Sexual Exploitation:** Taking non-consensual sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage another, that does not otherwise constitute one of the other sexual harassment, sexual assault and sexual misconduct offenses.

Examples include: invasion of sexual privacy; prostituting another individual; non-consensual observation, either by direct observation or video or audio-taping of sexual activity; engaging in voyeurism; knowingly transmitting an STI (Sexually Transmitted Infection) or HIV (Human Immunodeficiency Virus) to another; exposing one’s genitals in non-consensual circumstances; or inducing another to expose his or her genitals.

E. **Stalking:** Engaging in a course/pattern of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress. Such conduct includes two or more acts by which the stalker directly, or indirectly, or through third parties follows, monitors, observes, surveils, threatens, or communicates about a person or interferes with his or her property.

F. **Dating Violence:** A violent act committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant’s statement and with consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

G. **Domestic Violence.** A pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner, which includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim. An "intimate partner" is defined as a current or former spouse of the complainant, a person with whom the complainant shares a child in common, or a person who is cohabitating with or has cohabitated with the complainant as a spouse. It also includes any person covered under the current domestic or family violence laws applicable to the jurisdiction of the infraction. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.

For charges involving violations of the Sexual Misconduct and Relationship Violence Policy, additional definitions related to these violations (including consent and force) can be found in that policy.

7. **Destruction/Damage of Property.** Destruction, damaging or misuse of public or private property.

8. **Theft or Possession of Stolen Property.** Taking, possessing, or using property without proper authorization or permission.

9. **Drug Misconduct.**
   A. Possession and/or consumption of drugs or any controlled substance prohibited by law.
   B. Manufacturing, buying, selling or distributing drugs or any controlled substance prohibited by law.
   C. Possession of drug paraphernalia.
   D. Any conduct taken under the influence of drugs that endangers one’s own health or safety or the safety of others.

10. **Possession and/or Use of Weapons, Firearms, Fireworks, and Explosive Devices.** Unauthorized possession or use of weapons, firearms, fireworks, or explosive devices (except for use in the Department of Military Science and in the rifle range). This includes, but is not limited to: BB guns, stun guns/Taser, air rifles, air pistols, paintball guns, edged weapons (i.e. blades no more than 2 inches), bow and arrows, and martial arts weapons. **Weapons may be stored at Mercer Police. They may not be left in personal vehicles.**

11. **Disorderly/Disruptive Conduct.** This includes acting in a violent manner in a public place, or behaving in a way that reasonably makes other persons fear for their or their property’s safety. It also includes using profane or abusive language—sometimes called “fighting words”—that is likely to provoke an immediate violent reaction, in addition to disturbing the peace whether on or off campus. Disturbing or disrupting the peace includes behavior that interrupts an event or any action determined to infringe upon the privacy, rights, privileges, health or safety of students, faculty, staff, or organizations, whether on or off campus.
12. **Conduct Unbecoming.** Any conduct not previously stated, which is determined to be potentially detrimental to the University’s reputation or is in violation of the University’s Community of Respect statement. This includes the display of indecent or offensive material, or engaging in indecent or lewd conduct and/or speech.

13. **Hate Offenses.** Offenses against a person or property motivated in part or in whole by an offender’s bias against a race, disability, religion, disability, ethnic origin or sexual orientation.

14. **Failure to Report.** Being present or having knowledge that a violation has occurred and failing to report the incident. [The University retains the right to find a student responsible for this charge in lieu of another if the hearing body determines that the student(s) involvement was sufficiently passive and/or warrants consideration for this lesser charge for any reason. In such cases, the University is not required to recharge the student or rehear the case to find the student responsible for this charge.]

15. **Computer Misuse/Unauthorized access.** Any misuse of or unauthorized access to a computer, computer system, network, software or data; or the unauthorized alteration, copying or distribution of software or data.

