

STUDENT CODE OF CONDUCT

1) STUDENTS TO WHOM THIS CODE APPLIES

All students taking courses in the Schools of Business, Taxation, Accounting and/or in Undergraduate Programs have an obligation to abide by the standards of this Code of Conduct. The Law School maintains its own separate Code of Conduct.

2) COVERED CONDUCT

This Code covers conduct that:

- a) occurs on or adjacent to any campus or facility of the University, or occurring in the course of any University-affiliated or supervised program or event, whether online or in-person, without regard to its location.
- b) occurs in non-University activities, such as internships or other educational programs, for which students receive credit or recognition from the University.
- c) occurs in other circumstances where the student's conduct is directly related to his/her status as a student of the University.

3) STATEMENT OF STUDENT RIGHTS

All students of the University have certain rights that are important to their standing as members of the University community. Specifically, students have the following rights:

- a) **Freedom of Expression:** Golden Gate University is committed to free and open inquiry in all matters and assures all members of the University community with a broad latitude to speak, write, listen, challenge, and learn. While the University greatly values civility and expects all members of the University community to share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect should not be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression that violates other university policies, including but not limited to policies regarding discrimination and harassment and academic integrity, violates the law, falsely defames a specific individual, constitutes a genuine threat or harassment, unjustifiably invades substantial privacy or confidentiality interests, or is otherwise directly incompatible with the functioning of the University.

The University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions

never be used in a manner that is inconsistent with the University's commitment to a completely free and open discussion of ideas.¹

- b) Property and Person Search:** Students have the right to be free from University searches of their personal property or person unless, in the University's judgment, such search is related to the safety, security or integrity of University operations or of persons at or adjacent to the University.
- c) Rights under Educational Records Laws:** Students have the right to the protections provided by federal and state laws applicable to all students affecting private institution educational records of students, such as FERPA.
- d) Use of University Facilities:** Students have the right to access University meeting facilities, in a manner determined by the University to be consistent with University priorities, procedures and rules for allocation of resources.
- e) Rights of Student Organizations:** Students have the right to establish and participate in duly constituted [student government, associations and organizations](#). The membership policies of such organizations must be consistent with University policy and the law, but may otherwise be decided by vote of the members or officers thereof.

Student organizations shall be free to choose their own advisors, and the absence of an advisor will not preclude such recognition. Faculty advisors shall not control or otherwise remove from students any responsibility for the student organization. Student organizations may affiliate with external entities.

Student organizations shall have the rights of freedom of expression that are accorded to individual students, provided that the organization states that its views are its own and not those of the University, the University administration, the University faculty or others in the University.

Student organizations shall have the right to invite and hear speakers of their own choosing, provided that the organization states that the speaker's views are not attributed to the University, its community, its administration, its faculty or others in the University, and provided further that the organization complies with administrative policy and direction of the University.

Editors of student publications shall be free from arbitrary suspension or removal due to others' disapproval of editorial policy or content, but may be suspended or removed for violating the student code of conduct.

A student may file a grievance under the university's "[General Grievance Policy](#)" if s/he believe that the university violated one of these rights.

¹ This description of Freedom of Expression has been adapted from the University of Chicago Statement on the Freedom of Expression, <http://freeexpression.uchicago.edu/page/statement-principles-free-expression>.

4) PROHIBITED CONDUCT

The following conduct by a student, or group of students, is prohibited. The Dean of Student Affairs² will initiate the judicial process if he/she determines that sufficient evidence exists that the code has been violated. The judicial process will be used to determine whether in the judgment of the University there is the existence of a preponderance of evidence that a student engaged in any of the following prohibited conduct.

- a) **Unlawful Conduct:** Student conduct which violates federal, state or local governmental penal and/or civil codes is prohibited, including but not limited to:
 - i) criminal behavior
 - ii) unlawful discrimination
 - iii) sexual or other unlawful harassment, and
 - iv) unlawful conduct related to use or possession of alcohol and controlled substances.

