



**Title:** Student Code of Conduct  
**Effective Date:** August 1, 2025  
**Issuing Authority:** Provost  
**Policy Contact:** Vice President of Student Affairs/Dean of Students  
478-301-2685

## **Purpose**

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.

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 and websites. Academic violations are handled through a separate process found in the academic Honor Code.

## Scope

This Student Code of Conduct applies to all Mercer University 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.

## Exclusions

None

## Definitions

As used in this policy, the following term(s) have the meaning specified below:

**Appeals:** Appeals can be heard by 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.

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

**Complainant:** an individual reporting an alleged violation.

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

**Faculty/Staff Justice:** faculty/staff members trained in the procedures of the adjudication processes and in the mechanics of preparing for a case.

**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.

**Investigator(s)\*:** the person assigned by the University to gather the facts and details related to an alleged violation of the Student Code of Conduct. Investigators may serve as witnesses to any case for which they investigated.

\*Definitions are defined for uses under the Student Code of Conduct. For definitions related to Sexual Misconduct (including sexual harassment, sexual assault, dating/domestic violence, stalking, sexual exploitation and gender/discrimination/harassment) violations, please refer to the Sexual Misconduct Policy.

**May:** is used in the permissive sense.

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

**Mercer University Premises:** 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 that has been formally recognized by Mercer University as an organization.

**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.

**Respondent:** an individual alleged/ suspected of violating a university policy.

**Shall:** is used in the imperative sense.

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

**Student:** 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.)

**Student Justice:** a student member trained in the procedures of the adjudication process, and in the mechanics of preparing for a case.

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

## **Policy Statement**

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 conduct 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 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, and online, and off-campus educational opportunities. The Vice President for Student Affairs (or designee) may modify non-substantive procedures in an effort to adjudicate violations.

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 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. See Non-academic Misconduct Process for Student Organizations.

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 who in turn delegates it to the Associate Vice President for Student Affairs to oversee, review, and pursue violations of the Student Code of Conduct.

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 Student 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 pending a conduct hearing. Student organizations should refer to the Non-Academic Misconduct Process for Student Organizations.

### **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 well-being of a fellow student in crisis.

In a health crisis situation involving alcohol and/or drugs, students are expected to notify the 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. Amnesty may mean waiving formal conduct action, or imposing less severe sanctions, and is at the discretion of the Vice President for Student Affairs and Dean of Students, or designee.

Additional guidelines pertaining to amnesty on reported hazing allegations can be found under Mercer University's Anti-Hazing Policy, as outlined by the Max Gruver Act.

### **Additional Resources**

1. Anti-Hazing Policy: <https://policies.mercer.edu/anti-hazing-policy/>
2. Family Educational Rights and Privacy Acts (FERPA):  
<https://policies.mercer.edu/family-educational-rights-and-privacy-act-ferpa/>
3. Sexual Misconduct Policy: <https://policies.mercer.edu/sexual-misconduct/>
4. Student Organization Policy: <https://policies.mercer.edu/student-organization/>

### **Appendices**

#### **Appendix A: Non-Academic Misconduct Process for Student Organizations**

Student organizations are expected to operate in accordance with the law, student organizational guidelines (as outlined by the Office of Campus Life), and all University policies including the Student Code of Conduct. Student organizational recognition is not a right and can be evaluated and rescinded by the University at any time for any reason. Organizations are expected to self-report any violations of the Student Code of Conduct. Please refer to the Campus Life web page to report anonymously at [https://cm.maxient.com/reportingform.php?MercerUniv&layout\\_id=3](https://cm.maxient.com/reportingform.php?MercerUniv&layout_id=3).

When the University becomes aware of any allegation of misconduct by a student organization, the Associate Vice President for Student Affairs may assign a staff member, Mercer Police, and/or National Office for the organization, to investigate and review the allegation(s), as needed, by meeting with any individual the staff member determines is warranted. In cases involving sensitive or confidential reporting (e.g., cases involving hazing, hospitalizations, etc.), the staff member investigating the case may use appropriate discretion in releasing information placed in the report to protect the identity and confidentiality of the reporting or involved student or witness. That staff member will meet with the organization to review the allegations related to the organization before making a recommendation back to the Associate Vice President for Student Affairs on his or her evaluation of policy infraction(s) and proposed sanctions if any (including suspension or expulsion of an organization). The prior disciplinary history of the organization, the forthrightness and cooperation of the organization and its members during the proceedings and the severity of the allegations may all be evaluated as part of this recommendation.

The Associate Vice President for Student Affairs will then choose to accept that recommendation, modify it, or conduct further inquiry on his or her own before finalizing the decision. This decision will then be communicated to the organization in writing. This decision is final; however, in cases in which a group can clearly substantiate that an egregious and obvious error occurred at some point in the determination, it may request the Vice President and Dean of Students to review the decision. This request must be made in writing within three days of receiving the decision and clearly outline and substantiate the error that was made. The Vice President and Dean of Students may then choose but is not obligated, to review the case and make any modifications as deemed appropriate.

Nothing in this section prohibits the University from implementing an “interim suspension” as outlined in the Student Code of Conduct while the case is being investigated. Nothing in this policy prohibits the Associate Vice President for Student Affairs or Vice President for Student Affairs from reviewing a case directly at any point.

## **Appendix B: Non-Academic Misconduct Process for Students**

### **Procedure for Reporting Violations**

All students and student organizations are expected to adhere to the standards of the Community of Respect. In affirmation of 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.

### **Procedures for Reporting Allegations**

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 Vice President for Student Affairs and Dean of Students and/or designee 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.

The University takes requests for confidentiality seriously and will evaluate a complainant's request for confidentiality in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all students, including the complainant.

In compliance with Equity and Compliance Office and the University policy, cases involving sexual misconduct and/or Discrimination supersede any listed here. Please refer to the procedures outlined in the Sexual Misconduct Policy or the Non-Discrimination and Anti-Harassment 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.

### **Process for Sexual Misconduct or Discrimination Violations**

Students are notified that the University has separate policies for adjudicating all Sexual Misconduct and/or Discrimination related violations. The policy, procedures, and definitions related to sexual harassment, sexual assault, dating/domestic violence, stalking, sexual exploitation, and gender/discrimination/harassment, can be found at <https://equityandcompliance.mercer.edu/>. The policies, procedures, and definitions related to discrimination, including discriminatory harassment, can be found at <https://equityandcompliance.mercer.edu/>.

### **Hearing Board Options**

The charged student may have charges heard by a University Hearing Board or by a designated University Administrator selected and trained by the Associate Vice President for Student Affairs or designee on the Macon or Atlanta campus. The Hearing Board or Administrator will review the case and make a recommendation to the Associate Vice President for Student Affairs with regard to responsibility and sanctioning. (The Associate Vice President for Student Affairs 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 may consist of two Mercer employees (either faculty and/or staff) and a student trained in university proceedings.

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 charge 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 charged from the same incident, information obtained at one hearing may be used at another hearing provided that the charged student 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 Student Conduct Resolution in Macon, a board consisting of all students is an additional option for adjudicating minor student cases as determined by the Associate Vice President for Student Affairs. Decisions of all hearing bodies (University Hearing Boards and University Administrative) are recommendations to the Associate Vice President for Student Affairs, 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 Vice President for Student Affairs may consult with the appropriate staff or the academic dean of a particular academic program before accepting or modifying the recommendation of a student in that program. The hearing



officer/board in its review of a case, may request to re-open a hearing, if needed, to gain additional information in order to make a recommendation of a decision to the Associate Vice President for Student Affairs.

### **Rights of the Charged Students**

1. **Notice.** Students 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 shall be entitled to a prompt hearing. Students will be given an opportunity to testify, present information and request witnesses, during a fair and impartial hearing.
  - The student may inspect documentary evidence presented at the hearing, may hear and question available adverse witnesses testifying at the hearing, and may present evidence and call witnesses.
  - 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 participate in the investigative process, provide any such information to the University investigators, attend the hearing and present that information to the hearing body for consideration.
  - The University has the right to keep a witness confidential if there are safety concerns determined during the investigation.
3. **Advisement.** Charged students have the right to have an advisor present with them during the hearing. The advisor shall not serve as a witness or be charged in the case and cannot speak on the charged student's behalf.
4. **Decision.** Students shall be notified, in writing, of a decision within ten (10) business days of the hearing.