16. **Hazing.** Any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing is a violation of this rule. Specific examples of hazing include, but are not limited:
   - Acts that embarrass, harass, or ridicule an individual
   - Acts that create excessive fatigue
   - Physical or psychological shocks
   - Morally degrading or humiliating games or activities
   - The wearing of signs or advertisements
   - Activities that involve late or early work sessions (not affiliated with a university academic program)
   - Quests, treasure or scavenger hunts
   - Acts of servitude
   - The wearing of badges, buttons, paraphernalia, logos as well as the unauthorized use of letterhead, symbols or hand gestures associated with the organization being falsely represented.

17. **Unauthorized Entry or Use of Facilities.** The unauthorized access to an area, room or building.

18. **Fire Alarms and Fire Safety Misconduct.**
   - Inappropriate activation of any emergency warning equipment or the false reporting of any fire emergency.
   - Removal, damage or tampering with fire safety or other emergency warning equipment belonging to a student, student organization, the University or the Macon community.
   - Initiating and/or igniting of a fire.
   - Failure to evacuate during a fire alarm.

19. **Furnishing False Information.** Knowingly providing false or misleading information to a university official, to a hearing body, on a university document, or to a law enforcement agent or agency.

20. **Failure to Comply.** Noncompliance with the reasonable direction of university officials acting in the performance of their duties.

21. **Campus Elections and Referendums Misconduct.** Casting more than one ballot in any campus election or referendum, or otherwise circumvent the prescribed procedures in an election process.

22. **Student Identification Misconduct.**
   - Failure of a student to carry their Mercer identification cards at all times or to allow anyone else to use their identification card.
   - Identity Theft. Deceptively using another student, or faculty/staff member’s identification to access resources on or off campus, which includes ID cards, credit cards, email addresses, passwords, etc.
   - Unauthorized Representation. Unauthorized representation is when a student or organization falsely uses an emblem, name or falsely claims membership or affiliation with an organization such as any benevolent, fraternal, social, humane, or charitable organization which is entitled to the exclusive use of that name or emblem. This includes, but is not limited to, wearing badges, buttons, paraphernalia, logos as well as the unauthorized use of letterhead, symbols or hand gestures associated with the organization being falsely represented.
23. **Refusal to Vacate.** Refusal to vacate a building, sidewalk, driveway, or private facility being used by the University for a student or department-sponsored activity when directed to do so by an authorized officer of the University.

24. **Advertising/Media Misuse.** Circulation or display of any media (i.e. electronic or paper) that contains matter that violates or is contrary to University policies or community values. This includes, but is not limited to, the display or promotion of alcoholic liquors, wines, or beers. This also includes displaying materials or information without proper approval from the University.

25. **Solicitation/Fundraising.** The solicitation of sales, services, memberships or gifts on campus without the permission of the Office of Campus Life.

26. **Unauthorized Visitation/Campus Housing.** No unauthorized student, group of students, or organization shall enter or remain in restricted areas of residential facilities during non-visitation hours, as published in the Housing Handbook.

27. **Contempt and/or Disregard for Judicial Procedures.**
   A. Failure to fully comply with all instructions of the university judicial system and Honor Council.
   B. Coercing a student or organization member to give false information.
   C. Engaging in conduct that disrupts the proceedings, lessens their authority or dignity, or otherwise obstructs justice on campus.

28. **Unsanitary or Unsafe Facilities.** Failure to maintain a student organization, facilities, property, or surrounding property so as to prevent a potential danger to the health and safety of members of the University community.

29. **Cruelty to Animals.** Intentionally or recklessly causing physical abuse or any form of suffering to animals.

30. **Gambling.** Games of chance or bets in which participants commit money, or anything of value, in order to participate.

31. **Violation of Published University Regulations.** Violation of any published Mercer University policies, rules or regulations. This includes-but is not limited to, housing policies, computer policies or other university policies directly related to departments, organizations or clubs.

32. **Violation of Local, State, or Federal Law.** Any violation of any local, state, or federal law.

