

ADJUDICATING ALLEGED GENERAL MISCONDUCT INFRACTIONS

Additional Procedures for Adjudicating Alleged General Misconduct Infractions Which Could Result in University Disciplinary Suspension/ Expulsion

Where the potential sanctions for the alleged misconduct may involve a University Disciplinary Suspension or Expulsion, the institution's investigation and resolution procedures must provide these additional, minimum safeguards:

- a. The alleged victim and respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice will also include the identity of any investigator(s) involved. The notice will be provided via institution email to students Clayton State University email address.
- b. Upon receipt of the written notice, the respondent shall be given at least three (3) business days to respond in writing. In that response, the respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A non-response will be considered a general denial of the alleged misconduct, and the investigation will proceed without the respondent's statement/information. Any alleged victim shall also be provided three (3) business days to respond to or supplement the notice.
- c. If a student admits responsibility, the process may proceed to the sanctioning phase. If at any point, the investigator determines there is insufficient evidence to support a charge, then the complaint should be dismissed.
- d. An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any witnesses not interviewed, along with a brief, written explanation of why the witness were not interviewed. If any charge, or the entire complaint, is dismissed by the investigator due to insufficient evidence, the victim, if applicable, may appeal (see appeals) the decision to dismiss to the Vice President for Student Affairs, or his/her designee.
- e. The investigation report shall be provided to the respondent and the alleged victim (where applicable) This report should clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions. A charge is not a finding of responsibility, but indicates that there is sufficient evidence to warrant further consideration and adjudication.
- f. The final investigative report will be provided to the Hearing Authority for consideration in adjudicating the charges brought against the respondent. A copy shall also be provided to the respondent and alleged victim (where applicable) before any hearing. The investigator may testify as a witness regarding the investigation and findings, but shall otherwise have no part in the hearing process and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing.