GOIZUETA BUSINESS SCHOOL

MBA CONDUCT CODE

Emory University is an institution dedicated to providing educational opportunities for its students, transmitting and advancing knowledge, and providing a wide range of services to both students and the general community. To accomplish these objectives and responsibilities requires that the University be free from violence, threats, and intimidation; protective of free inquiry and dissent; respectful of the rights of others; open to change; supportive of democratic and lawful procedure; and dedicated to intellectual integrity and the rational approach for the resolution of human problems.

The tradition of the University as a sanctuary of academic freedom and center of informed discussion is an honored one, to be guarded vigilantly. The basic significance of that sanctuary lies in that protection of intellectual freedoms: the rights of professors to teach; of scholars to engage in the advancement of knowledge; of students to learn and express their views.

Because of these objectives, the University community is necessarily pluralistic and its constituent elements varied and diverse. A system is necessary to provide the proper balance between the academic freedoms allowed by a member of the University and his or her responsibility as a citizen of the University community. For this purpose, and in accordance with the bylaws of the University, the President of the University has defined the interests of the University community to be promoted and protected by such a system and has delegated to the Dean of Goizueta Business School the responsibility of designing and maintaining a conduct code.

The Goizueta Business School Graduate Code of Conduct (Code) may be reviewed annually and changes require the approval of the Dean of the Goizueta Business School (Dean) and the Chair of the Conduct Council (Chair). Provisions of this Code may be revised, supplemented, or amended at any time by action of the appropriate Goizueta Business School authorities approved by the Dean.
COVERAGE

The Goizueta Business School Graduate Code of Conduct is the University's policy regarding non-academic conduct offenses of graduate MBA students in the Goizueta Business School. Academic discipline of students is not covered by this Code, but rather falls within the jurisdiction of the Goizueta Honor Code.

BASIC EXPECTATIONS/INHERENT AUTHORITY

The primary purpose for the imposition of non-academic discipline in the University setting is to protect and preserve the quality of educational environment in the campus community. This purpose entails several basic expectations:

a. That the University community assumes high standards of courtesy, integrity, and accountability in all of its members.

b. That each student is accountable for his/her conduct and that continuation as a student is conditional upon compliance with the requirements of student conduct expressed or implied in this Code.

c. That matters of alleged misconduct that fall under this Code will be handled under this Code.

The University reserves the right to take necessary and appropriate action to protect the safety and well being of the campus community. Accordingly, in emergency situations, the Dean has full authority to deal with student conduct according to the exigencies of the emergency and for its duration.

The University is not designed or equipped to rehabilitate students who do not abide by this Code. It may be necessary to remove those students from the campus and to sever the institution's relationship with them, as provided in this Code.

CONFIDENTIALITY

Students' conduct records are confidential and will not be released outside the University without the student's specific written permission, except as provided by Emory University policy or applicable law.

DEFINITIONS

When used in this Code:

1. The term complainant can be used to refer to a person, a group, an entity, or the University. When the complainant is a group, the University, an entity, or a single person may be appointed by that body to represent it.

2. The term consent is defined as freely given agreement by a competent person. A person is incompetent to give consent when that person is under such incapacity that he or she does not appreciate the nature of the consent. Additionally, consent is defined in the University’s Sexual Misconduct Policy 8.2 (http://policies.emory.edu/8.2).

3. The term days means calendar days.

4. The term distribution means giving, selling, or exchanging.

5. The term group means a number of persons who are associated with each other who have not followed University requirements for recognition as an organization.

6. The term hearing body means any person(s) authorized by the Dean to hold a disciplinary hearing, to determine whether a student has violated the Code, and to impose sanctions. This term includes the Goizueta Conduct Council.
7. The term **Conduct Officer** means any person(s) authorized by the Chair to have preliminary meetings, conduct investigations, hold conduct hearings, and determine whether a student has violated the Code as well as recommend sanctions. This term includes the Chair of the Conduct Council.

8. The term **organization** means a number of persons who have followed the University requirements for recognition.

9. The terms **notify in writing** or **transmit in writing** mean to mail (U.S. or campus) written notice to the student's most recent address of record, to hand deliver written notice to the student in person, or to send via electronic mail.

10. The term **sexual conduct** is defined in the University’s Sexual Misconduct Policy, Policy 8.2 (http://policies.emory.edu/8.2).

11. The term **student** means any person pursuing undergraduate or graduate studies at the University. At the discretion of the Dean, the term may be extended to mean: (1) a person not currently enrolled who was enrolled in the fall, spring, or summer term preceding the alleged violation, or (2) a person who, while not currently enrolled, has been enrolled in Emory University and is reasonably anticipated to seek enrollment at a future date, or (3) a person who has applied or been accepted for admission to Emory University and may reasonably be expected to enroll.

12. The terms **University** and **institution** mean Emory University.

13. The term **University premises** means buildings or grounds owned, leased, operated, controlled, affiliated with, or supervised by the University.

14. The term **University-sponsored activity** means any activity, on or off campus that is initiated, aided, authorized, or supervised by the University.

15. The term **weapon** means any object or substance designed to inflict a wound, cause injury or incapacitate, including, but not limited to, all firearms, pellet guns, BB guns, switchblade or gravity knives, clubs, blackjacks or brass knuckles, or ice picks.

16. References to the Dean of Goizueta Business School include his or her designee.

**VIOLATIONS OF THE LAW AND THIS CODE**

Students may be accountable to both external law enforcement authorities and to the University for acts that constitute violations of the law and this Code. Those accused of violations of this Code are subject to the University disciplinary proceedings outlined in this Code independent of whether criminal, civil, or other University proceedings regarding the same conduct are pursued. It is not a defense to a University disciplinary proceeding outlined in this Code that criminal charges, civil actions, or other University proceedings regarding the same incident are pending may be initiated, or have been terminated, dismissed, reduced, or not yet adjudicated. The University will refer matters to federal, state, and local authorities when appropriate.
PROHIBITED CONDUCT

Each Goizueta MBA student may be subject to this Code whether misconduct occurs on University premises, at University-sponsored activities, or at any location off-campus when such conduct is brought to the attention of the University. It is neither possible nor necessary to specify every instance of misconduct that could result in disciplinary action against a student. The following list includes, but is not limited to, conduct which may subject a student to disciplinary action.

a. Attempting, assisting, or encouraging any conduct prohibited by this Code.

b. Causing physical harm to any person, or causing reasonable apprehension of such harm.

c. Disorderly or indecent behavior, including destroying or damaging University property or the property of others.

d. Engaging in conduct directed at a specific person or persons that seriously alarms or intimidates such person or persons and that serves no legitimate purpose. Such conduct may include: explicit or implicit threats, including gestures that place a person in reasonable fear of unwelcome physical contact, harm or death; following a person about in a public place or to or from his or her residence; making remarks in a public place to a specific person that are by common usage lewd, obscene, expose a person to public hatred, or that can be reasonably expected to have a tendency to cause acts of violence by the person to whom the remark is addressed; or communicating anonymously by electronic mail or voice mail or graphic means or making a telephone call anonymously whether or not a conversation ensues.

e. Violations of the University’s Sexual Misconduct Policy, Policy 8.2 (http://policies.emory.edu/8.2). Policy 8.2 applies to each of Emory’s schools, including to the students of the Goizueta Business School. Policy 8.2 sets forth a centralized reporting, investigation and grievance/conduct process for allegations of sexual misconduct pursuant to Title IX of the Education Amendments of 1972 (Title IX). Policy 8.2, which is administered through the office of Emory’s Title IX Coordinator for Students, shall apply in the principal instance to address sexual misconduct allegation(s) in matters where the accused individual is a student.

