

THE UNIVERSITY OF ALABAMA

Student Handbook

<p>QUICK LINKS</p> <p>GENERAL POLICY</p> <p>REGISTRATION OF NEW ORGANIZATIONS, DEFUNCT ORGANIZATIONS & INACTIVE ORGANIZATIONS</p> <p>GUIDELINES FOR NON-FRATERNAL STUDENT ORGANIZATIONS</p> <p>STANDARDS FOR SOCIAL FRATERNAL ORGANIZATIONS</p> <p>STUDENT ORGANIZATION CATEGORIES</p> <p>STUDENT GOVERNMENT CONSTITUTION</p> <p>ELECTIONS POLICIES AND PROCEDURES</p> <p>POLICIES AND PROCEDURES FOR STUDENTS</p> <p>RIGHTS & RESPONSIBILITIES OF STUDENTS IN THE ACADEMIC COMMUNITY</p> <p>STUDENT RECORDS</p> <p>TRANSFERRING</p> <p>WITHDRAWAL</p> <p>CODES OF CONDUCT</p> <p>STUDENT APPELLATE & GRIEVANCE PROCEDURES</p> <p>SOCIAL/ALCOHOL POLICY</p> <p>DRUG-FREE CAMPUS & WORK PLACE POLICY</p> <p>USE OF UNIVERSITY SPACE, FACILITIES, & AMPLIFICATION EQUIPMENT</p> <p>ADVERTISEMENTS, CO-SPONSORSHIP, PRINTED MATERIAL & SOLICITATION</p>	<p>III. CODES OF CONDUCT</p> <p>A. General Policy</p> <p>The preservation of freedom of discussion, inquiry, and expression is possible only in an environment in which the privileges of citizenship are protected and the obligations of citizenship are understood. Accordingly, The University has developed regulations and policies pertaining to students and to student organizations. Any student or organization violating an established policy or regulation of the University is subject to disciplinary action according to the provisions outlined in these Codes of Student Conduct. Personal conduct on University-owned or University-controlled property or at University-sponsored events is subject to University jurisdiction. The University may also enforce its own disciplinary policy and procedures, regardless of where misconduct occurs, when personal or organizational conduct directly, seriously, or adversely interferes with or disrupts the educational mission, programs, or other functions of the University. In addition to the guidelines of conduct set forth elsewhere in the Handbook and other official University publications, acts of conduct for which disciplinary action may be taken and the disciplinary procedures, which apply for the fair adjudication of alleged violations, follow.</p> <p>B. Code of Academic Conduct</p> <p>1. Academic Honor Code</p> <p>a. All students in attendance at The University of Alabama are expected to be honorable and observe standards of conduct appropriate to a community of scholars. The University of Alabama expects from its students a higher standard of conduct than the minimum required to avoid discipline (see subsection c.). At the beginning of each semester and on tests and projects, at the discretion of the professor, each student will be expected to sign an Honor Pledge.</p> <p>b. The Academic Honor Pledge reads as follows: <i>I promise or affirm that I will not at any time be involved with cheating, plagiarism, fabrication, or misrepresentation while enrolled as a student at The University of Alabama . I have read the Academic Honor Code, which explains disciplinary procedures that will result from the aforementioned. I understand that violation of this code will result in penalties as severe as indefinite suspension from the University.</i></p> <p>2. Code of Academic Conduct</p> <p>a. Academic misconduct includes all acts of dishonesty in any academically related matter and any knowing or intentional help or attempt to help, or conspiracy to help, another student commit an act of academic dishonesty. Academic dishonesty includes, but is not limited to; each of the following acts when performed in any type of academic or academically- related matter, exercise, or activity.</p> <p>(1) Cheating ~ using or attempting to use unauthorized materials, information, study aids, or computer related information.</p> <p>(2) Plagiarism ~ representing the words, data, works, ideas, computer program or output, or anything not generated in an authorized fashion, as one's own.</p> <p>(3) Fabrication ~ presenting as genuine any invented or falsified citation or material.</p> <p>(4) Misrepresentation ~ falsifying, altering, or mistaking the contents of documents or other materials related to academic matters, including schedules, prerequisites, and transcripts.</p> <p>b. Except in divisions which have an alternate academic misconduct policy which has been approved by the Academic Vice President, academic misconduct cases shall be resolved by the divisional academic misconduct monitor or the academic dean of the division in which the alleged action took place after consultation with the academic dean or monitor in the division where the student is enrolled. However, with the concurrence of both deans, the responsibility for resolving an academic misconduct case can be transferred to the dean of the division in which the student is enrolled. Appeals from the monitor's decisions may be made to the academic dean; appeals from the academic dean's decisions may be made to the Office for Academic Affairs.</p>
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c. Penalties for academic misconduct can range from a reprimand to a penalty as severe as suspension for a definite time or even indefinite suspension. Academic deans have the authority to impose the full range of penalties. Divisional academic misconduct monitors may impose penalties only after receiving a voluntary written confession. Misconduct monitors are authorized to impose penalties up to but not including suspension, and may impose penalties of suspension or indefinite suspension if authority to do so has been delegated by the academic dean. All persons who admit to or are found guilty of an academic offense for which a penalty less than an indefinite suspension is imposed will receive a penalty of indefinite suspension if they admit to or are found guilty of a second offense of academic misconduct.

3. Resolution by the Misconduct Monitor

a. A course instructor or any other person(s) who has reasonable cause to believe a student has engaged in an act of academic misconduct shall report the matter to the divisional academic misconduct monitor (appointed by the academic dean) of the division within which the alleged misconduct occurred. The instructor will take no other action in the matter until the monitor or the dean has reached a decision. When suspected incidents of academic misconduct occur in settings other than an academic division, the matter will be reported to and processed by the academic division in which the student is enrolled.

b. The monitor will discuss the circumstances involved with the course instructor and/or other appropriate person(s) and review any pertinent materials in order to determine if a reasonable basis exists for believing that academic misconduct may have occurred. If the monitor concludes that there is a reasonable basis for believing that academic misconduct may have been committed, the monitor will determine whether the student has been disciplined for any prior academic misconduct offense(s) (see Records) and will arrange a conference with the student. The monitor may invite the course instructor to attend any conference(s) with the student. The student will be informed at the start of the conference that an issue of possible academic misconduct exists and will be given a copy of the Academic Misconduct Disciplinary Policy. The monitor will call the student's attention to the following provisions:

(1) The student is not required to make any statement at all regarding the matter under investigation.

(2) The student may make a voluntary statement if he or she chooses.

(3) The student has a right to present any evidence, supporting witnesses, and other information to the misconduct monitor.

(4) The student has a right to be advised and represented by anyone of his or her choice.

(5) The student is entitled to a recess in the conference for one week in order to take advantage of the rights listed in items 3 and 4.

c. At the conference, the student will be informed that the monitor will take one of the 3 steps.

(1) The matter will be dismissed if evidence is presented which leads the monitor to conclude that there is not convincing proof that the student engaged in an act of academic misconduct.

(2) The matter will be concluded at the conference level and a penalty imposed if the student makes a voluntary written admission that he or she engaged in an act of academic misconduct. (The dean will impose the penalty if it is more severe than the monitor is authorized to impose.) The student will be given written notice of the penalty. If the penalty imposed by the monitor includes assignment of a grade, the course instructor must approve the specific grade before the grade can be assigned.

(3) The matter will be forwarded to the academic dean: (a) if it is not dismissed by the monitor and the student does not make a written admission of academic misconduct, or (b) if, within one week from the date the conference is concluded, either the student or the course instructor requests that there be further review.

4. Resolution by the Academic Dean Any matter not resolved by the misconduct monitor will be resolved by the academic dean. The dean may act alone or in conjunction with a standing divisional committee or an ad hoc committee appointed by the dean, but the dean will arrange an individual or group conference(s) with the course instructor, the student, and any other appropriate persons, to discuss the matter in question. The student will be allowed to make a statement and to present evidence, witnesses, and other relevant materials; the student may be accompanied and advised or represented by anyone the student chooses. The dean will seek the advice of the course instructor prior to assigning a grade penalty. However, the dean is not obligated to follow the instructor's recommendation since a

penalty is being assigned rather than an evaluation of academic work. Notice of the dean's decision will include a statement of the academic misconduct charges and will be sent to the student with copies to the instructor and other involved parties by certified mail; the student or the faculty member may appeal the dean's decision to the Office for Academic Affairs if the appeal is filed within 15 working days of the date of mailing of the dean's decision. No penalty will be imposed until:

- a. There is failure to file a timely appeal, or
- b. A decision on the student's appeal has been reached.

5. Appeal

The dean will consider timely appeals from students or instructors who are not satisfied with the penalty imposed by the monitor. The dean will also make decisions concerning guilt and penalties for students who have not made an admission of misconduct. The dean's decision(s) may be appealed to the Office for Academic Affairs within 15 working days of the mailing of the dean's decision(s). Appeals must be based on substantive grounds such as procedural errors, new evidence, or inconsistencies in penalties assigned. When the Office receives an appeal for Academic Affairs, an official from the office will schedule a conference(s) with the student and other concerned parties to discuss the reasons for the appeal. If meetings with the student and other concerned parties result in an agreeable solution to the matter, the appeals process will end. If no such solution is reached, the official from the Office for Academic Affairs will recommend to the Academic Vice President, giving reasons for the recommendation, whether the appeal should be heard or denied. If the Academic Vice President denies the appeal, the appeals process will end. If the appeal is to be heard, the Academic Vice President will convene a panel to resolve the issues that remains. The panel will consist of a person designated by the Vice President for Student Affairs, a person designated by the Academic Vice President (not the official convening the panel), one student (appointed by the President of the SGA), and one faculty member (appointed by the President of the Faculty Senate); both the student and faculty member will come from the division holding jurisdiction for resolving the alleged misconduct if it is possible to find such people who have not prior connection with the case. In cases involving graduate student, the faculty and student members of the appeal panel should hold graduate faculty or graduate student status respectively. The person designated by the Academic Vice President will serve as hearing administrator and will coordinate to resolve the academic misconduct appeal. The hearing by a panel is an administrative hearing and the proceedings will be informal rather than those used in courts of law. The panel may admit any evidence, which is of probative value in determining the issues, subject to the panel's judgment as to the relevance, credibility, and weight of the evidence. The panel may ask the parties to produce evidence on specific issues, may examine witnesses, and may call and examine its own witnesses. The student may be represented at the hearing by a person of his or her choice; if the student is represented by an attorney, then the other parties may be represented by a person from the Office of the University Counsel. Each party (or the representative of the party) will have the right to confront and cross-examine all opposing witnesses. The panel will decide each of the issues raised in the appeal. The panel's decision will be final and will conclude the process insofar as the University is concerned. A decision contrary to the student's position must be supported by the votes of at least 3 of the 4 panel members. The panel will give written notice of their decision(s) to the student, the course instructor, the dean, and the Academic Vice President.

6. Records

The name, student number, and academic division of each University of Alabama student who admits or is found guilty of academic misconduct shall be forwarded to the Office for Academic Affairs together with a brief description of the offense and the penalty imposed.

C. Code of Student Conduct

1. Preamble-

The University of Alabama aspires to transmit knowledge, to develop its students, and to promote the quality of society. In seeking these goals, the University recognizes the significance of student rights. These rights include freedom of expression, autonomy, procedural protection and the integrity of people and their property. By ensuring these individual rights, the University fosters an environment conducive to student success and well being. The Code of Student Conduct fully respects student rights.

Of course, students have obligations as well as rights. As members of an academic community, they must observe rules that benefit their classmates and their University. Students must practice personal integrity. By so doing, they respect the dignity, rights and property of others, including but not limited to students and all members of the University community. The University has a vital interest in the character of its students, and therefore

regards behavior at any location (on-campus or off-campus) as a reflection of a student's character and fitness to be a member of the student body. The Code of Student Conduct thus creates an expectation of behavior that the University deems acceptable and is not detrimental to the University. By fulfilling these expectations, students can enjoy their own rights, while also respecting their classmates' rights and furthering the University's goals.