- b) **Conduct Contrary To University Policy:** Conduct that violates University policies is prohibited, including but not limited to:
 - i) [policies related to alcohol and controlled substances](#);
 - ii) [policies of the University](#) or of any school or program that regulate behavior of students.

- c) **Conduct the University Determines is Harmful To Any Member of the University Community:** Conduct that intentionally or recklessly causes psychological or physical harm and/or threatens or endangers the health or safety of any member of the university community including physical abuse, verbal abuse, threats, verbal or nonverbal intimidation, bullying, or coercion.

- d) **Conduct Harming the University's Or Community Members' Property:** Conduct that intentionally, recklessly, or negligently damages, harms or interferes with the use of University property or the property of others is prohibited.

- e) **Other Dishonest Behavior:** Furnishing false information to any University official, whether in electronic, verbal, or written form; initiating or causing to be initiated any false report, warning, or threat; and unauthorized use, forgery, or alteration of any University document or instrument of identification is prohibited. This includes but is not limited to:
 - i) providing false, incomplete or misleading information to the University or any school or program.
 - ii) misrepresentation of or helping to misrepresent another's academic grades, awards, status, or rank to employers, potential employers, or other educational or governmental organizations.

- f) **Weapons:** Use, display or possession of any weapon, firearms, explosives, other weapons or dangerous chemicals is prohibited. This prohibition does not include the carrying of pepper spray when such carrying comports with California law.

² All references to the Dean of Student Affairs include any person so designated by the Dean of Student Affairs or Chief Operating Officer.

g) Unauthorized Presence, Trespassing, Or Disorderly Conduct: Unauthorized presence in or use of University premises, facilities, or property, including refusing to immediately obey a University official's (i.e. staff or faculty) request to leave or refrain from using such property. Engaging in disorderly conduct, public intoxication, or lewd, indecent, or obscene behavior is also prohibited.

h) Interference with Academic Activities: Intentionally or negligently interfering with academic activities. For this purpose, academic activities includes, but is not limited to studying, teaching, research, advising, administration, judicial proceedings; and such administrative operations as security, safety, fire, police, or health emergency activities. This prohibition includes, but is not limited to:

- i) behavior in a course or in other academic activities that disrupts and/or creates a hostile environment (either in-person or online)
- ii) failure to comply with the reasonable directions of University officials, law enforcement units, and emergency personnel acting in performing their duties and/or verbally threatening, abusing, or harassing them. This also includes failure to identify oneself to such persons when requested.
- iii) behavior that disrupts or causes disruption to computer services; damages, alters, or destroys data or records; or adversely affects computer software, programs, systems, or networks.
- iv) misusing university electronic resources, including but not limited to:
 - (1) the use of any data, computer system or network to devise or execute any scheme to defraud, deceive, extort, or wrongfully obtain money, property or data;
 - (2) unauthorized entry into a file to use, read, or change the contents, or for any other purpose;
 - (3) unauthorized transfer of a file;
 - (4) use of another individual's identification and password;
 - (5) interfering with the work of another student, faculty member, or other member of the University community;
 - (6) viewing or sending obscene or abusive messages or images;
 - (7) interfering with normal operation of the University computing systems;
 - (8) providing access to university services, databases, courses and any other university resource to a third party without prior authorization by a university official.

5) Retaliation: Taking adverse action against a person because of the person's reporting or threatening to report a violation of the Code of Conduct or for participating in good faith in investigations, proceedings, hearings, or remediation related to university policies, including the Code of Conduct.