Although each student is also bound by the provisions of Goizueta Business School’s conduct code, any investigation and adjudication pursued under Policy 8.2 shall take precedence over the school’s separate conduct code or honor code provisions. If there are multiple violations implicated by a reported incident (e.g., a violation of Policy 8.2 in addition to a violation of an individual school policy), the student/respondent may either be subject to multiple conduct proceedings, depending on the particular facts involved, or, upon the student’s request or request by the Title IX Coordinator for students, consent to a single proceeding under Policy 8.2, wherein all charges are adjudicated in one forum. At all times, however, Goizueta Business School shall retain jurisdiction over any alleged violations of the school’s conduct and honor codes, even if a conduct process is initially pursued against the responding student under Policy 8.2. Moreover, if a student is ultimately found not to have violated Policy 8.2, the student may still be subject to separate disciplinary proceedings under Goizueta Business School’s conduct code. To the extent that there may be any conflicts between the Goizueta Business School’s conduct code or policies and Policy 8.2, the provisions of 8.2 shall govern allegations of sexual misconduct.

f. Violations of the University's Equal Opportunity and Discriminatory Harassment Policy (http://policies.emory.edu/1.3). Alleged violations of Policy 1.3 are handled pursuant to the provisions of that policy.

g. Initiating or causing any false report, warning, or threat of fire, explosion or other emergency.

h. Misrepresenting information or furnishing false information, such as on a resume or cover letter, to the University or its representatives or members of the community or potential employers.

i. Forgery, alteration, misrepresentation, counterfeiting, or misuse of any University or other document, instrument of identification, or access device.
j. Unauthorized distribution of alcoholic beverages or possession of alcoholic beverages for the purposes of distribution.

k. Possession or use of alcoholic beverages by an individual under 21 years of age; or providing alcoholic beverages to an individual under 21 years of age or to one who is noticeably intoxicated. Possession or consumption of alcohol in the public areas of the residence halls is also prohibited.

l. Unauthorized possession of an open container of an alcoholic beverage.

m. Taking any action or creating any situation that endangers another's mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiating into or affiliation with any organization or group.

n. Appearing in a public place manifestly under the influence of alcohol or a controlled or other intoxicating substance, particularly when there is danger to self, others, or property or there is unreasonable annoyance to person(s) in the vicinity.

o. Unauthorized distribution, possession, or use of any controlled substance or distribution, possession, or use of any illegal drug.

p. Unauthorized use, possession, or storage of any weapon.

q. Unauthorized use or possession of fireworks or incendiary, dangerous, or noxious devices or materials.

r. Unauthorized presence on or use of University premises, facilities, or property (including but not limited to, appearing on University property in violation of a request or order not to appear, camping, building a fire, or use of an unauthorized heating, cooking, or electrical device).

s. Intentionally or recklessly misusing or damaging fire or other safety equipment.

u. Theft or misuse of property or services on University premises, at University-sponsored activities, or from University organization(s) or group(s), or knowing possession of stolen property or use of stolen services on University premises, at University-sponsored activities, or from University organization(s) or group(s).

v. Substantially interfering with the freedom of expression of others.

w. Interfering with normal University functions, University-sponsored activities, or any function or activity on University premises including, but not limited to, studying, teaching, public speaking, research, University administration, or fire, police, or emergency services.

x. Disregarding or failure to comply with the directive of a hearing body or University official, including a campus police officer acting in the performance of his or her duties.

y. Disruption of University or other computer systems (e.g. spamming); unauthorized alteration, disclosure, gaining or providing unauthorized access; or destruction of University or other computer systems or material; improper access to University or other computer files and systems; or violation of copyright or proprietary material restrictions connected with University or other computer systems, programs, or materials.

z. Violation of any government laws or ordinances, or of any University or individual school rules, regulations, or policies.

aa. Falsification, distortion, or misinterpretation of information before a hearing body.

bb. Disruption or interference with the orderly conduct of disciplinary hearing proceedings.

cc. Knowingly instituting disciplinary proceedings without cause or in bad faith.

dd. Attempting to discourage an individual's proper participation in, or use of, the disciplinary system.

ee. Attempting to influence the impartiality of a member of a disciplinary body prior to or during the course of the disciplinary proceeding.

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ff. Harassment (verbal or physical) or intimidation of a member of a disciplinary body, a witness, or any other participant in a conduct proceeding, prior to, during or after a disciplinary proceeding.

gg. Knowingly violating the terms of any disciplinary sanction imposed in accordance with this policy.

hh. Influencing or attempting to influence another person to commit an abuse of the disciplinary system.

ff. Violating confidentiality provisions with respect to Honor or Conduct Code cases.