### **Conduct Hearing Guidelines**

All hearings are governed by the following guidelines. The purpose of this hearing is to determine the facts of the case, determine responsibility, and consider appropriate sanctions if necessary. 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.
4. **Confidentiality.** All hearings shall be closed and confidential. To protect the integrity of the conduct process no audio or visual recordings of the hearing may be made other than by the hearing body.
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, with the exception of suspension, and expulsion, which are kept permanently.
7. **Deliberations.** Deliberations are closed and shall include only those members involved in the decision-making process (including anyone assisting the University with the conduct process).
8. **Notice of Decision.** A written decision shall be available to the student within ten (10) 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 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 Records.** The University may place a hold on the transcripts and/or registration of any student who fails to respond to a disciplinary notice or to ensure resolution of the case prior to transfer or conferring of a degree. All pending disciplinary matters must be resolved prior to a student receiving their degree, transferring from, or continuing education at Mercer University. Holds may also be placed on records after graduation if the University becomes aware of any unresolved disciplinary issues.
10. **Disabilities.** Any student with a documented disability may request that reasonable accommodations be provided during the conduct 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 Vice President for Student Affairs.

- 11. Advisement.** Students charged with a violation 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 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 Vice President for Student Affairs on the applicable campus at least five business days prior to the hearing if they will be bringing an attorney as an advisor. When multiple students are charged from the same incident (or a related incident), students are not allowed to have the same advisor and/or person of support at any point during the conduct proceedings.
- 12. Witness.** A witness is any student, staff, faculty member or individual who has, or is believed to have, relevant knowledge to an event related to an alleged violation of the Student Code of Conduct.
- 13. Testimony.** Testimony is expected to be provided orally in person. Relevancy of testimony is determined by the hearing board. In situations where a witness is unable to be physically present, testimony may be obtained via telephone or videoconferencing. In cases where a witness cannot testify in person, their written statement and/or the testimony provided to a University investigator may be utilized and weighted accordingly. The University reserves the right to exempt certain witnesses from being called to provide testimony.

### **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 and/or student organization constitutes an offense that will result in disciplinary action.

- 1. Forgery.** Alteration or misuse of documents, records or electronic communications.
- 2. Alcohol Misconduct.**
  - a. Possession and/or consumption of alcoholic beverages including empty containers on Mercer University property except for at University-sponsored and/or approved events. (Professional and graduate programs may adopt policies 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 alcoholic 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.
  - e. Possession, consumption, and/or distribution of alcohol by student organizations to individuals under the age of 21 and/or that leads to health and safety concerns for attendees.

### 3. Threatening and Harassing Behavior.

- a. **Threatening Behavior.** Intimidation, hostility, coercion, or threats of physical violence.
  - b. **Harassment.** Language and/or physical acts that degrade, insult, taunt, or challenge another person by any means of communication that places another reasonable person in a state of fear, anxiety, or emotional distress, or interrupt the academic and/or social aspects of the University environment. This includes communication of threats, use of profanity, verbal assaults, derogatory comments, or behavior.
  - c. **Bullying.** Aggressive behavior is when 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.** Aggressive behavior where one person (or group of people) deliberately intimidates, abuses, degrades, insults, taunts, challenges, or coerces an individual with the intention to hurt that person physically or emotionally, that occurs through digital technology, such as text messages, email, and/or material posted on social media sites.
4. **Physical Assault.** 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.

The following definitions (\*) are violations of the Sexual Misconduct Policy or the Non-Discrimination and Anti-Harassment Policy. For full definitions, as well as critical information on how these violations are investigated, processed, and adjudicated at this university, visit <https://equityandcompliance.mercer.edu/>.

6. **Sexual Harassment\***

7. **Sexual Assault\***

8. **Sexual Exploitation\***

9. **Stalking\***

10. **Dating/Domestic Violence\***

11. **Gender Discrimination/Harassment\***

12. **Discrimination\***

13. **Retaliation.** Any adverse action taken in response to an individual who has filed a report or complaint testified, assisted, or participated in any manner in an investigation or proceeding under any Mercer University Policy. Retaliation includes intimidation, coercion, threats, harassment, discrimination, or any type of adverse action taken against any individual, for the purpose of interfering, in the attempt to deter them from addressing, reporting, providing information, or testifying. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination or harassment.