5) CONDUCT RESOLUTION PROCEDURES

The conduct procedures detailed below apply to all alleged violations of this Student Code of Conduct, alleged violations of either the Policy on Academic Integrity or the Policy on Discrimination and Harassment are handled through separate procedures detailed in each of those policies apply. Students with questions or concerns can email the Dean of Student Affairs deanofstudents@ggu.edu.

a) Confidentiality

The name of the complainant, the accused student (respondent), and all details with respect to the complaint and its resolution, shall be maintained in a confidential file. All such information shall be kept confidential with the exception that such information may be disclosed when administratively required, required to complete the investigation, and/or required by legal compulsion, or when the University believes it is obligated to report the matter to employers, potential employers, or governmental or educational institutions seeking information as to applicants or to otherwise take independent formal action. The University may post or describe specific conduct complaints and their resolutions, as long as individuals' names and personally-identifiable-information are redacted from any such posting or communication.

b) Initiating a Complaint

In all circumstances, the filing of the formal complaint marks the beginning of the conduct process. Anyone may initiate a complaint against any student for misconduct occurring on or off campus. Those who file a complaint or whose rights may have been violated are identified as "complainants." Students who are alleged to have violated the Student Code of Conduct are identified as "respondents." Complaints should be submitted as soon as possible after the alleged misconduct preferably before the close of the term in which the incident has occurred and no later than one year from the date of the misconduct forming the basis of the complaint. Reports filed more than one year from the date of the alleged prohibited conduct will only be considered if the allegation is so severe it could result in suspension or expulsion from the University. Members of the University community shall complete the University Incident Report Form available at <https://www.ggu.edu/student-resources/student-services/services-and-resources/campus-security/> and submit it to the Dean of Student Affairs, deanofstudents@ggu.edu. The Office of Student Affairs is responsible for investigating all allegations subject to this Code of Conduct and facilitating the disciplinary and resolution process.

c) Complaint and Notice

The Dean of Student Affairs will review the complaint. If the circumstances surrounding the complaint indicate that a violation of the Student Code of Conduct may have occurred, a written notice of a complaint will be issued and sent to the accused student. Delivery of a notice of a complaint will be considered adequate if it is sent to the last known e-mail address recorded with the University Registrar's Office³. The written notice of a complaint shall include the following:

³ Any notices referred to in this document will be deemed received upon being sent to email address in the student information system. Any letters will be deemed received 2 business days after mailing. Efforts will be made to follow up with students in person or over the phone if there is no response to the notices.

- i) Recitation of facts surrounding the alleged incident, in sufficient detail as to date, time, and location. Such facts do not require identification of the complainant.
- ii) Statement of the specific Code of Conduct provision(s) that may have been violated;
- iii) Any penalty(ies) assigned or other action(s) taken pending the resolution of the complaint;
- iv) Amount of time in which the student has to respond to the notice;
- v) Ramifications of not responding to the notice within the time limit; and
- vi) Copy of the University's "Student Code of Conduct."

d) Investigation

Once the Dean of Student Affairs concludes that a violation of the Student Code of Conduct may have occurred, he or she will continue the investigation into the complaint. An investigation typically consists of interviews with those with knowledge of the events and a review of relevant documents and evidence. With due regard for privacy of all individuals involved, the investigation may include checking in with a student's past or current instructors. The complainant, the respondent, and any witness having probative information shall be required to cooperate to the fullest extent possible with the investigation of a complaint. This shall include allowing the inspection of electronic files and hard copy drafts of documents. The Dean may draw adverse inferences from any lack of cooperation by a student or witness.

The Dean of Student Affairs will request an informational meeting with the respondent. During the informational meeting the Dean of Student Affairs and the respondent have an opportunity to discuss the conduct resolution process and the charges to help the respondent decide whether to accept responsibility. Such discussion, at the discretion of the Dean of Student Affairs, can be held in-person or over the phone. The respondent waives the right to an informational meeting if s/he does not respond within five (5) business days of the date of the notice of complaint.

Upon completing the investigation, if the Dean of Student Affairs concludes that no violation has occurred, the matter will be closed. In such cases all information related to the case will be secured in a sealed file and a conduct record will not be created for the respondent for the incident.