STUDENT CONDUCT HEARING BOARDS

Goizueta Conduct Council:

The Goizueta Conduct Council is established to hear non-academic, graduate student conduct cases from the Goizueta Business School. The Goizueta Conduct Council is composed of:

a. a Chair, appointed by the Dean, who shall be a faculty or staff member, but not a voting member of the Council, except in cases of a tie;

b. two voting faculty or staff members, one of whom serves as a recording secretary during hearings;

c. two voting graduate student members.

There shall be a pool of Council members. The pool of faculty or staff members shall be from the Business School, and approved by the Dean. The pool of graduate students shall be from the Business School, appointed by the Dean. The Council must have a minimum of three members present in order to convene. If alternates are not available from the pool of Council members and a quorum cannot be reached, substitutes may be appointed as described above.

Goizueta Conduct Appeal Board:

The Goizueta Conduct Appeal Board will be established, when needed, to hear appeals from cases heard by any hearing body. The board shall be composed of:

a. two voting faculty or staff members from the Business School, approved by the Dean.

b. one voting graduate student appointed by the Dean.

Substitutes may be selected as described above.

CONDUCT PROCEDURES

Anyone wishing to report an alleged incident of misconduct under this Code may make such report to the Dean or Director of Program. The Dean or Director of the Program will forward the report to the Chair of the Conduct Council. A determination whether action should be taken in response to a report will be made by the Chair. If it is determined that further action should be taken, the case will be assigned to a Conduct Officer by the Chair or the Chair may serve as the Conduct Officer.

The Dean's Office will notify the student in writing that he or she must make an appointment for a preliminary meeting within five (5) days of the date on the written notice. Failure to schedule or attend this preliminary meeting will automatically result in formal charges as described below.

The Conduct Officer will hold a preliminary meeting with the accused student to review the report as well as ascertain the accused student's perspective of the incident. The Conduct Officer will refer the student to the Goizueta Graduate Code of Conduct. In this meeting, the accused student will be asked to decide whether or not s/he wishes to accept responsibility for having violated the Code of Conduct.

If the accused student accepts responsibility for having violated the Code of Conduct and thereby waives the option of a hearing, the Conduct Officer shall recommend appropriate sanction(s).
If a student does not accept responsibility to having violated the Code of Conduct, the Conduct Officer will conduct an investigation to determine if the matter should proceed to formal charges, or if it can be disposed of administratively by agreement of the parties involved on a basis acceptable to the Conduct Officer.

If the matter is not resolved, the Conduct Officer will then meet again with the accused student and present the student with a letter stating the formal charges. A copy of documents relevant to the case will be given to the accused student and the complainant at least seven days in advance of the hearing. These formal charges will be referred for a hearing and a copy of documents relevant to the case will be forwarded to the appropriate hearing body. The Goizueta Conduct Council serves as the hearing panel to determine the appropriate sanction(s), if any.

In cases pertaining to student organizations, the president shall represent the organization during all conduct proceedings.

If an accused student or organization fails to respond to any notification in writing concerning the conduct process, the case will be automatically referred to a hearing with the Goizueta Conduct Council.

The University reserves the right to place a "hold" on the diploma, degree certification, official transcripts, or registration of a student who has been charged with a conduct violation under this Code even though he or she may have completed all academic requirements. The diploma, degree certification, official transcripts, or registration may be withheld until the conduct charges have been resolved and/or sanctions as well as other conduct obligations completed.

HEARING PROCEDURES

The Chair or Conduct Officer may require any student of the University to attend and/or testify at any hearing or meeting regarding a conduct matter that is covered under this Code. The Dean or Chair may request faculty or staff members to attend and/or testify at a hearing or meeting or furnish a written statement.

Notification in writing of a hearing before a Conduct Officer, or the Goizueta Conduct Council, as well as the date and time of this hearing will be sent to the student/organizational president at least seven (7) calendar days before the scheduled date of the hearing. At this hearing, a decision of "in violation" or "not in violation" will be made, based upon the available information and evidence presented at the hearing, with or without the accused being present. If it is determined that a violation has occurred, a sanction will also be determined and the student/organizational president will be notified in writing.

