



Legal Affairs and Risk Management  
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January 15, 2016

## MEMORANDUM

To: G. P. “Bud” Peterson, President

From: Pat McKenna, Vice President for Legal Affairs  
John Stein, Vice President for Student Life and Dean of Students

Re: Georgia Tech Student Conduct Process

By Memorandum dated December 23, 2015, you asked that we review the Student Code of Conduct (“Code”) in light of the findings of the working group you formed to review the Institute’s student conduct investigatory process. While the Code in its current form is consistent with other nationally recognized institutions, there are a number of revisions and clarifications that we are recommending. Attached are both a clean and blackline version of the Code with suggested clarifications. Specific points addressed in the revisions include:

**Definition and Refinement of Process.** The working group recommended that several of the student conduct processes and procedures be clarified. The revised Code (Section 3a., page 4), directs the Office of Student Integrity to develop consistent operating procedures in consultation with the Office of Legal Affairs. Our offices will follow up by developing forms and templates consistent with this revised Code.

**Case Investigation.** The working group noted that problems may arise if the pre-charge review involves going beyond a threshold determination to a factual investigation. The revised Code (Section 4a., page 9) makes it clear that the pre-charge review is limited to a determination whether the facts as alleged in the complaint or report are sufficient to initiate a conduct process. If a conduct process is initiated, the Respondent is notified and an Administrative Conference is held with the Respondent (Section 4c., page 10) prior to further investigation of the complaint or report.

**Aggregation of Unrelated Cases.** The working group observed that the Institute’s policies do not address the appropriateness of aggregating unrelated cases as a part of a single student conduct panel hearing. The revised Code (Section 4b., page 10) provides that multiple charges against the same Respondent will generally be investigated

separately, with an exception that permits the aggregation of multiple charges under appropriate circumstances. Those circumstances may include consent of the parties, similar or related conduct, or the administrative burden of considering charges separately.

**Appellate Rights.** A concern of the working group was that a suspension in abeyance is automatically converted into a suspension by a finding of responsibility in any subsequent charge, creating the opportunity to suspension to be imposed without any appeal to the President. The revised Code (Section E.1., page 14) eliminates the sanction of Suspension in Abeyance and the possibility of suspension without appeal to the President.

**Challenges to Hearing Officer Bias.** The working group found that there is no mechanism by which an accused student can challenge the bias of a hearing officer. The revised Code (Section 4.e., page 10) permits a Respondent to request that the case be adjudicated by a different Student Conduct Administrator in the event of perceived bias of the initially authorized official. Reasons for appeal from an adverse finding (Section G.1, page 16) include whether the original hearing was conducted fairly. This provides the additional mechanism for consideration of perceived bias on appeal from the decision of a hearing officer.

**Technical and Editorial Changes.** The revised Code also includes editorial changes (for example, changing the designation of the student suspected of misconduct from “Accused” to “Respondent” and technical corrections (for example, eliminating the requirement that an appeal be “written by” the Respondent) identified during the course of our review. We have also clarified that allegations of sexual misconduct are handled under the separate Student Sexual Misconduct Policy.

The Faculty Handbook, with regulations for governance established by the Faculty of the Institute, includes the appointment of the Student Regulations Committee of the Academic Faculty. The Student Regulations Committee is charged with the responsibility to:

- *Originate or receive all proposed changes in or amendments to Institute policies and regulations pertaining to the student body, both graduate and undergraduate.*
- *Review any proposed changes to determine whether they are in accord with this Handbook and make recommendations concerning proposed changes to the Academic Faculty.*
- *Define and publish, with the approval of the Academic Faculty and the President, the official policy of the Institute concerning acceptable student conduct and academic integrity. This policy shall define categories of offenses and penalties.*

The next meeting of the Student Regulations Committee is scheduled for January 28. As directed by you, we will request that the Student Regulations Committee consider these proposed changes at that meeting and move to implement them at the earliest possible date.