However, the University community, as any other, must have a system to deal with those instances when a member fails to adhere to the expectations of the community. The Code of Student Conduct describes the actions which fail to meet expectations, the process of determining when a failure has occurred and the punishment to be imposed for such failure.

2. Article I: Judicial Authority

The Judicial authority rests with the Division of Student Affairs. The President has designated The Vice President for Student Affairs to be responsible for the administration and operation of this Code of Student Conduct. The Vice President shall appoint a Judicial Administrator who shall be responsible for the operation of this Code.

a. Jurisdiction of the University

Generally, University jurisdiction and discipline shall be limited to conduct which occurs on University premises or which occurs anywhere, but adversely affects or is detrimental to the University community and/or the pursuit of its objectives. A student will be subject to the Code of Conduct for any action which violates this Code which either occurs on University property, or which, in the University's sole discretion, affects or is detrimental to the University community and/or pursuit of University objectives.

b. Violation of Law and University Discipline

(1) If a student is cited only with an off-campus violation of federal, state, or local laws, but not with any other violation of the Code, disciplinary action may be taken and sanctions imposed for misconduct which is detrimental to or demonstrates disregard for the University community and/or its pursuit of University objectives.

(2) University disciplinary proceedings may be instituted against a student cited in violation of a law which is also a violation for this Student Code if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

(3) When a student is cited by federal, state or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a Judicial Body under the Student Code, however, the University may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the University community. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

c. Operation of the Judicial System

(1) The Judicial Administrator shall receive from judicial bodies recommendations for sanctions to be imposed upon students who have been found to have violated this Student Code. **Except in cases resulting in expulsion, in which the Vice President for Student Affairs is required to make the final decision**, the Judicial Administrator shall make the final decision. In all cases, the Judicial Administrator shall notify the student of the sanction which is imposed.

(2) The Judicial Administrator shall determine the composition of judicial bodies and Review boards and determine which Judicial Body and Review Board shall be authorized to hear each complaint.

(3) The Judicial Administrator shall develop policies for the administration of the judicial program and procedural rules for the conduct of hearing

(4) Decisions of responsibility for Code violations made by a Judicial Body shall be final, pending the normal review process.

(5) A Judicial Body may be designated a mediator of disputes within the student community in complaints which do not involve a violation of the Student Code. All parties must agree to mediation and be bound by the decision with no right to request a review.

3. Article II: Definitions

- a. The term “University” means The University of Alabama, Tuscaloosa, Alabama.
- b. The term “student” includes all persons taking courses at the University, both full-time and part-time, pursuing undergraduate, graduate or professional studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered “students”.
- c. The term “faculty member” means any person hired by the University to conduct classroom activities.
- d. The term “University official” includes any person employed or volunteering for by the University, performing assigned administrative or professional responsibilities.
- e. The term “members of the University community” includes any person who is a student, faculty member, University official or any other person employed by or volunteering services to the University. A person’s status in a particular situation shall be determined by the Judicial Administrator.
- f. The term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
- g. The term “organization” means any number of persons who have complied with the formal requirement for University recognition/registration.
- h. The term “Judicial Body” means any person or persons authorized by the Judicial Administrator to determine whether a student has violated the Student Code and to recommend imposition of sanctions.
- i. The term “Judicial Administrator” means the University Official appointed by the Vice President for Student Affairs who shall be responsible for the administration and operation of the Code of Student Conduct.
- j. The term “Judicial Investigator” means a University Official appointed by the Judicial Administrator to investigate alleged violations of misconduct, to attempt informal (administrative) resolution of such alleged violations, and to prosecute charges before a Judicial Body.
- k. The term “Hearing Officer” means a University Official authorized on a case-by-case basis by the Judicial Administrator to hear charges and to recommend sanctions to be imposed upon students found to have violated the Student Code.
- l. The term “Review Board” means any person or persons authorized by the Judicial Administrator to consider a review from a Judicial Body’s determination that a student has violated the Student Code or from the sanctions imposed by the Judicial Administrator.
- m. The term “shall” is used in the imperative sense.
- n. The term “may” is used in the permissive sense.
- o. The term “policy” is defined as any published regulations of the University as found in, but not limited to, the Student Handbook, Residential Life Handbook, and Graduate/Undergraduate Catalogs, or any regulations or policies of the University found online.
- p. The term “substantial information” means information which would lead a reasonable person to conclude that it is more likely than not that the act in question did occur.