Within fifteen (15) business days of the filing of the complaint, the Dean of Student Affairs will notify the respondent of the determination made in the investigation process and the next steps, if any, in the disciplinary process.

e) Resolution Process

In an effort to ensure that cases are resolved in a timely manner, the University reserves the right to move forward with the resolution and disciplinary process for a case in the following situation:

- i) The respondent fails to respond to a notification letter sent by the Office of Student Affairs within five (5) business days of the notification's delivery date.
- ii) The respondent withdraws from the University after the date of the alleged action giving rise to the complaint, whether or not the Office of Student Affairs has initiated either the investigation or resolution process.
- iii) The respondent fails to appear for any of his or her scheduled meetings with the Dean during the investigation or resolution process.

If the Dean of Student Affairs determines that there was a violation of the Student Code of Conduct, the case may be resolved in one of the following two ways:

1. Informal Resolution - The Dean of Student Affairs determines that non-severe disciplinary sanctions should be imposed⁴. Should the student object to such non-severe disciplinary sanctions, the student may appeal under the general University student grievance procedure.
2. Formal Resolution - The Dean of Student Affairs determines that the alleged violation is such that severe disciplinary sanctions will be pursued. In that situation, the Dean of Student Affairs will refer the matter to a Hearing Board (process described below). Within fifteen (15) business days of the filing of the complaint, the Dean of Student Affairs shall notify the student of the decision to refer the matter to a Hearing Board, the specific sanctions being sought, the composition of the Hearing Board and the scheduled date for the hearing. Such notice shall be in writing and sent to the student's last known email address on file (or physical residence if no email exists) at least seven (7) business days prior to the scheduled hearing date.

The respondent has a right to waive the hearing by written communication (via mail or email) to the Dean of Student Affairs. With the permission of the complainant and the respondent, the Dean of Student Affairs has the discretion to utilize a conflict resolution process (mediation, facilitated dialogue, shuttle diplomacy, etc.) to resolve the complaint.

6) INTERIM SUSPENSION

The Dean of Student Affairs may at any time, suspend some or all student rights and/or access to University premises pending conduct hearings. The Dean of Student Affairs shall do so by notice of interim suspension and only when, in his/her judgment, not imposing the interim suspension will, more likely than not, create or continue:

1. An unsafe situation or other serious harm for one or more other members of the University community, or
2. A disruptive or hostile learning environment that interferes with academic activities. For this purpose, academic activities includes, but is not limited to studying, teaching, research, advising, student services, conduct proceedings; and such administrative operations as security, safety, fire, police, or health emergency activities

If an interim suspension is imposed, the Dean of Student Affairs will make every effort to communicate such action in writing to the student as soon as is practicable after such decision is made.

If an interim suspension is imposed, the Dean of Student Affairs shall transmit to the student notice of the creation of a Hearing Board

⁴ Non-severe sanctions include any sanction other than University suspension or expulsion.

7) INTERIM NO CONTACT ORDERS

The Dean of Student Affairs may immediately issue a no contact order on an interim basis prior to a hearing if it is believed necessary to protect a person's safety and/or preserve a safe environment. A no contact order prohibits a student or a student organization from contacting a specific individual or individuals. If a no contact order is issued, the Dean of Student Affairs will make every effort to communicate such action in writing to the student as soon as is practicable after such decision is made.

8) RIGHTS OF STUDENTS(S) IN DISCIPLINARY PROCEEDINGS

Students involved in formal conduct hearings have the right to:

1. A written notice of the complaint against them.
2. Adequate notice of dates set for all meetings, conferences, and hearings.
3. Reasonable review of the disciplinary case file maintained by the Office of Student Affairs prior to a formal hearing and/or appeal.
4. A written notice of the outcome of the proceeding, and a description of the appeal procedure.⁵
5. Submit an appeal.⁶

9) HEARING PROCESS

The Hearing Board is convened by the Dean of Student Affairs. The role of the Hearing Board is to make a determination as to the facts and the appropriate sanction(s) recommendation, if any, as a result of its findings of the facts.