33. **Greek Policy Violation and/or Unauthorized Recruitment/Membership Intake**
   A. Failure to comply with all the instructions that guide membership into Greek organizations, which includes, but is not limited to recruitment, timelines, events, activities, documentation, etc.
   B. Participating, arranging, or engaging in unauthorized recruitment or intake processes known as “underground pledging.” This includes coercing a student or organization to facilitate a process as well as students willingly engaging in a process not approved by the University or the affiliated national organization.

**SANCTIONS**

The determination of sanctions is made in light of the unique facts and circumstances surrounding each individual case and the previous conduct history of the student. The Students found responsible of violations(s) of the Student Code of Conduct will be subject to one or more of the following sanctions:

1. **Warning:** Formal written notice to the student and official recognition that a violation has occurred.
2. **Counseling Assessment:** A recommendation to be evaluated by psychological services to help the student deal more effectively with his/her conduct issue.
3. **Community Service:** Performance of a preapproved service location for a prescribed number of hours to the local or university community.
4. **Creative/Educational Sanctions:** Attendance at educational programs, interviews with appropriate officials, planning and implementing educational programs, research papers and other educational activities related to the violation.
5. **Restriction:** The withdrawal of specified privilege(s) for a definite period of time. Restrictions may include, but are not limited to requirements such as: not entering certain areas of housing or the campus, not contacting a certain individual or group, or not operating a motor vehicle on campus.
6. **Fines:** Not to exceed $150 per individual or $150 per individual member of an organization.
7. **Restitution:** A payment of financial injury in cases involving theft, destruction or property or deception.
8. **Probation:** A period of time during which any further violations of the Student Code of Conduct may impact or jeopardize the student’s status in a specific manner. The four types of probation that can be imposed are as follows:

   A. **Conduct Probation.** A specified period of time in which any future violations of the Student Code of Conduct can result in increased sanctions being imposed that exceed those of a student who is not on conduct probation.

   B. **Housing Probation.** A specified period of time in which any future violations of the Student Code of Conduct will result in the termination of housing privileges and access to any university owned housing facilities.

   C. **Social Probation.** Notice to an organization or student that all or a portion of social functions must cease for a designated period of time.

   D. **University Probation.** A specified period of time during which any further violation of the Student Code of Conduct puts the student’s or organization’s status with the university in jeopardy. Additional violations of the Student Code of Conduct that occur during this period of probation may result in suspension or dismissal. Students may be restricted from holding office in any student organization. Students cannot represent the university in any official capacity during the term of university probation. Continued enrollment depends on the maintenance of satisfactory conduct during the period of probation.

9. **Forced Change of Residence.** The temporary or permanent relocation of a student within housing.

10. **Eviction from University Housing.** Permanent removal from the housing system.

11. **Suspension.** The termination of the student’s attendance or an organization’s representation at the university for an indefinite or specified period of time. A suspension means that students may not be on University property or that an organization is prohibited from being recognized at any time without prior approval from the Vice President for Student Affairs or designee. Stipulations may be applied to either the student or organization as a condition for ending the suspension.

12. **Expulsion.** The permanent separation of the student from the University.

13. **Deferred Degree.** The holding of an academic degree for a specified period of time with or without conditions.

**APPEALS PROCEDURE**

For cases involving non-academic appeals, a student may appeal the original decision to the Vice President for Student Affairs within three (3) working days after receipt of the written decision (additional time may be requested for extenuating circumstances). The Vice President may choose to hear the appeal or designate an appropriate staff member from the academic program or location in which the student is enrolled to review the appeal and make a recommendation. No person may hear or decide an appeal if he or she participated in the hearing process. The appeal shall consist of a review of the prior proceedings; it shall not be another hearing. The student or organization shall receive a written decision regarding the appeal.

**Student status.** The student’s status on campus will remain unchanged pending the final decision and appeals process, except in cases involving interim suspensions (see Interim Suspension). The Vice President shall have the authority to act *de novo* to determine the issues of both responsibility and sanction(s). The decision of the Vice President for Student Affairs is final.