4. Article III: Proscribed Conduct

Any student found to have committed the following acts of misconduct is subject to the disciplinary sanctions outlined in Article V:

- a. Offenses against the University Community.
- (1) Acts of dishonesty, including but not limited to the following:
- (a) Furnishing false information to any University official, faculty member or office.
- (b) Forgery, alteration, or misuse of any University document, record or instrument of identification.
- (c) Tampering with the election of any University-recognized student organization.

(2) Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other University activities, including its public-service functions, whether on or off-campus, and other authorized non-University activities which occur on University premises.

(3) Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

(4) Violation of published University policies, rules or regulations, including, without limitation, the Social Event Alcohol Policy, parking and traffic regulations, etc.

b. Offenses against Persons

(1) Physical abuse, verbal abuse, threats, stalking, intimidation, harassment, sexual misconduct, coercion, and/or other conduct which threatens or endangers the health or safety of any person. This paragraph is intended to include any contact or communication which threatens, harasses or injures a person.

(2) Hazing, defined as an 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.

c. Offenses against Property

(1) Attempted or actual theft of and/or damage to property of the University or property of a member of the University community or other personal or public property.

(2) Unauthorized possession, duplication, or use of keys to any University premises or unauthorized entry to or use of University premises.

(3) Theft or other abuse of computer time, including but not limited to:

(a) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.

(b) Unauthorized transfer of a file.

(c) Unauthorized use of another individual's identification and password.

(d) Use of computing facilities to interfere with the work of another student, faculty member or University Official.

(e) Use of computing facilities to send obscene or abusive messages.

(f) Use of computing facilities to interfere with normal operation of the University computing system.

(4) Damage to or littering on public grounds of the University including driving motor vehicles on lawns or grounds of University property, without prior authorization from the appropriate University official.

d. Offenses Disrupting Order or Disregarding Health and Safety

(1) Use, possession, or distribution of narcotic or other controlled substances except as expressly permitted by law.

(2) Use, possession, or distribution of alcoholic beverages except as expressly permitted by the law and University regulations, or public intoxication.

(3) Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises.

(4) Participation in a campus demonstration which disrupts the normal operations of the University and infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian and/or vehicular, on campus.

(5) Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions.

(6) Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions

sponsored by, or participated in by the University.

(7) Violation of federal, state, or local law on University-premises or at University sponsored or supervised activities.

(8) Entering false fire alarms or bomb threats, tampering with fire extinguishers, alarms, or other safety equipment.

(9) Violation of traffic and parking rules and regulations including, but not limited to:

(a) Repeated or flagrant violations of the rules as set forth in University Traffic and Parking Regulations.

(b) Tampering with, removal or theft of wheel locks, barricades, traffic cones or traffic control devices.

(10) Violation of federal, state or local law off University premises and not related to University sponsored or supervised activities which adversely affects or is detrimental to the University community and/or the pursuit of its objectives. The decision to pursue disciplinary action under this provision is that of the Vice President for Student Affairs, or a designee.

(11.a.) The operation of any form of gambling business or any activity sponsored by an organization identified as an approved University organization unless specifically approved by the Office of Student Affairs. Any student or group of students who accepts or manages a large number of wagers or who provides the mechanisms for wagering or for playing games of chance for profit will be presumed to be operating a gambling business.

(11.b.) Facilitating or encouraging gambling by a student athlete or seeking or encouraging a student athlete to provide information or advice regarding competitions in which he or she shall participate.

e. Abuse of the Judicial System:

(1) Failure to obey the summons of a Judicial Body or University official.