Whenever a hearing is to be held regarding an alleged incident of misconduct under this Code, the accused student/organizational president and the complainant, if any, shall be given at least seven (7) calendar days written notice of the charges alleged against the accused student and of the date, time, and place of the hearing.

The hearing shall be conducted by the appropriate hearing body (Conduct Officer) and all may require witnesses to testify at the hearing. Rules of evidence that apply in courts of law shall not apply in such hearings. The hearing shall be closed to everyone except the hearing body, appropriate staff, the accused student/organizational president, complainant, advisors to the accused student/organizational president and the complainant, as well as witnesses during the actual time of their testimony.

As used in the remainder of the Section and the following Section, references to the Conduct Council and the Chair shall also refer to the Conduct Officer.

The accused student/organizational president and the complainant may be assisted during a hearing by one advisor of his/her choice.

To protect the educational and non-adversarial nature of the conduct process, guidelines for participation of advisors will be strictly enforced. In general, participation of advisors is only allowed on behalf of accused students or complainants during formal hearing proceedings. Requests to have advisors present during
other elements of the conduct process may be granted at the discretion of the Director of Student Conduct. At all times, advisors must follow the guidelines for their participation.

The term advisor is defined as a current member of the Emory University community: faculty, staff, or student, who provides assistance to an accused student or complainant at that student's request during a formal hearing. The role of the advisor is to support the student. An advisor may not play an active role such as giving statements or questioning witnesses. An advisor may not speak for or on behalf of the student. A student may consult with his/her advisor during breaks in the hearing, or an advisor may make whispered or written comments to the student during the hearing, provided such comments do not interfere with the hearing process.

Both the complainant and the accused student/organizational president are allowed to:

a. Be present at the hearing until such time as the hearing body retires to deliberate the decision. However, if either the accused student/organizational president, complainant, or the advisor fails to appear at the hearing, the hearing may be held in the absence of either, all, or both.

b. Present tangible and documentary evidence; and evidence by witness, or by signed written statements of witnesses who do not attend the hearing, including the signed written statements of the complainant or the accused. If witnesses fail to appear, the hearing shall be held in their absence. It is the responsibility of the accused student and the complainant to notify any additional witnesses not called by the hearing body. Additional witnesses must have the prior approval of the Chair of the hearing body. All witnesses should be notified of the date, time, and place of the hearing.

c. Question all witnesses who give evidence at the hearing directly or through written questions presented through the Chair.

The Chair of the respective Council or Conduct Officer shall have final decision on what evidence may be presented and the tone of questioning. The Chair/Conduct Officer may decide to stop questions at any time.

HEARING DECISIONS - Conduct Officer, Goizueta Conduct Council

The Conduct Officer or Goizueta Conduct Council shall deliberate and decide whether the accused student/organization has violated the Code. These hearing bodies determine whether a violation occurred based on whether there is a preponderance of evidence. The hearing body may decide that the student/organization is in violation of a less serious offense than that originally charged. A determination that a student/organization has violated the Goizueta Graduate Code of Conduct requires a simple majority vote. In the case of a tie, the Chair shall cast the deciding vote.

If the finding of a violation is determined, the hearing body shall be provided with the record of any previous disciplinary proceedings in which the student/organization was found in violation. On the basis of the hearing and the student's/organization's previous record, a decision will be made regarding sanctions by a simple majority vote. In the case of a tie, the Chair shall cast the deciding vote.

Whether the Conduct Officer, or the Goizueta Conduct Council acts as the hearing official, a written decision will be issued in a reasonable time after the date of the hearing. This decision includes: 1) a statement of charges; 2) a summary of the facts in the case; 3) the decision; 4) a brief statement of the hearing body's reasoning; and, if a violation is found, 5) sanction(s).

All decisions of the Goizueta Conduct Council or Conduct Officer shall be reviewed for completeness by the Dean.