a) Hearing Board Composition

The Dean of Student Affairs shall appoint at least three members of the University community to serve as the Hearing Board. Members of the Hearing Board must be impartial and any person asked to serve is expected to recuse him/herself should he/she be aware of a potential conflict of interest⁷. The respondent and the complainant may petition the Dean of Student Affairs to disqualify one or more Hearing Board appointees for reasons of conflict of interest or lack of impartiality. Such petition must be made in writing to the Dean of Student Affairs by way of email, to deanofstudents@ggu.edu, within 72 hours of the notification regarding the composition of the Board. The Dean of Student Affairs has the sole discretion to grant/deny the petition and will inform respondent/complainant of his/her decision. The respondent or complainant may appeal the Dean of Student Affairs decision with respect to the Hearing Board's composition to the Chief Operating Officer within 48 hours of the notification being sent. Failure to file a timely disqualification petition shall constitute acquiescence with the Board's

⁵ Rights 1-4 apply to any investigative meeting held with the Office of Student Affairs

⁶ Appeal guidelines are outlined in section 10c

⁷ For example, the board member has a previous relationship with the complainant or the respondent making them unable to be impartial.

composition. The respondent and complainant can each file up to two (2) petitions to disqualify Hearing Board appointees.

b) Hearing Date

The Dean of Student Affairs shall select a date and time for the hearing as soon as practicable for all parties. Should there be a circumstance, such that in the opinion of the Dean of Student Affairs, it is appropriate to reschedule the hearing date, the rescheduled hearing date will be as soon as it is practical for the Hearing Board to convene. All efforts will be made to hold the hearing no more than thirty (30) business days from the initial complaint.

c) Pre- Hearing Procedures

- i) Documents: The respondent and complainant may provide to the Dean of Student Affairs any additional material s/he believes is relevant in the matter, at least three (3) business days prior to the date of the hearing. The Dean of Student Affairs will convey all potentially relevant documents to each member of the Hearing Board and the respondent.⁸
- ii) Witnesses: The complainant and the respondent may provide a list of people whom they believe have relevant information such that the Hearing Board should hear them as witnesses.⁹ This list must be provided at least five (5) business days prior to the hearing. The Dean of Student Affairs and chair of the Hearing Board will identify witnesses they believe will be helpful in understanding the facts and reaching a decision. The Dean of Student Affairs will make every effort to contact the potential witnesses and arrange for the witnesses' presence. The Dean of Student Affairs does not have the authority to require a witness to attend the hearing. A complete list of potential witnesses will be provided to the Hearing Board. If, during the course of the hearing, the members of the Hearing Board determine that more information is needed to make a decision, they can request to hear from additional witnesses.

d) Hearing Procedures:

- i) The Dean of Student Affairs shall begin by presenting oral and documentary evidence in support of the charges and proposed severe sanction(s). The respondent shall then have the opportunity to present oral and documentary evidence in his/her defense. The Hearing Board members may seek clarification and ask questions of both parties at any time during the Hearing.
- ii) The Hearing Board will interview each available witness. Only the Hearing Board members may ask questions.
- iii) Both the Dean of Student Affairs and the respondent are entitled to be present during the entire hearing. Witnesses may only be present while being interviewed.
- iv) The Hearing shall be audio-recorded, no transcription is required.

⁸ The respondent is not entitled to be provided with material that if shared with the student, would be a violation of any privacy laws or an expectation of privacy.

⁹ The Board may request consultation with the University's legal counsel with the approval of the Chief Operating Office.

10) HEARING BOARD DETERMINATION

Following the hearing, the Hearing Board shall determine the findings of facts and whether it will recommend any sanctions. The Board shall recommend a disciplinary sanction only if the preponderance of the evidence shows the charge(s) against the student are true and warrant a sanction commensurate with the nature of the violation(s) found to have occurred. The Hearing Board shall prepare and issue a written recommendation of its findings on the charges and the sanction(s) recommended to be imposed. Such written recommendation shall be provided to the Dean of Student Affairs and the Chief Operating Officer (via email) within 24 hours after the hearing ends. In its deliberations, the Board shall consider all the information provided.

a) Sanctions

Sanctions are determined based on the type of violation of the code of conduct, previous history of conduct violations, severity of the violation, and circumstances surrounding the violation. Possible sanctions include, but are not limited to the following:

- i) Discretionary sanctions - work assignments, service to the University or other related discretionary assignments.
- ii) Probation - a written reprimand for violation of the Student Code of Conduct. Probation is for a designated time. Any violation of Student Code of Conduct during the probationary period will result in a hearing to determine if more severe disciplinary sanctions will be imposed.
- iii) Loss of privileges - denial of specified privileges for a designated period.
- iv) Restitution - compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- v) University suspension - separation from the University for a definite period, after which the student may be eligible to return. Any violation of Student Code of Conduct during the University suspension period will result in a hearing to determine if more severe disciplinary sanctions will be imposed. Conditions for readmission may be specified.
- vi) University expulsion - permanent separation of the student from the University.
- vii) More than one of the sanctions listed above may be imposed for any single violation.

The following sanctions may be imposed upon registered student organizations

- i) Discretionary sanctions - work assignments, service to the University or other related discretionary assignments
- ii) Restitution - compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- iii) Loss of recognition and privileges afforded to student organizations

b) Notification of Decision

The Dean of Student Affairs will make a determination after considering the recommendation and will notify the student of that determination within five (5) business days of the hearing. This decision shall take effect immediately upon notification.

c) Appeal of Dean of Student Affairs Determination

The complainant or the respondent may appeal the decision of the Dean of Student Affairs to the Chief Operating Officer. The appeal must be received by the Chief Operating Office via email within ten (10) business days of the mailing of the notification of the appealed determination.

Except as provided below, an appeal shall be limited to a review of the student conduct file. The audio recording of the administrative hearing shall be available for the Chief Operating Officer for review as necessary. The review shall only be for one or more of the following purposes:

- i) To determine whether the hearing was conducted in conformity with prescribed procedures giving the complainant and Dean of Student Affairs a reasonable opportunity to prepare and to present information that the Student Code of Conduct was violated, and giving the respondent a reasonable opportunity to prepare and to present a response to those allegations.
- ii) To determine whether the sanction(s) imposed were appropriate for the violation(s) of the Student Code of Conduct for which the student was found responsible.
- iii) The Chief Operating Officer may, in his or her sole discretion, agree to consider new information or other relevant facts not brought out in the original hearing, but only if such information and/or facts were not known to the person appealing or such witness was not available at the time of the original hearing.

The Chief Operating Officer shall communicate to the student in writing his/her ruling on the appeal as soon as it is practicable to do so. The ruling of the Chief Operating Officer shall be final and binding.

11) ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

By federal law, a person with a disability is any person who: 1) has a physical or mental impairment; 2) has a record of such impairment; or 3) is regarded as having such an impairment, which substantially limits one or more major life activities such as self-care, walking, seeing, hearing, speaking, breathing, or learning.

A student requesting an accommodation in regard to the judicial procedures must follow the appropriate process for requesting an accommodation through the Office of Disability Resources and Academic Accommodations. The Office of Disability Resources and Academic Accommodations will make a determination regarding the request and notify the appropriate parties.

Reasonable accommodations depend upon the nature and degree of severity of the documented disability.

12) DISCIPLINARY RECORDS

The University retains student disciplinary records for seven (7) years from the date of the outcome letter and may be kept for longer periods of time at the discretion of the Dean of Student Affairs or designee. Students may review disciplinary records in accordance with the Family Educational Rights and Privacy Act's provision for viewing their educational records; they do so by scheduling an appointment with the Dean of Student Affairs or designee at least five (5) business days in advance. Records may be redacted so that information relating to other students, administrative file notes, and other confidential information is removed prior to student inspection.

Audio recordings of administrative hearings are used for appellate purposes only and are not part of the student conduct file. Audio recordings are generally retained until the end of the appeal process.

Please note that the Clery Act requires that the campus report (without names or personally identifying information) statistics about misconduct that rise to the level of criminal activity, including sexual assault; domestic violence; burglary; and certain drug, alcohol, and weapon law violations.