**INTERIM SUSPENSION OF A STUDENT OR ORGANIZATION**

In certain circumstances involving a student or organizations actions that may affect the safety, health, or general welfare of the student or the university community, the Vice President for Students Affairs, **of the**
Associate/Assistant Dean of Students, or Student Affairs designee on each campus may impose an interim suspension prior to the student or organizations conduct hearing. The Vice President of Student Affairs, the Associate/Assistant Dean of Students, Student Affairs designee on each campus, and the Director of Housing and Residence Life have the authority to cancel a student’s university housing contract under a separate process.

An interim suspension means that a student cannot be on university property, cannot attend classes, and cannot use university facilities unless otherwise stipulated. An interim suspension requires that the student or organization be notified in writing by the university. For organizations it means immediate suspension of all or some of the activities associated with the organization as determined by the university.

The student or organization has the right to request a hearing on the interim suspension with the Vice President for Student Affairs. If requested, the hearing will be conducted within three (3) regular business days from the receipt of the student’s written request by the Vice President for Student Affairs or designee. The scope of this hearing is solely on whether the interim suspension should continue until a hearing is conducted on the facts of the case. Disciplinary charges will be filed either when the interim suspension is imposed or as soon as possible thereafter.

For cases in which a student is placed on interim suspension, but subsequently found not responsible for all violations, the university will take the following steps: (1) correct any record of the change in enrollment status in the student’s permanent records and reports in a manner compliant with state and federal laws; and (2) refund to the student a pro rata portion of any fees, charges for tuition, or other university specific fees and charges, as appropriate due to the temporary change in enrollment status.

NON-ACADEMIC CONDUCT RECORDS
The Office of the Vice President for Student Affairs in Macon and Dean of Students in Atlanta are the official custodian of all records involving non-academic misconduct. Student files involving cases that do not result in suspensions or expulsions shall be expunged seven (7) years after a decision is reached on a charge. Cases that result in suspensions or expulsions will be kept permanently. Statistical data and database information may be kept permanently at the university. Students have the right to view their files. Students found “not responsible” or cases in which charges are dropped are considered not to have a judicial record.

PARENTAL NOTIFICATION POLICY
Mercer University, like many other colleges and universities, is concerned about the health and safety of its students specifically where there is use and abuse of drugs and alcohol. Under the Family Educational Rights and Privacy Act (FERPA), institutions are permitted to release any and all information to parents, without the consent of the student, “if the student is a dependent for tax purposes under the IRS rules.” FERPA allows colleges and universities to disclose information to parents if there is a health or safety emergency involving their student as well as to disclose information if the student is under the age of 21 and “has violated any law or policy concerning the use or possession of alcohol or a controlled substance.” The Vice President for Student Affairs or designee will be the responsible University official to contact the parent or guardian. Students whose parents are divorced or separated have the option of designating the parent to be contacted. The Vice President for Students Affairs or designee may use discretion regarding parental notification in incidents where it is determined that extenuating circumstances exist that would directly and conclusively impact the situation negatively. Alternative guardian contact determinations will be made by the Vice President for Student Affairs or designee. The process of adjudicating any violations will be handled in accordance with the Student Code of Conduct.

Mercer University has opted to contact parents and/or legal guardians under the following conditions:
1. Mercer students, under the age of 21, found responsible for first time minor offenses involving alcohol in accordance with the Student Code of Conduct will be dealt with directly, without notification of their parents. “Minor offenses” are defined as non-life-threatening, non-threatening to the community, and not involving any other significant violations of the law or the Student Code of Conduct.
2. Enrolled students, under the age of 21, found responsible for two or more offenses involving alcohol will result in parental notification.
3. Enrolled students, under the age of 21, found responsible for offenses involving drugs will result in parental notification.
4. Incidents related to alcohol and/or drugs that are determined to be life threatening to the student, threatening to the community, or involving other significant violations of the law or the Student Code of Conduct.
Conduct may result in parental notification regardless of the number of offenses. An incident in which a student is transported to the hospital as a result of alcohol and/or drugs may also be determined to constitute a threat or disruption to the campus community depending on the circumstances.