(2) Falsification, distortion, or misrepresentation of information before a Judicial Body.

(3) Disruption or interference with the orderly conduct of a judicial proceeding.

(4) Institution of a judicial proceeding knowingly without cause.

(5) Attempting to discourage an individual's proper participation in, or use of, the judicial system.

(6) Attempting to influence the impartiality of a member of a Judicial Body prior to, and/or during the course of, the judicial proceeding.

(7) Harassment (verbal or physical) and/or intimidation of a member of a Judicial Body prior to, during, and/or after a judicial proceeding.

(8) Failure to comply with sanction(s) imposed under the Code of Student Conduct.

(9) Influencing or attempting to influence another person to commit an abuse of the judicial system.

(10) Any other act which is intended to or has the effect of delaying or interfering with the orderly operation of the judicial process.

5. Article IV: Organizational Misconduct

Student organizations enrich the campus and community by providing a source of intellectual, personal and social development of students through their programs and activities. The University fulfills an important mission by providing procedures and policies for the registration and support of student organizations.

Inherent in University recognition of student organizations is the obligation of each organization to conduct activities in accordance with University rules and policies and applicable laws. Student organizations are required to comply with the written rules and policies of the University.

a. Responsibility of Officers

A fundamental aspect of any organization is the right of the membership to elect officers who serve to insure, among their other duties, that the activities of the organization are

conducted properly. It is the responsibility of the officers of each student organization to ensure that the organization complies with this Code of Conduct and to actively oppose and prevent any planned organizational activity which would violate the Code of Conduct. It is also the obligation of the officers of any student organization to advise and counsel individual members of their organization whose conduct could lead to misconduct charges against the organization, as provided herein.

b. Organizational Responsibility for Misconduct

Student organizations will be held responsible for misconduct in the following circumstances:

(1) Organizational responsibility for its own acts. The organization will be held responsible:

(a) When the organization fails to comply with a duty imposed by a written University policy, including, but not limited to, improper membership education and initiation, improper organizational registration of activities for which registration and/or permission is required; failure to comply with applicable health and safety regulations; misuse of University property, facilities and equipment; violations of University regulations on the use of alcohol; and violations of any other rule or policy applicable to organizations.

(b) When one or more officers refuse or neglect to perform their duties under this code as described above in Article IV(a) above.

(2) Organizational responsibility for individual acts of misconduct.

(a) The organization will be held responsible for the actions of one or more of its members which violate this Code of Conduct when the actions arise in the course of or derive from the activities of the organization.

(b) In situations other than those described in (a) above, the organization may be held responsible for a member or members' misconduct when, prior to such misconduct, a member or members have committed acts of misconduct the nature of which has caused the Office of Student Affairs to be concerned that the organization is not conducting activities in a manner which discourages such conduct, and the Office of Student Affairs has notified the organization that further occurrences of such conduct by one or more members will result in disciplinary actions against the organization. Examples of such violations include, but are not limited to, offenses against persons, offenses against property, alcohol abuse and illegal drug abuse. The notice will be in sufficient detail to notify the officers of the precise nature of the offenses and the length of time the notice shall be effective.

6. Article V: Judicial Procedures

a. Charges and Investigations

(1) Any member of the University community may file complaints against any student for misconduct. Complaints shall be prepared in writing and directed to the Office of Student Judicial Affairs. Any alleged violation should be submitted as soon as possible after the event takes place, preferably within one month (28 days) of the knowledge of occurrence.

(2) Any Judicial Investigator, who has reason to believe that a violation of this Student Code may have occurred, is authorized to begin an investigation in the same manner as if a written complaint had been received. The Office of Student Judicial Affairs may investigate and cite students or organizations with misconduct when that office has reason to believe that a violation may have occurred.

(3) A Judicial Investigator or Judicial Body may issue a summons for a student or organization to appear for discussion about an alleged violation or for a hearing in a pending complaint. The summons may also include an order to produce records which may be helpful in the course of an investigation or in the prosecution of a complaint.