**14. Destruction/Damage of Property.** Destruction, damage or misuse of public or private property.

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

**16. 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.

**17. Possession and/or Use of Weapons, Firearms.** 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/Tasers, air rifles, air pistols, paintball guns, edged weapons (i.e. blades no more than 2 inches), bows and arrows, and martial arts weapons. \*\*Weapons may be stored at Mercer Police. They may not be left in personal vehicles or rooms.

**18. Disorderly Conduct/Disruptive Activity.** Disruption or obstruction of teaching, research, administration, or other University activities that negatively impact the campus, community, and/or health and safety of individuals on or off campus. Disorderly Conduct/Disruptive Activity may include, but is not limited to:

- a. Any behavior in class or out of class, which for any reason interferes with the class work of others, involves disorder, or otherwise disrupts the regular and essential operation of the University, or campus community, which includes but is not limited to, any residential community.
- b. Leading or inciting others to disrupt scheduled and/or normal activities on University premises or disrupting the residential living environment.
- c. Classroom behavior that seriously interferes with either (a) the faculty member's ability to conduct the class or (b) the ability of other students to profit from the instructional program.
- d. Acting in a violent manner in a public place toward another person causing reasonable fear of safety or conduct that puts a person's property in danger of being damaged or destroyed.
- e. It also includes the use of abusive or inciting words toward another person intended to provoke violence or escalate a situation (also called "fighting words") without provocation.
- f. It also includes using obscene and/or vulgar language in a public setting or when communicating with professional staff, and/or interrupting an event, program, academic, or living environment without appropriate cause.

- 19. Conduct Unbecoming.** Any conduct 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.
- 20. Hate Offenses.** Offenses committed against a person or property, which is motivated in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based upon the following, including, but not limited to sex, sexual orientation or preference, gender, gender identity, race, color, religion, national origin, creed, citizenship status, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, medical conditions including genetic characteristics, mental or physical disability, and veteran status.
- 21. 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.]
- 22. Computer Misuse/Unauthorized Access.** Any misuse of or unauthorized access to a computer, distribution of falsified documents, computer system, network, software or data; or the unauthorized alteration, copying or distribution of software or data.
- 23. 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 acts which may constitute hazing include, but are not limited to:
- a. The wearing of signs or advertisements;
  - b. Quests, treasure or scavenger hunts that serve a non-educational purpose and/or single out a select group within the organization;
  - c. Acts of servitude;
  - d. Acts that embarrass, harass, or ridicule an individual;
  - e. Acts that create excessive fatigue which includes but is not limited to: forced exercising, congregating at odd hours of the night, and staying awake for long periods of time;
  - f. Morally degrading or humiliating games or activities;
  - g. Acts which destroy or remove public or private property;
  - h. Acts which violate federal or state law;
  - i. Consuming any food, liquid, alcoholic liquid, drug, or other substance in a manner which subjects the student to a risk of emotional, mental, or physical harm, including sickness, vomiting, intoxication, or unconsciousness;
  - j. Experiencing threatened or actual exposure to physical injury, including injury resulting from whipping, beating, paddling, branding, dangerous physical activity, or exposure to elements;

- k. Experiencing threatened or actual exposure to mental injury, including injury resulting from activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment; or
- l. Any action not covered above but defined as hazing in the Max Gruver Act, O.C.G.A. § 16-5-61.

Additional information about Hazing can be found under the Mercer University Anti-Hazing Policy in compliance with the Max Gruver Act.

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

**25. Fire Alarms and Fire Safety Misconduct.**

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

**26. Possession and/or use Fireworks, and Explosive Devices.** Possession and/or use of fireworks, or explosive devices.

**27. 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.

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

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

**30. Student Identification Misconduct.**

- a. Identification. Failure of a student to carry their Mercer identification cards at all times or to allow anyone else to use their identification card.
- b. False Identification. Using an ID in any form that is forged, altered, or otherwise intends to establish the false identity of a student. It includes knowingly using a fake ID to obtain access to events and/or resources or to purposely provide a false identity verbally.
- c. Identity Theft. Deceptively using another student, non-student, or faculty/staff member's identification to access resources on or off campus, which includes ID cards, credit cards, email addresses, passwords, etc.