The accused shall receive written notice from the Dean's Office of the outcome of the hearing as described above and will also receive information on the option of an appeal. To the extent permitted by law, the complainant shall also receive written notice of the outcome of the hearing.
SANCTIONS - Conduct Officer, Goizueta Conduct Council

Sanctions are based upon the circumstances of the incident, seriousness of the matter, and conduct history of the student or organization. The following sanctions, singularly or in combination, may be imposed upon any student or organization found to have violated the Code of Conduct:

a. Warning: A notice in writing to the student that the student has violated institutional regulations and must cease and not repeat the inappropriate action.

b. Probation: A written reprimand for violation of specified regulations. Probation may be either university probation and/or residence hall probation. For student organizations, probation may include social probation. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be in violation of any institutional regulation(s) during the probationary period. University probation signifies if there are additional violations, a student may place his/her status at the university in jeopardy. Residence hall probation signifies if there are additional violations, a student may place their housing status in jeopardy.

c. Loss of Privileges: Denial of specified privileges for a designated period of time. This sanction may include, for example, denial of the right to represent the university in any way, use of campus facilities, or denial of parking privileges.

d. Restitution: Compensation for loss, damage, or injury. This may take to form of service, monetary compensation, or material replacement.

e. Educational Sanctions: Work assignments or service to the University or community.

f. Residence Hall Suspension: Separation of the student or organization from the residence halls for a definite period of time, after which the student or organization may be eligible to return. Conditions for readmission may be specified. (Note: This is in addition to the residence hall suspension referred to in the Graduate Housing Agreement. This Agreement provides that temporary, permanent, or immediate suspension may be imposed upon a student by the Director of ResidenceLife or Assistant Vice President of Housing at any time when there is reason to believe, based on available facts, that the student represents a threat to the safety, health, or welfare of herself/himself, other persons or property.)

g. Suspension: Separation of the student or organization from the University for a definite period of time, after which the student may be eligible to return. Conditions for readmission may be specified.

h. Expulsion: Permanent separation of the student or organization from the University.

i. Organizational suspension or dissolution (for organizations).

j. Other: Other sanctions as deemed appropriate by a hearing body, including but not limited to, no contact orders, orders prohibiting appearing on campus, mandated community service, or other sanctions tailored to the conduct or violation in issue

Conduct sanctions (f) Residence Hall Suspension, (g) Suspension, and (h) Expulsion shall be entered permanently on a student's record and appear on his or her transcript. Sanction (b) University Probation shall be entered on a student's record for the term of the probation. Upon imposition of sanction (f), the University Housing and Registrar's office will be notified; sanction (g), the Registrar's office will be notified; and for sanction (h), the Registrar's office, University Housing, and University Parking will be notified.

APPEALS

The accused student or student organization may appeal decisions rendered by the Chair, Conduct Officer, or the Goizueta Conduct Council to the Goizueta Conduct Appeal Board.

To initiate an appeal, the accused student or student organization must submit a signed, written statement of the specific reason(s) to the Dean within seven (7) days of receipt of the hearing decision. The Dean will convene the Board for the appeal meeting.
The Appeal Board will review the documents pertaining to the case to determine:

1. Whether or not the hearing was conducted in accordance with the procedures outlined in this Code of Conduct.
2. Whether or not the interpretation of the Code was appropriate.
3. Whether or not the sanction(s) imposed were appropriate.
4. Consider new information not known at the time of the hearing.

After reviewing the documents pertaining to the case, the Goizueta Conduct Appeal Board will issue a written review of the hearing decision within a reasonable period of time from the receipt of the request for review. The Goizueta Conduct Appeal Board shall recommend one of the following courses of action:

1. Affirm the hearing decision.
2. Affirm the findings of the hearing decision, but recommend a different sanction.
3. Remand the case to the Dean to assign a hearing body to conduct a new hearing.

The recommendation of the Goizueta Conduct Appeal Board shall be referred to the Dean. After considering the recommendation from the Appeal Board, the Dean shall make a decision on the appeal. This decision shall be final. No additional appeals may be made.

NOTIFICATION

The Council will publish summary results of the cases heard by the Conduct Council, either electronically or distributed directly to students. The disclosure shall include the number of allegations and the number of students receiving sanctions. Names of the individuals involved will not be disclosed in these publications absent appropriate consent.

RETENTION OF CONDUCT RECORDS

The Dean's Office of Goizueta Business School shall maintain files on all graduate student conduct reports, records, and hearing proceedings with strict confidentiality.