(4) The Judicial Investigator may conduct an investigation to determine if the alleged violations have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Judicial Investigator, subject to the approval of the Judicial Administrator. Such disposition shall be final and there shall be no subsequent proceedings.

(5) All alleged violations shall be presented to the accused student in written form. A time shall be set for a hearing, not less than five nor more than fifteen calendar days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the Judicial Administrator.

b. Hearings

(1) Hearings shall be conducted by a Judicial Body according to the following guidelines. A Hearing Officer shall exercise all the powers attributable to the chairperson of the Judicial Body as described below. Student organizations shall have all the rights of students listed herein, which shall be exercised by the president of the organization.

(a) Hearings normally shall be conducted in private. At the request of the accused student, and subject to the discretion of the chairperson of the Judicial Body, a representative of the student press may be admitted, but shall not have the privilege of participating in the hearing.

(b) Admission of any person to the hearing shall be at the discretion of the chairperson of the Judicial Body.

(c) In hearings involving more than one accused student, the chairperson of the Judicial Body, in his or her discretion, may permit the hearings concerning each student to be conducted separately.

(d) The accused has the right to be assisted by any adviser he/she may choose, at their own expense. The adviser may be an attorney. The accused is responsible for presenting his or her own case, and, therefore, advisers have no right to speak to speak or participate directly in any hearing before a Judicial Body.

(e) The Judicial Investigator and the accused shall have the privilege of presenting witnesses, subject to the right of cross examination by the other party and by the Judicial Body.

(f) Pertinent records, exhibits and written statements may be accepted as information for consideration by a Judicial Body at the discretion of the chairperson.

(g) All procedural questions are subject to the final decision of the chairperson of the Judicial Body.

(h) After the hearing, the Judicial Body shall deliberate in private and shall determine (by majority vote if the Judicial Body consists of more than one person) whether the student is responsible for violating the Code of Student Conduct as cited.

(i) The Judicial Body's determination shall be made on the basis of whether there is substantial information that the accused student violated the Code of Student Conduct.

(2) Reasonable efforts shall be undertaken to create a single verbatim record, such as a tape recording, of all hearings before a Judicial Body. The record shall be the property of the University.

(3) Except in the case of a student cited with failing to obey the summons of a Judicial Body or University official, no student may be found responsible for having violated the Student Code solely because the student failed to appear before a Judicial Body. In all complaints, the information in support of the alleged violation shall be presented and considered.

c. Sanctions

(1) The following sanctions may be imposed upon any student found to have violated the Student Code:

(a) Warning - A notice in writing to the student.

(b) Probation - A written reprimand for violation for specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any University regulation(s) during the probationary period.

(c) Loss of Privileges - Denial of specified privileges for a designated period of time.

(d) Fines - Previously established and published fines may be imposed.

(e) Restitution - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

(f) Discretionary Sanctions - Work assignments, service to the University or other related discretionary assignments (such assignments must have the prior approval of the Judicial Administrator).

(g) Residence Hall Suspension - Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Condition for readmission may be specified.

(h) Residence Hall Expulsion-Permanent separation of the student from the residence halls.

(i) University Suspension - Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

(j) University Expulsion: Separation of the student from the University permanently or on an indefinite basis. A student permanently expelled is prohibited from reapplying to the University in the future or from earning a degree from any of its colleges or schools. Readmission of a student expelled on an indefinite basis may not occur within five years and shall require the recommendation of the Vice President for Student Affairs and approval of the Provost. If a disciplinary action results in the Judicial Administrator determining that expulsion is the appropriate sanction, then the Vice President for Student Affairs shall review the sanction and shall make the final decision to expel after consultation with the President of the University. Because a decision to expel a student is made after consultation with the President, **a student has no right to request a review of the sanction of expulsion**

(2) The following sanctions may be imposed upon any organization found to have violated the Code of Student Conduct:

(a) Any of the sanctions listed in paragraphs 1a through 1j above.