- d. **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.
  - e. **Misrepresentation.** Assuming or facilitating the use of another person's identity, role, or access through deception or without proper authorization. This includes communicating or acting under the guise, name, identification, access, email address, or signature.
- 31. 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.
- 32. 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.
- 33. Solicitation/Fundraising.** The solicitation of sales, services, memberships or gifts on campus without the permission of the Office of Campus Life.
- 34. 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.
- 35. Contempt and/or Disregard for Conduct Procedures.**
- a. Failure to fully comply with all instructions and imposed sanctions of the university conduct 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.
- 36. Unsanitary or Unsafe Facilities.** Failure to maintain a student organization, facilities, property, or surrounding property so as to prevent potential danger to the health and safety of members of the University community.
- 37. Cruelty to Animals.** Intentionally or recklessly causing physical abuse or any form of suffering to animals.
- 38. 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.
- 39. Violation of Local, State, or Federal Law.** Any violation of any local, state, or federal law.



#### **40. Fraternity/Sorority Program Policy Violation and/or Unauthorized Recruitment/Membership Intake**

- a. Failure to comply with all the instructions that guide membership into FSP 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.

**41. Unauthorized Recording:** No unauthorized audio or video recording of any kind is permitted during formal or informal meetings, interviews, or hearings with members of the university community.

#### **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. Students may also be restricted from holding office in any student organization or participating in some activities, including commencement.
6. **Fines:** Not to exceed \$150 per individual or \$300 per student 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 may result in suspension or expulsion. As part of this probation, students may be restricted from holding certain leadership positions and/or participating in some activities.
- 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.
- 14. Withholding Degree.** The withholding of a student's diploma for a specified period of time and/or indefinitely.
- 15. Revocation of Degree.** Revoking a degree awarded from the University for fraud, misrepresentation or other violation of University policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

### **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 shall receive a written decision regarding the appeal. To file an appeal, the student must complete the appeal request form found on the Office of Student Conduct Resolution website: <http://conduct.mercer.edu/resources.cfm> or directly at this link: [https://cm.maxient.com/reportingform.php?MercerUniv&layout\\_id=4](https://cm.maxient.com/reportingform.php?MercerUniv&layout_id=4), which will be forwarded directly to the Vice President for Student Affairs and Dean of Students for review. For appeals

related to sexual misconduct charges, please refer to the Sexual Misconduct Policy & Procedures. For appeals related to discrimination charges, please refer to the Non-Discrimination and Anti-Harassment Policy.

Grounds for appealing a decision are:

1. A significant error in adhering to Mercer's procedural process, which prejudiced the accused to the extent that the student was denied a fundamentally fair hearing as a result of the error. Procedural flaws alone are not grounds for an appeal. Significant procedural errors that may have affected the verdict or sanction will be considered.
2. The emergence of new evidence that could not have been previously discovered and that, had it been represented at the initial hearing, would have substantially affected the original decision of the hearing body.
3. The imposition of sanctions which are disproportionate to the offense.

**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 organization's actions that may affect the safety, health, or general welfare of the student or the University community, the Vice President for Students Affairs, the Associate Vice President for Student Affairs, or Student Affairs designee on each campus may impose an interim suspension prior to the student or organizations conduct hearing. The Vice President for Student Affairs, the Associate Vice President for Student Affairs, Student Affairs designee on each campus, and the Director of Housing and Residence Life has 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. Student disciplinary charges will be filed either when the interim suspension is imposed or as soon as possible thereafter. Student organizations should refer to the Student Organization Policy.

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.

### **Parental Notification**

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 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.

**Non-Academic Conduct Records**

The Office of the Vice President for Student Affairs in Macon and the Assistant Dean of Students in Atlanta are the official custodians 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” for cases or in cases where charges are dropped are considered not to have a disciplinary record.

*\*Any sections pertaining to the Office of Equity and Compliance are still under review. Contact the office at 478-301-2788 (Macon and primary) or 678-547-6598 (Atlanta) if you have any questions.*