(b) Loss of recognition as a registered student organization. The Office of Student Affairs shall notify any national or regional governing body with which the organization is associated or which sponsors social, academic, or sports events when such suspension is imposed.

(3) More than one of the sanctions listed above may be imposed for any single violation.

(4) When a Judicial Body determines that a student has violated the Student Code, the Judicial Body shall recommend a sanction to be imposed to the Judicial Administrator. The Judicial Administrator shall review the information presented to the Judicial Body, shall review any prior violations of the Code by the student, and shall determine the appropriate sanction to be imposed. The Judicial Administrator is not limited to sanctions recommended by the Judicial Body. If the Judicial Administrator decides expulsion is the appropriate sanction, then his/her recommendation will be communicated to the Vice President for Student Affairs as provided in Section C.1(j) above. The Judicial Administrator shall advise the student in writing of the sanction(s) imposed.

d. Reviews

(1) A decision that a student is responsible for Code violations reached by the Judicial Body or a sanction imposed by the Judicial Administrator (excluding the sanction of expulsion of a student, which is determined by the Vice President for Student Affairs after consultation with the President) may be sent for review by a student to a Review Board within five (5) school days of the decision. Such reviews shall be in writing and shall be delivered to the Judicial Administrator or his or her designee.

(2) Except as required to explain the basis of new information, a review shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:

(a) To determine whether the original hearing was conducted fairly in light of the alleged violations and information presented, and in conformity with prescribed procedures giving the accused student a reasonable opportunity to prepare and to present a defense to the allegations of misconduct.

(b) To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether the information presented was sufficient to establish that a violation of the Code of Student Conduct occurred.

(c) To determine whether the sanction(s) imposed were appropriate for the violation for the Code of Student Conduct which the student was found to have committed.

(d) To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or acts were not known to the person being reviewed at the time of the original hearing.

(3) If a review is upheld by the Review Board, the matter shall be remanded to the original Judicial Body or the Judicial Administrator to allow reconsideration of the original determination.

(4) Review of the sanction by the Review Board may not result in more severe sanction(s)

for the accused student or organization. Instead, following a review, the Vice President of Student Affairs or other designee may, upon review of the complaint, reduce, but not increase, the sanctions imposed by the Judicial Administrator.

e. Disciplinary Records

Disciplinary sanctions shall not be made part of the student's permanent academic record (official transcript), but shall become part of the student's confidential disciplinary record, subject to the Family Educational Rights and Privacy Act (FERPA). Complaints involving the imposition of sanctions other than University suspension or expulsion may be expunged from the student's confidential disciplinary record seven years from the year in which the offense occurred.

f. Interim Suspension

In certain circumstances, the Vice President for Student Affairs, or a designee, may impose a University or residence-hall suspension prior to the hearing before the Judicial Body or the acceptance of responsibility by the student.

(1) Interim suspension may be imposed only:

(a) to ensure the safety and well-being of members of the University community or preservation of University property;

(b) to ensure the student's own physical or emotional safety and well being; or

(c) if the student poses a definite threat of disruption of or interference with the normal operations of the University.

(2) During an interim suspension, the student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Vice President of Student Affairs, or a designee, may determine to be appropriate.

(3) Upon a student's request, a review of the interim suspension shall be held by the Vice President for Student Affairs or other designee, within three (3) working days of the interim suspension to determine if the suspension should continue until a hearing by a Judicial Body on the alleged violation of misconduct is held.

g. Interim Suspension of an Organization

(1) The Vice President for Student Affairs or other designee may temporarily suspend the recognition of a student organization when the pending alleged violations arise from a flagrant violation of this Code, such as organized conduct which is a violation of law and/or this Code, or when the conduct represents a flagrant disregard of the rights or property of persons in the University community, or when the conduct is in flagrant disregard of the property or authority of the University.

(2) During the interim suspension, the organization shall discontinue all activities.

(3) Upon an organization's request, a hearing will be held by the Vice President for Student Affairs or a designee, within three (3) working-days of the interim suspension to determine if the suspension should continue until a hearing by a Judicial Body on the alleged violation of misconduct is held.

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